

## **Immigration Trauma**

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### **Abstract**

Immigration is a highly controversial and debated topic within the United States' political arena. Immigration is a very complex and multifaceted topic that incorporates various policies, laws, systems, and people. To thoroughly discuss all of the intricacies that lie within the context of 'immigration', would require an entire dissertation and a book or two. This paper emphasizes that current US policies and enforcement lead to unnecessary trauma for both citizens of the United States and noncitizens alike. The aim of this paper is to view immigration through the perspectives of Health and Wellness Promotion, Political Science, and Languages and Literatures (with a focus in Spanish). An emphasis will be on immigrants from the countries of Mexico, El Salvador, Honduras, and Guatemala as well as second-generation immigrant youth (first-generation United States-born youth). Historical policies and events will lay the foundation to discuss current immigration policies and enforcement procedures. US agriculture will be examined in regard to the nation's 'need' for cheap labor. Various health outcomes will be mentioned on individual, familial, communal, and societal levels. The paper ends with recommended programs and policy solutions. The argument made throughout this paper asserts that immigration policies and enforcement negatively impact the health and well-being of immigrants from Mexico, El Salvador, Honduras, and Guatemala as well as US citizens.

### **1. Introduction & Focus of Paper**

Although the stereotypical views of immigrants to the US are those that include the Mexican-United States borderlands, immigrants from south of that border, and people who make up the United States' agriculture labor, these generalizations in no way capture all that immigration encompasses. Given the enormity of the topic and debates, this paper focuses specifically on immigrants who come from Mexico, El Salvador, Honduras, and Guatemala, as well as their children, many of whom were born in the United States. This introduction will also include a section about my personal orientation in regard to the issue of immigration as well as a section defining various terminology used throughout the literature. These sections are meant to help the reader gain a deeper understanding of the issues at hand.

Approximately 15 million Mexican and Central American immigrants live in the United States; of that 15 million, roughly 3 million Mexican and 1 million Central American immigrants are naturalized citizens, around 9 million Mexican and Central American immigrants are classified as undocumented, and others may hold status as lawful permanent residents, legal residents on temporary visas, or asylum seekers<sup>29</sup>. Around 3.5 million children of Mexican descent in the United States live with an unauthorized immigrant parent while the vast majority (88%) were born in the United States (i.e. U.S. citizens)<sup>23</sup>. Immigration and Customs Enforcement (ICE) is a part of the Department of Homeland Security (DHS) and is charged with detaining and deporting undocumented residents. Since 2010, Latin American immigrants represent 96% of all deportations from the U.S. 61% of Latinos surveyed reported knowing someone who is undocumented and 36% reported knowing someone who has experienced immigration detention or deportation<sup>6</sup>. The Office of Immigration Statistics from 2002 to 2014 reported record-high deportations; notably in just over 2 years from July 2010 to September 2012, 250,000 parents of citizen children were deported. The majority of deportees migrated from Latin American countries including Mexico, El Salvador, Guatemala, Cuba, and Brazil<sup>27</sup>. Yolanda Vasquez notes:

“Latinos currently represent the largest minority in the United States. Latinos simultaneously represent the largest immigrant group population. As the overall number of immigrants of color has drastically increased since the 1970s, Latino immigrants have accounted for the largest proportion of that increase. Unfortunately, the number of Latinos removed from the United States has also dramatically increased. Latinos presently represent over 94% of the total number of noncitizens removed. Even more unfortunate, Latinos currently constitute 94% of the number of noncitizens removed from the United States based on criminal convictions.”<sup>30</sup>.

Given that so many Mexican and Central American immigrants are impacted by immigration policies and enforcement, it is vital to take into consideration the health impacts of heavily policing this population. While ICE maintains that they seek only high priority individuals (felony criminals), a great many low priority (overstaying a work visa, a civil offense) undocumented persons are caught up in the system. This impacts not only their lives but also their families and the communities in which they were removed from. Over the last decade or so, much more research has revealed the negative health outcomes that are a direct result from immigration policies and enforcement procedures.

### 1.1. Author Orientation

I am not an immigrant or a person who identifies as Latina, Chicana, Hispanic, or Native American/Indigenous. I am not an authority on this subject as someone who comes from the communities that are discussed within the confines of this paper. My major is Health and Wellness Promotion and my minors are in Political Science and Spanish; by studying these subjects in depth, I have a unique lens to view and understand the topic of immigration. I am of mostly German descent and my family has resided in the United States for a number of generations. I recognize that my family and I are the descendants of immigrants, and I believe that the core values of the ‘American dream’ are reliant on immigrants. Immigrants make our country the beautiful and diverse nation that it is today and all immigrants from all places deserve dignity and respect regardless of their immigrant status, race/ethnicity/nationality, religion, gender identity, or sexual orientation. I also wish to recognize the land upon which I live and reside is ancestral Cherokee land in what is known today as Western North Carolina. Too often this land is recognized and addressed as Western North Carolina, while its original name that was given by the Cherokee nation has been erased and dismantled. I attempt to pay tribute to the Cherokee people by recognizing where I live is their ancestral and sacred land.

### 1.2. Terminology: Defining Latin/o/a/x, Hispanic, and Indigenous from the Literature

Various terms are used in this paper and many terms may have different meanings and interpretations depending on the context or on the person using the term. As such, this section provides some background on terminology. The terms Latino/a/x, Hispanic, and Indigenous are all terms associated with Mexican and Central American immigrants as well as people born in the United States with ancestry from Latin American countries (Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Belize, Cuba, The Bahamas, Dominican Republic, Haiti, St. Kitts and Nevis, Puerto Rico, Antigua and Barbuda, Guadeloupe, Dominica, Martinique, St. Lucia, Barbados, St. Vincent and The Grenadines, Grenada, Trinidad and Tobago, Guyana, Suriname, Guyana (Fr), Aruba, Colombia, Venezuela, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, and Brazil). Some Caribbean (for example Haiti) and some South American countries (for example Guyana) are not always thought of as being a Latin American country, but they do fall within the parameters.

According to Gobat:

“To understand how a ‘race’ became the basis for a geopolitical entity, we first need to explore why Latin American elites came to identify themselves with the Latin race. What did it mean to be ‘Latin’? ...the term emerged in Europe in the early nineteenth century, when the rise of romantic nationalism and scientific racism led Europeans to identify their nations with races and languages. The Latin race was first linked with countries where much of the population spoke a Romance language and practiced Catholicism (those nations in turn formed ‘Latin Europe’). In the 1830s, French intellectuals popularized the term to refer to peoples living in the former Iberian colonies of the Western Hemisphere. They sought to justify France’s imperial ambitions in the New World by stressing that Mexicans, Central Americans, and South Americans, as members of the Latin race,

had a natural affinity with the French; and that the Latin races on both sides of the Atlantic were locked in a global struggle against the expansionist Anglo-Saxons of Great Britain and the United States”<sup>10</sup>.

Other terms that were used at the time among the elites; who were mostly of European descent, some with mixing of Indigenous and/or African ethnicities; were *americanos*, *América*, *Hispano-América*, and Hispanic (Spanish-speaking) American race. In many countries at the time, Spanish American elites typically used the term Hispanic American race to include all Spanish-speaking non-whites and to distinguish themselves against Portuguese-speaking Brazil. The term ‘Latin’ started to gain more popularity among elites as a way to oppose U.S. expansion, oppose European imperialism, and include all countries within the region as a way to form a new geopolitical entity that incorporated whites, nonwhites, Spanish speakers, and Portuguese speakers who were all Catholic. Still, other elites used the term to define their whiteness as a superiority tactic. Spanish American elites sought to defend their political power and economic power by claiming that white people were better fit to run the government and hold positions of authority and their blood connection with the term ‘Latin’ benefitted them in achieving their racial hierarchy.

The identity of a Latin race was in part driven by elites’ fragile sense of whiteness. What really solidified the term was the United States’ decision to recognize the filibuster Walker regimen in Nicaragua. The defiant, Manifest Destiny act by ‘Yankees’ unified elites at the time to identify and popularize the term Latin American race. Nonwhites were a part of Latin American polity but only if they were ‘properly civilized and did not forget their place’. Latin American was defined in cultural, political, and racial terms. Originally Latin America was a counter to a *mestizo* (mixed) America, but over time the term did try to shed its whiteness complex although many still regard it as being very connected to coloniality and its’ legacy of white superiority<sup>10</sup>. Today, the terms Latino/a/x (-o refers to masculine/male, -a refers to feminine/female, and -x refers to all genders; -x is still new to the language debate and is highly controversial but is the most inclusive identifier especially among people who identify as LGBTQ+) are used to describe persons whose ancestry comes from Latin American assigned countries yet the term is very controversial, especially within the community given its colonial roots.

What does it mean to be Indigenous but be classified within the strictures of Latino/a/x? While it is true that many Indigenous people are *mezclado* (mix of Indigenous, European, and/or African), the Indigenous identity is obfuscated under the term Latino/a/x. There is a movement within the Indigenous community in the Western Hemisphere of the world today that argue that the colonizer’s words and names on their ancestral domains should be changed from ‘America’ or ‘Latin America’ to ‘Abiyala’. Emil Keme (aka Emilio del Valle Escalante) is a K’iche’ Maya scholar and Associate Professor of Spanish at the University of North Carolina Chapel Hill. Keme asserts, “renaming the continent would be the first step toward epistemic decolonization and the establishment of Indigenous peoples’ autonomy and self-determination”<sup>14</sup>. Keme also states:

“I would also like to embrace the Guna people’s and Mamani’s petition with the objective of proposing Abiyala as a transhemispheric Indigenous bridge. By invoking this category, I propose to develop a dialogue that could potentially lead us to develop political alliances in the formation of a new Indigenous and non-Indigenous historical bloc that opposes ideas and civilizational Eurocentric projects like ‘Latin (America)’, ‘Latinity’, or ‘Americas’, as well as extractivist economies based on capitalism and socialism at national, continental, and intercontinental levels. I believe that the moment is appropriate given the permanent threats to our cultures, languages, territories, and identities we face in every country in and out of the hemisphere, against nation-states that characterize themselves by recycling colonialist logics that continue disfavoring us.”<sup>14</sup>.

Abiyala is a term that refers to the entire Western Hemisphere rather than other geopolitical terms like Turtle Island (refers to United States/Canada territory), Tawantinsuyu (refers mostly to Andean region), Wallmapu (refers to the Araucanía region in Chile and Argentina), and Guajira (refers to coastal regions of Colombia and Venezuela). Keme like other Indigenous activist proposes that we need to reconfigure the map of the entire Western Hemisphere with names and parameters employed by Indigenous ancestors and descendants. Keme clarifies that this movement is not proposing that Abiyala is recycling a “reverse racism” or the similar colonial logics that European colonizers and their descendants forced upon Indigenous peoples. The development and assertion of a collective cultural and political Indigenous consciousness is not equitable to racism. He elucidates that, “we are colonized subjects, and every day both the nation-state and its hegemonic institutions exhort and teach us to hate ourselves, to internalize ideas of white and *criollo-mestizo* supremacy regarding ideas of beauty, religion, history, and so on. Hence the urgent need to dignify our cultures through our own civilizing project that emanates from our over-one-thousand-year-old histories and our ancestral values”<sup>14</sup>. The terms *mestizaje*, *criollo-mestizo*, America, Latin America, among others were conceived as

projects to exclude Indigenous people from European civilization and political ideals. Members of the Nican Tlaca movement in California started a campaign to reject categories including ‘Hispanic’, ‘Latino/a’, and ‘American’ in an effort to reclaim their Indigenous heritage. Keme and other Indigenous activist see the term ‘Latin’ being directly associated with Europe in an effort to undermine Indigenous sovereignty, and they have experienced the impacts of its success. Keme summarizes:

“‘Latin America’, ‘America’, and the ‘Americas’ are not just names of specific territories imagined by settlers. These concepts also embody the enduring historical and cultural regimes of colonialisms throughout the hemisphere. Such categories have historically denied us the right to name our own lands and our own experiences and have entailed – in the name of white-*criollo-mestizo* projects – the suppression and marginalization of Indigenous languages and ways of thinking and being on the assumption that Indigenous lives and cultures are ‘savage’, ‘barbarous’, ‘backward’, or ‘uncivilized’. We as Indigenous peoples can only be a part of Latin America or America if we give up our lands, languages, and cultural and religious specificities”<sup>14</sup>.

It should also be noted that in addition to Indigenous identity being blurred under the term ‘Latino/a/x’, often African identity can be as well, though the category ‘Afro-Latino/a/x’ does exist, it is often less observed than ‘Latino/a/x’.

Most of the literature used for the purposes of this paper use the terms ‘Latino/a’ and/or ‘Hispanic’. Only a handful of references use Indigenous at all. A great many references also do not define the terms used for their research or use the terms ‘Latino/a’ and ‘Hispanic’ interchangeably, even though there are differences between the two. No references use the term ‘Chicano/a’ or ‘Xicano/a’ – a term that refers to persons born in the United States who are of Mexican descent. It is important to understand the underlying meaning behind these terms because they do have a great deal of historical, political, and cultural workings that influence the conversations and debates regarding immigration.

## **2. Immigration Trauma: Why US Policies/Enforcement of Immigration Law Must Change**

The first couple of sections will address historical and political components that have laid the foundation for the US’s current immigration system. Next, the rise of crimmigration policies and enforcement procedures will be discussed in detail. The intersection between immigration and the US agriculture industry will be addressed. Lastly, other health considerations will be examined at the individual, familial, communal, and societal levels with regard to the chosen population and immigration status.

### **2.1. United States Foreign Policies: Migration Push & Pull Factors**

U.S. foreign interfering in other countries governments is well documented especially within Latin American countries for the purpose of protecting U.S. interests (U.S. corporations operating in these countries). For example, the CIA-backed coup of 1973 in Chile that overhauled the democratically elected president Salvador Allende and replaced him with General Augusto Pinochet; an extremist dictator who committed horrendous human rights violations while in power. In 1950, the U.S. intervened in Guatemala to stop the elected president Jacobo Arbenz from implementing agrarian reform that posed a direct threat against a U.S. corporation, United Fruit Company. John Foster Dulles, Allen Dulles, U.S. Department of State, and the CIA helped to manufacture a coup that replaced the president with a military junta. The cited reason for US involvement was ‘fear that communism was spreading’. Similar motivations and rhetoric were used again through the 1960s, 1970s, and 1980s in El Salvador and Nicaragua<sup>1</sup>. The U.S. and Honduran military had worked collaboratively since 1965 conducting joint military trainings. In 1983, U.S. military at Soto Cano/Palmero Air Force Base increased dramatically. It was from this base that Nicaraguan *contras*, backed by U.S. Green Berets and the CIA, launched attacks within Nicaragua. The army base built by U.S. troops for the *contras*, El Aguate, shows evidence of atrocious human rights violations including three mass grave sites<sup>1</sup>.

From the 1980s through the 1990s, war, human rights violations, instability, and genocide of Indigenous Mayans fueled a mass exodus of refugees from the Northern Triangle (Guatemala, El Salvador, Honduras). Many young, male, unaccompanied *El Salvadoreños* flocked to Los Angeles. This growing number of young refugees lacked access to assistance programs and turned to each other for family, protection, and sustenance. As a means to survive, they started to commit petty crimes, and this eventually led to the international criminal gang *Mara Salvatrucha* (MS-13). What began as migrating to the U.S. to find safety and employment opportunities, turned into the gang being deported in mass back to El Salvador, which has led to the detriment of the nation’s security and is the current context that still

fuels migration from El Salvador to the U.S.<sup>1</sup>. The Northern Triangle became increasingly vulnerable due to civil war in El Salvador, genocide in Guatemala, and U.S. militarism in Honduras and this gave fertile ground for MS-13 and other criminal organizations to spread and occupy the power vacuum. These large-scale gangs eventually fused with local law enforcement and government officials solidifying their power within the region and ensuring they would stay in power for decades to come. The result is increases in violence, gender violence, drug trafficking, sexual violence, etc. and a decrease in protection from the government<sup>1</sup>.

The North American Free Trade Agreement (NAFTA) was implemented in 1994 and triggered structural changes at the Mexican-U.S. border. This included the steadfast introduction of *maquiladoras*: factories owned by U.S. companies that because of NAFTA, now operated with subsidiaries at the border in areas known for being active gateways for drug trafficking. *Ciudad Juárez* was deemed a free trade success story for its seemingly overnight economic success due to increased industrialization as a direct result of NAFTA. Yet this led to an increase in systemic gender violence especially femicides as well as hundreds of kidnappings, disappearances, and violent examples of pre-death torture<sup>1</sup>. The region of the Northern Triangle and Mexico are, “reflecting an ongoing effect of the implementation of neoliberal political agendas favoring privatization of natural resources distribution and governmental deregulation”<sup>1</sup>. Arriola and Raymond state:

“Post-NAFTA, the ever expanding neoliberal agenda has continued to develop and implement other structural changes in law and policy in the Central American region, not unlike those in Mexico, including free trade agreements, militarization of police forces, and funding for anti-drug trafficking. All of which have produced social disruptions and economic insecurity for the working poor, and served as incentives for waves of mass migration...increased migration flows to the U.S. can be seen as the fallout from our own government’s supportive role in the law and policy surrounding drug war capitalism and its transfer from Colombia to Mexico and Central America in recent decades...consequences of drug war capitalism is foreign investors directly benefiting from constant displacement of the rural poor from territories that are rich in the natural resources of great interest to global big businesses of oil, gas, mining and commercial agriculture...villages made up of subsistence farmers and indigenous populations stand in the way of a corporate foreign investor’s intended extractive activities”<sup>1</sup>.

Corporations have even forcibly displaced villages in desirable areas, and aid in the killings/disappearances of activists who oppose them while labeling them as guerrillas or members of the cartel to justify their actions. One example is the assassination of Berta Cáceres, a Honduran activist who was helping fight a hydro-dam project on Indigenous Lenca land. Another historic example is the Zapatista movement in Chiapas, Mexico that was in response to NAFTA’s signing, knowing that this policy would negatively impact indigenous people. These U.S. foreign policies fuel violence, extreme poverty, drug trafficking, organized crime, and eventual mass migrations. NAFTA, for example, attracted cheap labor to the *maquiladoras* and actually produced higher border crossings into the U.S.<sup>1</sup>. US foreign policy has fueled mass migration waves from countries that are in part destabilized through US intervention/US interests. US policies have not just impacted Central and South Americans through foreign policy measures/operations, but the US has simultaneously and consistently excluded immigrants from those countries through domestic immigration policies.

## 2.2. Enforcement Policies & Laws

### 2.2.1. a brief history of immigration exclusion regarding ‘Latinos’

After the Mexican-American War ended in 1848, Mexico relinquished control of approximately 55% of its territory to the United States and all Mexican nationals living in that territory were given a choice to either become a United States citizen or move to Mexican territory under the Treaty of Guadalupe Hidalgo<sup>30</sup>. Whether they actually received full citizenship benefits or not was reliant upon the individual states. At that time, only free white persons could enjoy full benefits of citizenship including voting, property rights, or holding a political office. Despite the Treaty of Guadalupe Hidalgo, former Mexican nationals were at the mercy of racist state governments as to whether or not they passed as being ‘white’ enough to enjoy full citizenship rights. For example, California’s law stated, “every white male citizen of Mexico, who elected to be a United States citizen under the Treaty of Guadalupe Hidalgo...”<sup>30</sup>. The basis for being granted citizenship meant one’s appearance had to be white looking and very often excluded persons with Indigenous, African, and/or mixed ancestries<sup>30</sup>.

The high prevalence of lynching Latinos that took place from 1848 to 1928 occurred in the Southwest at the same time that Blacks were being lynched across the South<sup>30</sup>. Both populations were deemed racially inferior and thus unworthy of humane treatment. It is estimated that nearly 597 Latinos were lynched during this period and were targeted and murdered for many of the same reasons Blacks were targeted and murdered. Reasons include being uppity, making advances towards white women, cheating at cards, refusing to leave land that whites wanted, being 'too Mexican', speaking Spanish too loudly, displaying their 'Mexicanness' too proudly in the presence of Anglos, and Mexican women were lynched for rejecting advances from white men<sup>30</sup>. Land owned by Mexicans was also forcibly stolen by Anglo-Saxon Americans. The Bisbee Deportation of 1917 was a mass deportation of mine workers in Bisbee, Arizona to Columbus, New Mexico. The deportation was the result of mine workers of 'foreign' or Mexican nationality striking for fair wages that do not take into consideration the race of the worker. Vigilantes and law enforcement rounded up the 'agitators' and forcibly deported them in cattle cars without food or water for twelve hours of travel and were left there without money or transportation. This was done in an effort to avoid racial equality and maintain racial hierarchy in the miner camp<sup>30</sup>. From 1929 to 1939, Mexican Repatriation occurred in response to the Great Depression economic crisis. Persons perceived to be Mexican immigrants were subject to mass deportations in effort to remove all unauthorized immigrants. Violence and scare tactics were used to push Mexicans out and mass roundups and repatriation drives happened. It is estimated that one million individuals of Mexican descent were forcibly removed from the United States and sent to Mexico however, thousands of persons deported were United States citizens<sup>30</sup>.

Before 1965, citizens from countries in the Western Hemisphere did not have a national origin quota, yet Latinos were systematically denied legal entry even though they were 'permitted' to enter under an illegal status; thus they could work in unskilled hard labor jobs in the United States but could not stay permanently<sup>30</sup>. When Latinos were legally allowed entry under the Bracero Program in 1942, laborers were not permitted to be accompanied by their families thus ensuring that Mexican laborers would not stay in the United States after their work was finished. This laid the foundation for the idea that Latinos could be tolerated for their labor but would not become a part of United States' society<sup>30</sup>. The government program labeled 'Operation Wetback' (derogatory racial slur) occurred in 1954 and was used to enforce the deportation of undocumented Mexican laborers. The Commissioner of U.S. Immigration and Nationalization Service partnered with state and local officials to locate and deport any illegal Mexican immigrants in and around Southwestern states. Fear of violence, unemployment, and possible militarization of Mexican neighborhoods caused many Mexicans to flee regardless of their immigration status. Approximately 3.7 million Mexicans and some United States citizens were forcibly deported during this program's existence. Proponents of this operation argued that the open-border policy posed a threat to United States national security<sup>30</sup>. One of the more recent episodes of mass deportation was the Chandler Roundup in 1997 when Border Patrol agents partnered with local police officers in Chandler, Arizona to locate and deport suspected illegal immigrants. Also referred to as Operation Restoration, officers and agents went on a five-day hunt around town asking suspects (people who looked illegal) to prove their immigration status. Many citizens and legal residents were stopped because they spoke Spanish or looked Mexican. The mayor at the time acknowledged that officers and agents did engage in racial profiling tactics and the city settled a lawsuit as a result of the discriminatory behavior<sup>30</sup>.

Over the last thirty years, immigration law has become gradually intertwined with the criminal justice system<sup>30</sup>. This has occurred in part because of anti-immigrant rhetoric claiming that immigrants increase crime, take jobs away from citizens, and are not able to assimilate into 'American' culture. Terms including 'illegal alien' and 'criminal alien' work to reinforce negative and damaging images of immigrants in the minds of United States citizens thus fueling public approval of increasingly stringent immigration laws<sup>30</sup>. In 1986, the Immigration Reform and Control Act (IRCA) legalized millions of undocumented immigrants and set guidelines for hiring immigrant workers by establishing the I-9 eligibility verification process. This was the last immigration reform act that allowed amnesty for unauthorized immigrants, and after this act, leniency for the undocumented would decrease<sup>15</sup>. Immigration reforms since the 1980s have increased the number of removals by increasing the number of criminal convictions that have become removable offenses, and by decreasing the number of relief options available to immigrants who have been convicted of crimes in immigration court. Legislation achieved these goals by increasing the amount of crimes that made noncitizens subject to immigration consequences by either lowering the sentence required to trigger grounds of removability or by adding various conduct to the list of already established removable offenses<sup>30</sup>. Vasquez offers the example:

“in 1988, Congress passed the Anti-Drug Abuse Act (‘ADAA’). Under the ADAA, the category ‘aggravated felony’ was first introduced, which at that time included three crimes: murder, drug trafficking, and illegal trafficking in firearms or explosive devices. Currently, however, there are twenty-one categories in the [Immigration and Nationality Act] INA that enumerate crimes that qualify as aggravated felonies. While the term ‘aggravated felony’ gives the perception that those who are convicted in this category are dangerous criminals, crimes that would be defined under this category often are neither ‘aggravated’ nor a ‘felony’. The aggravated felony category, with its expansion, now includes: a ‘theft offense (including receipt of stolen property) or burglary offense ... for which the term of imprisonment [is] at least one year’, as well as ‘an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of [two] years’ imprisonment or more may be imposed”<sup>30</sup>.

The Immigration and Nationality Act of 1990 and the Immigration and Nationality Technical Corrections Act of 1994 (INTCA) both continued the trend of increasing the number of crimes that became removable offenses while simultaneously curtailing remedies available that would relieve immigrants from removal proceedings. The Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) were both passed by Congress in 1996. These two acts increased the number of noncitizens who could be classified as aggravated felons, increased crimes that made a person removable, restricted judicial review of administrative removal orders, limited remedies, limited ability for admission into the U.S. by aggravated felons, and limited the discretionary relief from deportation by the Attorney General. Specifically, the repeal of INA §212(c) relief from deportation, which before 1996 allowed more than half of applications relief from deportation in immigration court<sup>30</sup>. IIRIRA increased enforcement measures on the Mexican border, increased penalties for unlawful presence in the U.S., and strengthened enforcement of employer sanctions for violating the I-9 verification process<sup>15</sup>. Under the IIRIRA, persons who have been in the US for less than 2 years, who entered without admission or parole, and who had been determined inadmissible were subject to expedited removal proceedings by immigration officers without having to see a judge. The grounds for inadmissibility include having used fraud or misrepresentation in attempting to obtain an immigration benefit or lacking a valid visa or other document granting permission to reside in the US. Immigration officers could also now reinstate removal orders for persons previously removed<sup>1</sup>. IIRIRA also created new 5- and 10-year bars of inadmissibility for persons removed for overstaying a visa or who were in the US without permission<sup>29</sup>. Also passed in 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) restricted access to federal public benefits, including food stamps and Supplemental Social Security Income (SSI) for all noncitizens. Exceptions from the act included reasons of public health, emergency services, and select programs identified by the attorney general as necessary for the protection of life and safety. Some states reinstated access to these programs while others have not<sup>29</sup>. These policies are the foundation of our current immigration enforcement system and disproportionately affect immigrants from south of the US border.

### *2.2.2. the creation of ‘crimmigration’*

Enforcement policies have gradually become more entangled with the criminal justice system and this has helped to exacerbate people who are incarcerated as well as increase the number of people deported from the United States. The close connection between the criminal justice system and immigration laws/policies/enforcement has been labeled ‘crimmigration’<sup>1,30</sup>. The Department of Homeland Security implemented the Agreement of Cooperation in Communities to Enhance Safety and Security (ACCESS) which includes programs like 287(g) Memorandum of Understanding program and the Secure Communities program. ACCESS is operated by Immigration and Customs Enforcement (ICE) and the programs allow local and state law enforcement to enforce immigration law to aid ICE agents in locating and deporting ‘dangerous illegal aliens’ to maintain national security and reduce crime rates<sup>30</sup>.

With the enactment of the IIRIRA, 287(g) was added to the INA and it allows for state and local law enforcement agencies to carry out immigration enforcement in conjunction with ICE agents<sup>30</sup>. State and local deputized officials are allowed to identify, process, and detain undocumented immigrants and it grants them the ability to arrest and transfer immigrants, investigate immigration violations, collect evidence, and to assemble an immigration case for prosecution or removal<sup>30</sup>. Many agreements are signed due to a heightened perceived increase in crime, but evidence suggests that the signing of these agreements is more closely correlated with an increase in immigrant populations. “[B]y August 2008 it was found that 61% of the jurisdictions in which the 287(g) program had been implemented actually had lower crime rates than the national average, while 87% of them had higher immigrant growth rates than the national average”<sup>15</sup>. ICE promotes the program as targeting criminal activities like violent crimes, human

smuggling, gang/organized crimes, sexual-related offenses, narcotics smuggling, and money laundering. Yet evidence shows that many Latinos detained under the program were charged with minor traffic offenses. In 2008, North Carolina placed 3,000 noncitizens in removal proceedings due to 287(g) agreements. 23% were charged with a DWI and 33% were charged with driving without a license. In Montgomery County, Maryland out of the 221 noncitizens arrested, 117 were charged with driving without a license and 24 others were charged for other traffic offenses. In Cobb County, Georgia and Frederick County, Maryland 80% of those detained under 287(g) programs committed Level 3 offenses, which are crimes punishable by less than one year or traffic offenses. In Alabama, 58% of motor vehicles stopped by deputized police officers were Latinos, even though Latinos make up less than 2% of the state population<sup>30</sup>. Furthermore, qualitative evidence suggests that some law enforcement personnel, who also participate in 287(g), have expressed explicitly discriminatory and racially hostile attitudes and opinions regarding immigrants:

“Alamance County Sheriff Terry Johnson, in reference to Mexicans, stated, ‘Their values are a lot different – their morals – than what we have here. In Mexico, there’s nothing wrong with having sex with a 12-, 13-year-old girl... They do a lot of drinking down in Mexico.’ Johns[t]on County Sheriff Steve Bizzell recently vocalized his views about immigrants, stating that they are ‘breeding like rabbits’ and they ‘rape, rob and murder American citizens’. He also described Mexicans as ‘trashy’”<sup>9</sup>.

The statistics and unsavory sentiments expressed by proponents of 287(g) suggest that racial profiling is utilized to detain Latinos in order to screen their immigration status<sup>9,15</sup>.

Since 287(g) is a federally funded program, they must abide by Title VI of the Civil Rights Act of 1964 and the Department of Justice guidelines that both prohibit the use of racial profiling<sup>9</sup>. Heightened use of racial profiling was also seen in a 2008 Pew Hispanic Center survey of Latinos which found that 1 in 10 Hispanic adults (citizen and noncitizen) in the U.S. reported within the past year having been asked by police or other authorities about their immigration status<sup>15</sup>. Another study conducted by the National Survey of Latinos (2008) found that 8% of native-born U.S. citizens and 10% of immigrants reported being asked by police or other authorities about their immigration status<sup>15</sup>. A report put out by the U.S. Government Accountability Office (GAO) in 2009, validated concerns over 287(g) not being used to target dangerous criminals. GAO also stated that a lack of documented program objectives may result in “misuse of authority”<sup>9</sup>. Concerns from more than half of the 29 state and local law enforcement agencies reviewed by GAO reported concerns of deporting unauthorized immigrants because of minor traffic violations including speeding, and there were concerns about racial profiling. ICE guidelines for 287(g) do stress that officers under the authority of the program cannot randomly ask for a person’s immigration status<sup>15</sup>. Furthermore, ICE was found to lack in overall oversight of the programs implemented and inconsistent documentation of the program’s progress<sup>9,15</sup>. ICE does provide training to officers before they are deputized to carry out enforcement of immigration laws however, training is not extensive enough to cover the entirety of immigration law, resulting in local and state officers who are ill-equipped to handle complex immigration situations. The training provided also neglects to offer any language competency training and there is little if any follow-up training after they have been deputized<sup>15</sup>.

A report by the Major Cities Chiefs Association stated that, “it ‘would be very difficult if not almost impossible’ for an average patrol officer to determine specific immigration status since officers are ‘ill equipped in terms of training, experience, and resources, to delve into the complicated area of immigration enforcement’”<sup>15</sup>. In a survey conducted by the Police Foundation, out of 54 police chiefs, deputies, and sheriffs, 9 offices said that 287(g) helped to fight crime. They also said that this program detracted from other police duties that are pertinent for public safety, that this program hinders the ability of law enforcement to gain trust within communities, and were concerned with the program straining local and state resources that could be used elsewhere. A report by the Goldwater Institute found that Maricopa county Sheriff’s Office (in Arizona) diverted resources away from basic law enforcement functions and instead focused on highly publicized immigration sweeps, which were ineffective in policing illegal immigration and reducing crime generally. In 2008, the sheriff’s office had 77,949 outstanding warrants including 42,297 felony warrants. Another report conducted by the *East Valley Tribune* found that officers were failing to meet the standard response times for life-threatening emergencies and 2/3 of patrol cars arrived late to serious calls for police assistance<sup>15</sup>. In Davidson county, Tennessee in 2008 a survey was conducted amongst Black and Latino residents to assess impacts of 287(g) a year after its implementation. They found that despite similar rates of being uncomfortable with the police (59% of Latinos and 62% of Blacks), 4% of Blacks reported knowing of a crime that had not been reported to the police whereas 42% of Latinos reported knowing of a crime that had not been reported to the police. Furthermore, 54% of Latinos said they would choose not to call the police compared to 27% of Blacks who would not call the police. Half of the Latino respondents cited ‘fear’ or ‘being afraid’ as their reasons why while 1/3 explicitly cited immigration issues. This demonstrates lack of trust as a direct result of the 287(g) program<sup>15</sup>.



Driver licenses are a catch-22 because unauthorized immigrants are not legally allowed to obtain a driver's license in a majority of states. It is required that persons trying to get a driver's license have a valid social security number and proof of lawful immigration status. However, 14 states and the District of Columbia have adopted laws that allow unauthorized immigrants to get a driver's license if they are able to present documentation like a foreign birth certificate or a passport and evidence of state residency. Public transportation is not accessible or reliable in many areas, especially in rural areas. Thus going to work, going to buy groceries, or taking children to school or other activities necessitate the ability to drive<sup>17</sup>. Therefore, many unauthorized immigrants drive without a license in order to live their daily lives without wasting time traveling by foot or bike, or traveling during harsh weather conditions, and also to transport their children. Gill, Nguyen, Lewis Parker, and Weissman report:

“[R]esidents in local communities where 287(g) programs are in effect have expressed concerns that some police officers are violating legal standards and engaging in racial profiling by stopping motorists who appear to be Latino. Local residents and advocacy groups have raised concerns that under the guise of pretextual vehicle stops (stops in which officers detain people for a traffic offense because they actually are suspicious of the people's immigration status) and license and driving-while-intoxicated checkpoints, law enforcement officers appear to be targeting Latino-appearing people for minor traffic offenses”<sup>9</sup>.

Empirical evidence affirms those sentiments given that counties that implemented 287(g) programs saw an increase in people arrested for traffic offenses specifically for Latino drivers<sup>9,15</sup>. Data for Alamance and Mecklenburg counties in North Carolina show that an overwhelming number of people stopped by police officers were arrested for traffic violations. In 2007, in Alamance county, out of 662 people arrested and processed under 287(g), 302 (45.6%) were arrested due to a traffic stop, and 132 (19.9%) were arrested for a DWI. 546 (82.5%) were charged with misdemeanors and 116 (17.5%) were charged with felonies. In Mecklenburg, 1,028 of the 1,545 undocumented immigrants arrested, or 66.5%, were stopped for some category of traffic violation. In Davidson county, Tennessee, the arrest rates for Latinos doubled after the implementation of the program, which could be explained by either officers stopping more Latino-appearing drivers and therefore found more instances of driving without a license, or officers arrested more Latino-appearing drivers to allow correction officers to check their immigration status while in jail<sup>9</sup>. A report conducted by the Metro Government's Criminal Justice Planning Unit found that arrest rates of Hispanics doubled after the program's implementation and from “May 2006 to July 2007, the percentage of Hispanic defendants who were arrested for driving without a license increased by more than 20% (from 23.3% to 49.4%) while the number of non-Hispanic defendants declined by 25%”<sup>15</sup>. The sheriff's own two-year review found that 98% of the immigrants deported under the program were from Latin American countries (102 unauthorized immigrants out of 5,333 were not from Latin American countries)<sup>15</sup>. In 2008, the ACLU of North Carolina conducted a study of Gaston county and found that 83% of those detained through the program were charged for traffic violations<sup>15</sup>.

Studies suggest that unlicensed drivers in general are more likely to be involved in accidents and hit and run accidents, but they did not examine how policies like allowing unauthorized immigrants driver's licenses would impact those statistics<sup>17</sup>. Unauthorized immigrant drivers differ from licensed drivers because without a license they risk detention and/or deportation. They may also have their car impounded which would risk their income and employment. Therefore, when they are involved in car accidents, they are more likely to flee the scene to avoid being in contact with police officers (hit-and-run car accidents)<sup>17</sup>. These types of accidents distort insurance markets and increase insurance premiums as well as serious injuries and fatalities becoming more likely when a driver leaves the scene without helping victims or reporting the incident to authorities. Furthermore, when the scene is not secured by first responders, victims may be struck again, or additional accidents can occur. Lueders, Hainmueller, and Lawrence found that California's AB60 bill that allows unauthorized immigrants to obtain a driver's license, resulted in no change in overall number of accidents/fatal accidents but did find a reduction in the number of hit-and-run accidents. This may be the result of a decreased perceived fear of law enforcement, because with a license, unauthorized immigrants are safeguarded from officers who may consider their immigration status. Having a driver's license has also been correlated with workers having higher earnings and unauthorized immigrants have greater access to financial, health, and education services<sup>17</sup>.

Another program overseen by ICE to locate and remove immigrants is the Secure Communities program. This program establishes the use of biometrics to share information on everyone who is booked into law enforcement and describes its' targets as 'high-threat' criminal immigrants<sup>30</sup>. Vasquez notes:

“In 2009, 22% of individuals transferred into ICE custody through Secure Communities were non-criminals. In 2010 the number had risen to at least 32%. When one includes the numbers of both non-criminals or those who were picked up for low level offenses, such as traffic offenses or petty juvenile mischief, the numbers rise to 79% since the program’s inception. In Maricopa County, Arizona, home to Sheriff Joe Arpaio, ICE categorizes more than half (54%) of people deported through Secure Communities as non-criminals... the vast majority... have been Latinos”<sup>30</sup>.

Arriola and Raymond obtained narratives from immigrants detained in the US and one immigrant, Orlando, told them that he had been living in the US for 16 years before he was caught overstaying a worker’s visa and was arrested under the Secure Communities program<sup>23</sup>. He was held for 6 days in what is described as an ice locker (temperatures are kept at very cold levels) where he details being treated like a criminal. He was held with 100 other people in the same cell and was fed one *taquito* per day. He complained that the water they were given to drink was for the toilet<sup>1</sup>. Another study done by Potochnick, Chen, and Perreira in 2011, found that 40% of individuals apprehended under Secure Communities program were the parents of US citizen children<sup>23</sup>. Like other immigration enforcement programs, early participation in Secure Communities did not correlate with crime rates but did correlate with larger Latino populations<sup>6</sup>. Nichols, LeBrón, and Pedraza noted that:

“Research about the health implications of immigrant policing indicates that self-reported mental health is poorer among Latinos who fear they, or people they care about, will be deported... and recent studies have documented a decline in the health of Latinos following immigration raids... By conceptualizing racialized policing as a ‘sense of ‘being hunted’ by law-enforcement officials’... these studies trace poor health outcomes to psychological distress, chronic activation of stress-response systems, and restricted access to health-promoting resources rooted in systems of structural racism”<sup>6</sup>.

Their conclusions were that restrictive immigration policies like Secure Communities negatively affect Latino mental health. Latinos who reported unfavorable physical health also reported that ‘people who look like me’ are more likely to be stopped by police, arrested, or sent to prison<sup>6</sup>.

In 2005, the Bush Administration developed Operation Streamline which focuses on arresting, prosecuting, and removing undocumented immigrants for immigration violations<sup>30,5</sup>. It has been described as a mechanism to deter unlawful immigration from the Southern Border through mandatory federal prosecution of all immigration violations, including unlawful entry (a misdemeanor) and unlawful reentry (a felony). Before this program was implemented, most apprehended undocumented immigrants were subject only to civil proceedings and some possible penalties<sup>30</sup>. Today, the majority of federal prosecutions are against first-time entry immigrants who have no prior criminal backgrounds, 54% are for immigration violations with the majority of cases have been against Mexican and Central American immigrants<sup>30</sup>. According to Corradini, Kringen, Simich, Berberich, and Emigh:

“By diverting cases to criminal court, Operation Streamline subjected immigrants to incarceration in federal prisons before deportation – a consequence that cannot be imposed by civil immigration courts. The vast majority of immigrants prosecuted under Operation Streamline ultimately pled guilty to ‘illegal entry’ (8 U.S.C. §1325, a misdemeanor) or ‘illegal reentry’ (8 U.S.C. §1326, a felony) and served sentences varying lengths in federal prison, after which they were deported”<sup>5</sup>.

Operation Streamline significantly curtailed prosecutorial discretion by directing immigrants charged with entering or reentering to be criminally prosecuted<sup>5</sup>. This caused some federal courts to become overwhelmed with cases and took resources away from more serious immigration crimes (example, human trafficking). It even led one court in Arizona to declare a judicial emergency. Proponents of Operation Streamline describe it under the theory of deterrence, claiming that if there is a strict penalty for immigration violations, people will be less likely to engage in that behavior, and illegal entry and reentry crossings would decline. However, this theory fails to acknowledge the complex push and pull factors that are associated with migration to a different country, including fleeing violence or employment opportunities or being reunited with family in the destination country, etc. These other factors may have a stronger effect on people’s behavior than legal consequences including criminal prosecution, incarceration, or deportation<sup>5</sup>.

DHS also claims that after implementation of Operation Streamline, border crossings did decline for several years. However, the graph put out by them only shows a short-term view (2000-2014) and thus misleads the reader into thinking that declines in border crossings did decrease after the program began<sup>5</sup>. When you expand the graph to a more long-term view (1992-2014), the trend actually shows that border crossings had already been steadily declining

for a number of years before Operation Streamline began. This trend is even more apparent when looking at monthly apprehensions for all sectors along the border with Mexico. It too shows a steady decline happening before Streamline initiated. It seems that the program was implemented at a time that would make it seem like the program was directly responsible for a decrease in border crossings, when in fact, there are many more complex variables that had taken place long before and had more impact than the program did overall<sup>5</sup>. Federal courts were not only swamped with cases, but they began to conduct hearings with dozens of Streamline defendants at one time, which raises serious due process concerns. This gave little to no time to provide a weak defense and resulted in many defendants being jailed and ultimately deported. For example, “[i]n the Tucson sector... the federal court saw up to 70 Streamline prosecutions per day in 2010. Hearings were conducted in groups, with charging, pleading, and sentencing often happening in under a minute for each defendant” with one judge even claiming his record for processing 70 immigrants took 30 minutes<sup>5</sup>. This streamlined system also diverted resources away from much more serious immigration crimes like violent organized gangs/cartel operations. Operation Streamline has been labeled as “deterrence theater”<sup>5</sup>, meaning that it gives the illusion of deterring border crossings when in reality that is not the case. Operation Streamline began under the Bush administration, continued under the Obama administration ending in 2014, and is now being resurrected (in 2018) more insidiously under the current Trump administration with the added “zero-tolerance policy” and forced family separations<sup>5</sup>.

In 2009, DHS categorized drug crimes, traffic offenses, and immigration related violations as the three leading causes of immigrant removals which accounted for 61% of all noncitizens removed<sup>30</sup>. Drug crimes, labeled ‘Dangerous Drugs’ crimes in the report, included low level possession and manufacturing of any classified illegal drug, traffic offenses were not defined at all, and immigration violations included unlawful entry, reentry, false claims of citizenship, and illegal smuggling of person(s); yet no statistics were provided for any category. Crimes including terrorism, murder, or sexual assault were not listed as leading causes of removal with sexual assault accounting for 2.2% of total number of immigrants removed for criminal violations and terrorism and murder not even included on the list of leading causes<sup>30</sup>. These programs and policies have led to an overall increase of noncitizens removed from the United States:

“in 1988, the United States removed 25,829 noncitizens, 5,956 of which were removed based on their criminal or narcotics violations, approximately 23.1% of the total removals. In 1996...the United States removed 68,657, with 36,909 noncitizens removed for criminal convictions, accounting for 53.8% of the total removals. In 2004... 202,842 noncitizens removed, 88,897 of which were removed for a criminal conviction... in 2009, 393,000 total persons were removed from the United States... approximately 128,000 were removed as result of a criminal conviction”<sup>30</sup>.

The majority of noncitizens removed were from Mexico, El Salvador, Honduras, Guatemala, and the Dominican Republic<sup>30</sup>. These policies and enforcement procedures/programs have disproportionately targeted immigrants from Mexico and Central America while simultaneously labeling those removed as criminals in an effort to divert US public attention away from reality; thus giving US citizens the impression that national security is being upheld. The lack of transparency from US agencies is apparent and their misleading statements and assertions continue to divide US public opinion regarding immigration, leading to the continuation of racially motivated policies and programs.

### *2.2.3. detention & deportation: the continuation of crimmigration*

Over the last several decades, the rates of unauthorized immigrants detained and deported have risen; in 1973, a daily average of 2,370 migrants were detained, in 1994 it rose to 5,532, and by 2009 to 34,000<sup>22</sup>. Similarly, an annual average of 50,000 immigrants were deported in 1996 and that rose to 400,000 in 2013<sup>22</sup>. Legally, detention and deportation proceedings are categorized as nonpunitive but in practice, it has parallels similar to that of incarceration. One theory, “pains of imprisonment” has been extended to include immigrant detention as the theory recognizes the systemic and painful nature of life with detention facilities and recognizes the racialized processes from which some noncitizens are incarcerated in the first place<sup>22</sup>. Parallels have also been drawn between solitary confinement in prisons and deportations in that both are legally considered civil punishments but often people in those situations are denied many protections that would be offered for criminal punishments. Patler and Golash-Boza note, “individuals... find themselves in states of ‘legal nonexistence,’ which ultimately lead to the ‘social disintegration’ of the subject: ties to others are cut off and prior identities stripped away...”<sup>22</sup>. Furthermore, detention and deportation can be theoretically described as racialized tools of social control. Given the government’s historic use of detention and deportation especially towards Latinos to construct and solidify the image of Latinos as being criminal<sup>22</sup>.

It is interesting to note that in “2009, Congress amended the Department of Homeland Security (DHS) Appropriations bill to *require* the agency to maintain ‘not less than 34,000 detention beds’ at all times”<sup>22</sup>. DHS subcontracts the detention of immigrants to local jails and private for-profit prison corporations including GEO Group and CoreCivic, which both have outstanding records of human rights violations including the deaths of detainees. The public sector is in charge of arresting and conducting trial and conviction processes while the private sector is now delegated operations of detention, transfer, feeding, clothing, policing, and monitoring the movement of detainees<sup>1</sup>. According to Arriola and Raymond:

“We are witnessing the growth of the private prison-service industry: those who build and staff detention centers/prisons, barbed wire, security, electronic systems for opening and shutting doors, alarms and fire control, vending machines, the telephone industry, video surveillance, juvenile offenders, case managers, those who design and produce, fit and electronically monitor the ‘grillettes’, or so-called prisoner ‘ankle bracelets’”<sup>1</sup>.

DHS spends an estimated \$2 billion per year or \$161 per detainee per day through this method of outsourcing detention facilities. In 2015, 62% of immigrant detainees were in for-profit facilities up from 49% in 2009<sup>22</sup>. In comparison, about 8% of prisoners in the U.S. are in private prisons. U.S. immigration law is classified as a type of civil law and the Supreme Court has consistently ruled that detention of immigrants is legally administrative and nonpunitive<sup>1,22</sup>. Detained immigrants lack access to constitutional protections including the 6<sup>th</sup> Amendment which guarantees the right to legal counsel<sup>1,22</sup>. Low counsel rates were evident in a study conducted between 2007 and 2012 that examined 1.2 million deportation cases and found that only 37% had an attorney. Those with legal counsel were 5 ½ times more likely to be relieved from removal proceedings than those who had no counsel<sup>22</sup>. Since detention is legally nonpunitive, there are no constitutional limits on length of ‘sentences’; they also are not technically serving sentences rather they are being held administratively through the duration of their immigration court proceedings. “In 2013, Immigration and Customs Enforcement (ICE) detained approximately 10,000 individuals for 6 months or longer... [and] a study by the Mexican government found that over 15% of Mexicans deported from the interior of the United States were detained for more than 1 year prior to deportation, half of whom were held for more than 3 years”<sup>22</sup>.

A study also examined the communal costs of detention and found that out of 562 detainees who were detained for 6 months or longer, 90% were previously employed before being detained and the estimated lost wages out of those employed equated to \$43,357 per day. The same study also found that detention contributed to extreme financial insecurity for family members of detained individuals. Respondents on average had lived in the U.S. for 20 years and 69% have a U.S. citizen or lawful permanent resident spouse or child. 94% reported being a source of financial and/or emotional support to their families prior to being detained. 63% of participants reported that family members had difficulty paying mortgage, rent, or utilities, 4 in 10 said they had trouble paying for medical expenses (42%) and paying for food (37%)<sup>22</sup>. Immigration bonds are typically not a reliable option to be released from detention centers while removal proceedings are taking place, if the detainee is even offered the choice at all. Some individuals are held under mandatory detention provisions which makes them ineligible for a bond. For those that can access a bond hearing, bonds are inconsistently determined, typically are too high to pay, and are required to be paid in full for the detainee to be released<sup>22,1</sup>. At the border, Customs and Border Patrol (CBP) detains immigrants and asylum-seekers for up to 3 or 4 days and it is their discretion if they wish to release noncitizens on parole or not. Conditions at the detention center located in McAllen, Texas are described as overcrowded with adults and children who attempt to sleep on concrete floors or sleep standing up in rooms where the lights are kept on 24-hours a day<sup>1</sup>.

Additionally, Arriola and Raymond assert:

“[T]he entire for-profit detention system in which entities like CCA or GeoGroup operate facilities similar to prisons, and detains persons who are viewed as criminals for daring to enter the country without permission, utterly strips the system of its supposedly ‘civil’ character. It is a quasi-criminal (or crimmigatory) and discriminatory treatment of innocent persons... The system encourages misconduct by the staff to dehumanize the identity of the migrant, to deny them any respect at all as citizens of another country, to treat them with outright bias and xenophobic prejudice. This criminalization of the migrant identity, in particular of migrants from Central America who were affected, and indefinitely detained because of the DHS’s ‘no-bond’ policy, is particularly inhumane in light of the socio-political economy of extreme violence and poverty, associated with drug war capitalism, that is pushing so many innocent and scared women and children to flee Honduras, Guatemala, and El Salvador”<sup>1</sup>.

The immigration detention system reinforces the neoliberal efforts to privatize historically public functions by delegating the detention of immigrants in private for-profit prison corporations with bed quotas, keeps intact a historically racially discriminatory system, and the system justifies inhumane treatment of immigrants of color who have been characterized as criminal, dangerous to national security, and are the seen as the ‘them’ (them v us mentality). Current detention practices, especially by private corporations, are described by detainees as inhumane, unfair, and abusive. Similar to experiences in prisons, there is tight security, monitoring of all activities, lack of privacy, segregation, and strict penalties for violating rules on how to eat, sleep, bathe, walk, play, read, or interact with lawyers or visitors<sup>1</sup>.

In 2018, the Department of Justice under the Trump administration announced the “Zero Tolerance Policy for Criminal Illegal Entry”. This policy led to the separation of over 2,000 children from their parents (April – May). Parents and children were placed in separate facilities without knowing when or if they would be reunited<sup>3,31</sup>. As the policy continued, more than 5,400 children were forcibly separated from their guardians at the border, some being separated even after the policy’s official end and many still have not been reunited by the government. The short and long-term negative mental health effects of child-parent separation, except in cases of maltreatment, are well documented. Increased risks include higher risk of developing mental health problems, poor social functioning, insecure attachment, disrupted stress activity, and mortality<sup>3,31</sup>. More recent work even found that both parents and children face an increased risk of mental health problems when they are separated due to immigration. Bouza et al. states, “Parent-child separation has long-term effects on child well-being, even if there is subsequent reunification. After being separated, reunited children can experience difficulty with emotional attachment to their parents, self-esteem, and physical and psychological health... For some children, time does not appear to fully heal these psychological wounds”<sup>3</sup>.

Wood describes phases associated with detachment from parents after child-separation:

“First, children enter an acute phase of protest characteri[z]ed by fear, distress, crying and urgent seeking of their caregiver that may last from a few hours to days. As the length of separation continues, children enter a phase of despair during which crying weakens, movement lessens and children reject the approach of alternative adults. With prolonged parental absence, children may become passively compliant with care staff, giving the appearance of having ‘settled in’ to their new environment. Disturbingly, this can signify that the child has detached from the parents and is now living in a perceived state of ‘fear without resolution’. Children reunited while they are in the early separation protest phase usually fare well. Children in despair may respond to the reappearance of their parent with hostility or ambivalence, taking many weeks to rebuild their bond. Children who have detached from their parents may reject their approaches or treat them as strangers. Additionally, when children interpret themselves as ‘abandoned’ by parents, they may develop a profound sense that they have done something wrong to cause their caregiver to leave, igniting shame and complex emotions that can damage the lifelong relationships with themselves and others”<sup>31</sup>.

Parent separation is classified as a toxic stressor, because the child experiences a strong and prolonged activation of the body’s stress response system. This can, in the long-term, disturb how the body reacts to stress later in life, disrupts higher-order cognitive/affective processes and negatively alter brain structures and functioning. Children exposed to these toxic prolonged stressors are at a higher risk of developing anxiety, depression, PTSD, lower IQ, obesity, impaired immune functioning, impaired growth, cancer, heart/lung disease, stroke, and/or morbidity. “A child with high adversity exposure has triple the lifetime relative risk of lung cancer, 3.5 times the relative risk of [ischemic] heart disease and up to a 20-year reduction in life expectancy”<sup>31</sup>. Parents can also act as a buffer, or protective factor against stressors like migrating to a new country, yet when they are separated for doing exactly that, the child loses access to one of their strongest protective factors. The research exhibits that across infancy, childhood, and adolescence that these familial separations can lead to negative outcomes across the lifespan<sup>3</sup>.

The number of unaccompanied immigrant children arriving at the border seeking protection has steadily risen over the past 5 years, primarily children from the Northern Triangle<sup>29</sup>. They receive the designation ‘unaccompanied child’ if they arrive from a noncontiguous country and are afforded additional protections including the right to a hearing before an immigration judge. However, they are not guaranteed a right to legal counsel and they must provide the same procedural evidentiary and legal requirements that adults do. Fast-track court hearings (rocket dockets) began in an effort to keep up with the growing number of unaccompanied childhood arrivals at the border. This left children with even less time to prepare for their hearings. Once released from detention, there is little follow-up to determine

if children are safe. Unaccompanied children are unauthorized and therefore are ineligible for public benefits other than public education<sup>29</sup>. Under the most recent immigration policy changes occurring under the Trump administration, unaccompanied children had ‘unaccompanied’ removed from their designations if they have parents or relatives in the US. This can result in immediate denied entry at the border and repatriation. Additionally, parents who try to reconnect with their unaccompanied child at the border risk facing “deportation proceedings or face criminal charges for facilitating the migration of their children to the US”<sup>29</sup>.

Although deportation rates have risen extensively, there seems to be an uneven enforcement of who is being removed. About half of all noncitizens are women and 60% of noncitizens are from Latin American countries, yet 90% of deportees are men and 98% are from Latin American countries<sup>22</sup>. An estimated 5 million people have been deported from the US since 1997. For some deported individuals, being sent back to their birth country is a financial set back, for others is it the loss of their home where their families and friends are, some face stigma upon returning to their birth country due to the association of deportation and criminality, some are able to reintegrate in their birth country, while others are stigmatized and ostracized and never truly feel at home<sup>22</sup>. For persons who were fleeing violence, upon being returned they are now in danger of not only being put back in a dangerous situation but may face retaliation including murder<sup>1</sup>. The usage of detention and deportation extend the racially motivated policies that define crimmigration, while oftentimes enriching private for-profit prison corporations that are responsible for instilling misery and fear into immigrants, their families, and the communities from which they hail. Another US industry that is also enriched from labor done by immigrants while synchronously denying workers rights, is agriculture.

## 2.3. United States Agriculture: The Need for Cheap Labor

### 2.3.1. *Injustice in the Fields*

The United States has historically relied on cheap labor to fulfill its agricultural labor needs. Originally, African slaves were forced to farm America’s fields and after the abolition of slavery, African Americans continued to work on many farms as sharecroppers, and today Haitian immigrants and Latino immigrants make up a majority of the agricultural labor force. The exact number of farmworkers is not known but it is estimated that there is anywhere from 1-3 million workers<sup>25</sup>. In 2012, out of the 1,063,000 hired farmworkers, 53% were in year-round positions, 19% were in seasonal positions, and 27% were brought to farms by contractors. Farmworkers that are employed in the US typically come from other countries, an estimated 68% were born in Mexico, 27% were born in the US, 4% were born in Central American countries, and 1% were born elsewhere<sup>2</sup>. The agriculture industry represents one of the most degraded labor landscapes in the country due to the high prevalence of racism, xenophobia, abusive global economic policies/systems, sub-standard wages, wage theft, physical/verbal/sexual harassment and abuse, gender/racial/ethnic discrimination, high incidents of injuries and fatalities, and situations of modern-day slavery<sup>4,7,8</sup>. Cases that have been brought forth regarding charges of modern-day slavery from 1997 to 2010 include *US v Flores* (1997), *US v Cuello* (1999), *US v Tecum* (2001), *US v Lee* (2001), *US v Ramos* (2004), *US v Ronald Evans* (2007), *US v Navarrete* (2008), *US v Bontemps* (2010), and *US v Global Horizons* (2010)<sup>4</sup>. What is also problematic and concerning is, “the high degree of market consolidation in the food industry means that multi-billion-dollar retail brands are able to leverage their volume purchasing power to demand ever-lower prices from suppliers, which has resulted in strong downward pressure on farmworker wages and working conditions”<sup>8</sup>.

Farm labor requires long hours of lifting and carrying heavy loads, stooping for long periods of time, and requires repetitive hand work<sup>25</sup>. Typically, farmworkers are up early and home late after working in typically hot conditions. Agriculture is also one of the more hazardous jobs to work, due to the use of heavy machinery. In 2013, agriculture had the highest rate of work-related fatalities at 23.9 per 100,000 persons/year, which was 7x higher than the national average. In 2014, when compared to all other industries combined, agriculture had higher rates of non-fatal work-related injuries and illness at 3.3 per 200,000/year<sup>25</sup>. Farmworkers also experience a higher prevalence of obesity, high cholesterol, high blood pressure (males), poor dentition, higher risk for diabetes, skin disease (particularly fungal infections), and anemia. Many farmworkers also cannot afford to take time off of work if an injury has occurred and they continue working. “Farmworkers are among the most economically disadvantaged groups in the U.S.”<sup>25</sup>. Other health risks are musculoskeletal issues, elevated depressive symptoms, and STI’s. High risks of intimate partner violence have been reported amongst women and increased morbidity and mortality have been reported from heat stress. Farmworkers are less likely to have health insurance, are excluded from worker’s compensation (except for 15 states), and are denied the right to form a union<sup>25</sup> (National Labor Relations Act 1935, 29 USC § 151<sup>2</sup>). Exclusion from worker’s right benefits including collective bargaining and overtime pay exacerbates the problem of poor working conditions and low wages that many farmworkers experience<sup>25,8</sup>. Lower incomes are also associated with

poorer diet and housing conditions. Housing provided by employers, often for migrant workers, have been reported in several studies as overcrowded, having structural problems, and lack facilities<sup>25</sup>.

The majority of farmworkers in the US were born in a different country (78%), mainly from Mexico, and 52% lacked authorization to work in the US<sup>25,2,24,13</sup>. Approximately 15% of farmworkers are Indigenous Mexican or Central American<sup>24</sup>. One study conducted in California (2010), found that undocumented workers reported greater adverse work conditions, specifically undocumented migrant farmworkers who were found to more likely work for a farm labor contractor. Undocumented migrant farmworkers also were less likely to know about worker's compensation, less likely to have health insurance, and more likely to use *rateros* (informal drivers used for transportation to and from worksites) when compared to documented workers. Regardless of immigration status, migrant workers in a range of industries have a higher incidence of work-related injuries and fatalities and are more often exposed to hazardous work conditions than their native peers. Reid and Schenker report:

“Indigenous farmworkers from southern Mexico have been arriving in greater numbers to work on U.S. farms, increasing from 9% in 1993-1994 to 16% in 2001-2002... These workers are culturally and linguistically distinct from [other] Latino immigrants of Mexico, often not speaking Spanish but an indigenous language such as Triqui, or Mixteco as their primary language... Indigenous farmworkers may suffer from ‘double discrimination’, discrimination from the mainstream population and from other migrant workers, which may push them into the most labor-intensive jobs”<sup>25</sup>.

The study conducted by Reid and Schenker sought to know if being undocumented, documented, native to the U.S., Latino, or Indigenous resulted in disparities within agricultural work and if so, what disparities and which groups were most impacted? Disparities were found in “demographic and job characteristics, working conditions, wages and access to health care and insurance across categories of US-born, Latino and Indigenous, documented, and undocumented farmworkers”<sup>25</sup>. They found that US-born workers had more secure work, worked less onerous tasks, and earned more per hour. It was found that few US-born women worked in semi-skilled roles and less than half were employed year-round. Half of US-born workers did not have insurance, but this rate was the best among all the subcategories. More documented workers were employed year-round, worked in semi-skilled roles, earned more per hour, and were less likely to report a family income below the federal poverty level than undocumented workers. 60% of documented workers reported having no health insurance, but this was better than undocumented workers. It was also concluded that undocumented Indigenous farmworkers had more precarious work, worked more onerous tasks, and were more likely to be paid by the piece when compared to undocumented Latino workers. Piece work is typically utilized when the harvested crop can be weighted and measured, and the pace of work is much more rapid than work that is paid hourly. Piece work is associated with musculoskeletal injuries and pain, more frequent and more severe accidents, injuries, and has an increased risk of acute kidney injury<sup>25</sup>.

All categories of women farmworkers tended to have less secure employment than men, with more reporting working seasonally and with family incomes below the poverty line<sup>25</sup>. Documented, undocumented, Latino, and Indigenous women were more likely to work for a farm contractor and were more likely to rely on a *ratero* for transportation to and from worksites. In addition to physical hazards of farm work, women face high rates of verbal, physical, sexual harassment, and rape on the job. Women are particularly vulnerable to sexual harassment/assault from labor contractors and *rateros*. Women were also more likely to experience poverty with ¼ of US-born women and 34% for undocumented Latino women. The study proved that there is a hierarchy in working and living conditions between Indigenous, Latino, documented, and undocumented farmworkers. Indigenous undocumented farmworkers were positioned at the bottom of the hierarchy and were restricted to working in more physically taxing roles and were more exposed to pesticides and adverse weather conditions when compared to Latino documented and undocumented counterparts. Undocumented Latino and Indigenous men and women were more likely to work on harvest tasks than US-born males and females. Indigenous documented and undocumented males and undocumented Indigenous females were more likely to work on pre-harvest tasks than US-born workers (more physically demanding)<sup>25</sup>.

### 2.3.2. Occupational Hazards

Occupational and environmental exposures in agriculture increase the risk of developing numerous lung diseases<sup>20</sup>. Exposure to a variety of substances including airborne organic dust (OD), lipopolysaccharides (LPS), peptidoglycan (PGN), fungal cell wall components, viral particles, methane, ammonia, hydrogen sulfide, carbon monoxide, carbon dioxide, volatile organic compounds (VOCs), zoonotic pathogens, and various insecticides, fungicides, and herbicides

(pesticides) increases risks of developing various illness/diseases<sup>20,19,2</sup>. It is suspected that many illnesses within the farmworker population go undiagnosed and may indicate why many studies cannot connect farm work occupational hazards with certain illnesses. For example, “an investigation into the associations between farming and ‘united airway disease’ in eastern North Carolina identified that while 35% and 66% of farmers/workers reported lower and upper airway symptoms, respectively, only 1% and 7% of farmers had a physician diagnosis of rhinitis or asthma<sup>20</sup>. Undocumented workers are more than 2x as likely to experience occupational safety violations and are less likely to report them when compared to documented workers, attributable to fears of deportation and they are reluctant to complain and are fearful to seek medical care in the event of an injury<sup>19</sup>.

A study done in North Carolina, found detectable levels of pesticides in urine in 97.4% of the 284 farmworkers recruited<sup>19</sup>. They also found that education was inversely related to lifetime pesticide exposure and immigrants employed with a H-2A visa (agriculture temporary worker’s visa) reported more exposure to pesticides. Some negative health impacts of pesticide exposure include dermatitis, asthma, diabetes, cancer, and reproductive disorders<sup>19</sup>. There are barriers to reporting acute occupational pesticide-related illness (AOPI) to the proper public health authorities<sup>2</sup>, especially for farmworkers. An estimated 88% of AOPIs cases among farmworkers go unreported. Reporting barriers include being fearful of losing job, being demoted, or hours reduced due to reporting an AOPI, limited English proficiency (LEP), lack of formal education, barriers to worker’s compensation, and/or barriers to access healthcare or health insurance. Some farmworkers may also mistrust healthcare providers over fears of documentation issues, or they may live too far from the nearest clinic and may not have reliable transportation. There is also the issue of healthcare providers misdiagnosing exposure to pesticide-related illnesses. Many clinicians/physicians do not receive training in accessing environmental and occupational histories and therefore may miss signs of pesticide exposure. Many clinics/hospitals do not meet the National Standards for Culturally and Linguistically Appropriate Services (CLAS standards)<sup>2</sup>. Agricultural work also has high rates of heat exposure<sup>19</sup>. The annual death rate (in 2008) from heat exposure among agricultural workers was 0.39 per 100,000 compared to all other workers at 0.02 per 100,000. This type of work has the third highest rate of heat-related fatalities and has a mortality rate 20x greater than all other occupations. Farmworkers are 4x more likely than workers in other industries to suffer from heat-related illness. The work is often seasonal occurring during summer months when temperatures are highest and there are high levels of ultraviolet radiation as well. Often there is limited access to shade or opportunities to rehydrate which increases risk for heat-related illnesses and skin cancer. Heat-related illness manifest through various symptoms including headache, muscle cramps, weakness, fatigue, nausea, vomiting, and dizziness. “The Environmental Protection Agency estimates that between 10,000-20,000 pesticide injuries are treated each year among the 2 million agricultural workers in the USA”<sup>19</sup>.

Mental health is also a concern within the farmworker population, given that so many lack access to healthcare in general which may indicate an even greater lack of access to mental health services<sup>11</sup>. Certain psychiatric disorders that may have a high prevalence within the farmworker population include anxiety disorders, substance abuse/dependence, mood disorders, and/or depression. General stressors that may exacerbate these disorders include discrimination, poverty, social marginalization, separation from family members, poor housing conditions, and/or documentation problems. Research conducted by Grzywacz et al. in east Central North Carolina among farmworkers found that indicators of poor mental health (depressive symptoms) are likely to contribute to occupational injuries and suicidal behavior, yet this population lacks access to mental health services and they have limited amount of power to improve the conditions that threaten their well-being. They also found that depressive symptoms fluctuate throughout the agricultural season, with depressive symptoms being the highest at the beginning of the season, decline somewhere in the middle of the season, and then increase towards the later stages. ¼ of those surveyed reported clinically significant symptoms of depression at the beginning of the season and 1 in 10 cases of depression were reported at the end of the season. Farmworkers with an H-2A visa reported lower depressive symptoms than those without one and unmarried and/or unaccompanied migrant farmworkers reported higher symptoms of depression than married/accompanied farmworkers, suggesting that having family during the agricultural season provides a buffer from toxic stressors. This study also considered the implications of workload on mental health and found that the pace of the work impacted mental health negatively (depressive symptoms may be an occupational health issue<sup>11</sup>). Providing regular breaks may help alleviate the stress associated with the workload. Overall the researchers concluded that there is “a discernible pattern of depressive symptoms across the agricultural season and illustrate the substantial between-person variation in depressive symptoms. The overall pattern of results suggests that both enduring attributes of individual farmworkers and situational stressors shape depressive symptoms”<sup>11</sup>.



### 2.3.3. Women Farmworkers

Women in general are at a higher risk for depression than men at all age groups and studies suggest that minority groups; in particular those without health insurance or education less than a high school diploma; are significantly more likely to report having major depressive symptoms<sup>24</sup>. Women may have a higher risk of depression for various reasons like having a greater vulnerability to traumatic events (sexual abuse), more chronic stress due to gender roles, gender inequality, economic discrimination, and/or poverty. About 24-25% of farmworkers are women but women who are apart of farmworker families are also at a greater risk of developing depression especially if poverty is an issue<sup>24,13</sup>. Over 61% of farmworker households live in poverty. North Carolina has the sixth largest farmworker population in the nation and many farmworkers reside in rural areas. This is where Pulgar et al. conducted their study on depression among women in Latino farmworker families. They found that 31.3% of women reported significant symptoms of depression which was 3x the rates of US household female populations (9.3%) and the general Hispanic population (11.4%)<sup>24</sup>.

It's estimated that about 50% of women will experience workplace sexual harassment (WSH) during their careers and rates may be higher for minority women who work in male-dominated environments (agriculture)<sup>13</sup>. However, an estimated 2-13% of women report WSH to authorities. Even 10 years after an incident of WSH, women experience higher rates of healthcare utilization, chronic pain, depression, and work withdrawal. "Women farmworkers have been forced to have sex at gunpoint, threatened, and been fired after filing complaints against their managers/foremen. Women also refer to one field in California as the '[fil] de calzon' or 'field of panties' due to multiple counts of rape"<sup>13,8</sup>. However most literature on WSH focuses on middle-income, educated, white women in non-agricultural settings. The few studies that have focused on farmworker women found that 80% of Mexican women in Central Valley, California had been sexually harassed at work<sup>13,8</sup>. In this study workers cited "extreme poverty, language barriers, racial discrimination, isolated worksites, and dependence on men for their ongoing employment as factors that made them extremely vulnerable to abuse"<sup>8</sup>. Another study found that women in Oregon experienced widespread WSH among both Spanish- and Indigenous language-speaking farmworkers. Research conducted by Jung-Eun Kim, Breckwich Vásquez, Torres, Nicola, and Karr in rural Washington found that women farmworkers frequently experienced quid pro quo and hostile work environment sexual harassment and faced employment and health consequences due to WSH. Focus groups from this study shared personal experiences of unwanted verbal comments, physical grabbing, staring, feelings of discomfort due to harassment, hostile-retaliatory tactics, and quid pro quo expectations. 75% of participants shared either a personal account or a story about a coworker experiencing WSH. WSH was common and persistent in both warehouses and in the fields. One participant shared, "I was working by piece rate and one of the foremen told me if I wanted for him to give me more hours, I needed to sleep with him"<sup>13</sup>. The majority of offenders were men (84%) and some women (16%), with foremen comprising of 58% of offenders and coworkers making up 42%. Another participant shared, "if you say no, the person who is checking your apples will start to bruise your apples, so you can get fired" and another sharing, "wherever you go it's the same, wherever you work it's the same"<sup>13</sup>.

Participants also stated that in addition to farmworker stressors in general, WSH stressors compounded on others like unaffordable healthcare, exposure to pesticides, and unsanitary working conditions. Participants also noted that relational stress can result from WSH sometimes contributing to marital strain and divorce in the community. One woman expressed, "this [WSH] affects us not only as a person but as a family. You are so tired of this, that you can't give your child all he needs... you are so hurt... it affects our children" and further detailed how she felt less available for her children, due to coping with post-WSH trauma<sup>13</sup>. Physical and social isolation increased the risk of WSH. Participants describe foremen moving them away from their husbands or coworkers to physically isolate them so they could sexually harass them. One woman detailed, "when I was left alone, there was this man and I was very scared of him. Every time I saw him, I used to run, I even left the ladder because on two occasions, he grabbed me and I couldn't move, he covered my mouth and he told me to be quiet otherwise he was going to fire me"<sup>13</sup>. Lack of social cohesion among women coworkers proved to preserve WSH one woman telling, "they [female co-workers] think that you are promiscuous – they harass you, they signal you, when you are not doing anything bad, they even say that you provoked them [the men], that you're harassing them when it's them"<sup>13</sup>. Higher risks of WSH were more likely to occur in both the fields and warehouses due to power differentials (gender/race/ethnicity/socioeconomic status/ and/or legal status), uninviting work environments, and disconnected interpersonal relationships<sup>13</sup>. Barriers to reporting WSH in the agricultural setting are immense and take a great deal of money, resources to legal counsel, and time to actually prosecute<sup>7,8</sup>. The current system of remedies to address violations fail to achieve meaningful redress, fail to prevent instances from occurring, and are lacking in true enforcement power. Robert Reich, former US Secretary of Labor,

noted that, “Violations were just the cost of doing business. It was cheaper for them, in other words, to pay fines and to continue to pay the fines than to actually clean up their act”<sup>8</sup>. What is more distressing is that large corporate buyers continually purchased from produce farms that were under litigation for violations and continued to buy from those farms until they went out of business<sup>7,8</sup>. The lack of oversight and enforcement for a vital industry in the US whose labor force is mostly comprised of immigrants, further degrades Mexican and Central American immigrants. Mexican and Central American immigrants working in the agricultural industry are confronted with compounding stressors in addition to general immigration fears.

## 2.4. Other Health Considerations

### 2.4.1. *general immigration stressors: acculturation & discrimination*

Immigrants coming to the US face general stressors that can be experienced by immigrants of all backgrounds. “Acculturative stress refers to assimilating to a new culture, leaving one’s family and support system, being immersed in a new language, and finding employment and housing”<sup>16</sup>. It is also defined as “an individual’s process of learning about and adopting the receiving society’s...cultural norms as well as the degree to which the person maintains his or her heritage culture”<sup>28</sup>. Cumulated acculturative stressors can lead to mental health disorders including anxiety, depression, and/or substance abuse disorders, which are common among immigrant populations<sup>16</sup>. In a study conducted by Gupta, Okazaki, Ryce, Sirin, and Rogers-Sirin, immigrant Latino adolescents were at risk for higher anxious-depressed symptoms when they exhibited a stronger sense of connectedness to US culture, suggesting that acculturation for young immigrants can lead to adverse mental health<sup>12</sup>. In a study by Schwartz et al., collectivist values and heritage-cultural practices appeared to be a protective factor against illicit drug use among first- and second-generation immigrant Hispanic college-aged individuals. First-generation immigrant is defined as someone born in another country but immigrated and second-generation immigrant is someone born in the US with one or more immigrant parent(s). Although, heritage-cultural identifications seemed to negatively affect Hispanics and was a risk factor associated with risky sexual behaviors (ex. not using a condom during intercourse). The differences seen between heritage-cultural practices and identifications can be explained in part by defensive ethnic identification. For example, reactive ethnicity as a part of defensive identification with the heritage culture may accompany or follow discrimination or other forms of perceived rejection of oneself or one’s racial/ethnic group. This is fueled by immigration-related debates that are centered around Hispanics and may prompt reactive ethnicity as a defense mechanism and this may contribute to a higher risk of unsafe sexual behavior among Hispanics<sup>28</sup>. Extra-familial acculturative stress levels were higher in families where concerns over deportation for themselves or a family member instilled great fear<sup>16</sup>. 57% of Latinos in a 2009 Pew Hispanic Center study revealed that they significantly worry about their own deportation or the deportation of a loved one<sup>16</sup>. Lopez Levers and Hyatt-Burkhart describe immigrant trauma as referring to clinical levels of distress that manifest in PTSD, clinical depression, and anxiety disorders that are the result of traumatizing or derailing experiences that occur throughout the immigration process. Immigrant trauma is categorized in four distinct stages as premigration trauma (trauma that occurs in immigrant’s birth country), in-transit trauma (trauma that occurs during migration to the destination country), resettlement trauma (trauma while integrating into the destination country), and postmigration trauma (trauma that occurs as a result of living conditions in the new country). “Distress related to immigration is common to both legal and undocumented immigrants...the intensity and severity of symptoms are greater in populations who enter the country illegally”<sup>16</sup>.

Immigrants may have trouble adapting to a new country especially if their new environments have a large amount of fear, prejudice, and/or racial bias against immigrants from community members. Lopez Levers and Hyatt-Burkhart note:

“[P]ublic attitudes toward immigration are important... tension between public opinion and reality...*public opinion* consists of strong ideological adherence to ‘intransigent nativism’ (keeping immigrants out) and ‘forced assimilationism’ (turning immigrants into monolingual Americans as quickly as possible), which is in contrast to the economic and social *reality* of America’s need for ‘foreign labor at both ends of the labor market’ as well as strong and growing ‘networks between immigrants and their communities of origin...[and]... between immigrants and their employers’”<sup>16</sup>.

Many US citizens claim immigrants are harmful to US economics and ‘steal American’ jobs from US citizens. This assertion is drenched in fear mongering tactics and has been disproven entirely. Immigrant workers tend to enhance economic conditions by expanding the US economy’s productive capacity, by stimulating investment, and by

promoting specialization which leads to long-term productivity. There is no evidence that these effects take place at the expense of jobs for US citizens. Undocumented workers fulfill low-wage and hard-labor jobs which otherwise remain vacant due to their undesirability among US-born workers. Yet this myth continues to fuel anti-immigrant sentiments<sup>16</sup>.

Throughout US history, every wave of immigrants has faced unique challenges with regard to their inclusion into US society/culture<sup>21</sup>. The majority of immigrants coming to the US today are cultural, linguistic, and racial minorities which may increase their risk of facing discrimination and prejudice due to visible differences which may affect their inclusion into US identity. In a small focus group study of second-generation immigrants by Park-Taylor et al., perceptions of what a 'true American' is were qualitatively examined. Only 3 participants out of 10 identified as Hispanic and 1 participant identified as White Hispanic. One Hispanic American male, while talking about 'Identity as a True American', described not fitting into the true American definition:

"I don't feel that I'm a 'true' American 'cause I feel that there's definitely things I've had to struggle with that other Americans haven't had to go through... in terms of the way I've been treated and I've seen them [parents] being treated by people who have been in the U.S. for a longer period of time, they've definitely been treated as second-class citizens"<sup>21</sup>.

Another Hispanic woman described the opposite, stating that being a true American was a great feeling and was equated with knowing herself. While another Hispanic American male identified himself as an "I'm-a-rican", meaning he is a Puerto Rican American, although technically that is legally defined as American (Puerto Rico as a US "territory"). One Hispanic male later stated that being American was not represented by one identity, but that the American identity was diverse. Another Hispanic male who did not identify himself with fitting into the American identity stated:

"According to American standards, I've been privileged with regard to education and now I'm working toward one of the most prestigious degrees that can be awarded in the U.S., but I can't help but second guess myself and still feel like a second class citizen, that I'm not smart enough, and like I don't really belong"<sup>21</sup>.

One interesting conclusion of this study was the phenomenon of negotiating multiple identities as a second-generation immigrant. Many participants noted feelings positive and negative towards having multiple identities; positive feelings included 'pride' and 'uniqueness' and negative feelings included 'confusion', 'dual expectations', and 'value clashes'. Biculturalism is considered a healthy acculturation strategy but there is stress associated with navigating multiple identities especially if they conflict with one another. Bicultural individuals also reported facing racial stereotypes and pressures of loyalty from their multiple cultural reference communities. Furthermore, identity confusion can result from switching back and forth between cultural cognitive and behavioral frames in response to cultural cues which can be stressful<sup>21</sup>.

#### *2.4.2. familial/ communal disintegration & economic struggles*

Justice Murphy in a 1945 decision stated that, "[t]he impact of deportation upon the life of an alien is often as great if not greater than the imposition of a criminal sentence. A deported alien may lose his family, his friends, and his livelihood forever. Return to his native land may result in poverty, persecution, and even death"<sup>30</sup>. This sentiment rings true in 2020 and is experienced by many Mexican and Central American immigrants of various immigration statuses. Once in their origin country, some deportees may have difficulties not only adjusting to life in another country, but finding employment, forging new social networks, or feeling a sense of security. Additionally, any wealth that was accrued in the US may be forfeited upon deportation, for example, lawful permanent residents who are removed lose all Social Security benefits earned while they were working in the US<sup>30</sup>. The impacts go far beyond just the individual who was deported, deportation impacts the families and communities that they were removed from. "It is estimated that nearly 10% of families with children in the United States live in a 'mixed status' household", which has both citizen and noncitizen family members and "[f]rom 1996 to 2007, it is estimated that 1.6 million families in the United States were separated in some form by removals"<sup>30</sup>. The socioeconomic statuses of families affected can diminish due to detention and/or deportation. Removals very often remove the primary wage earner, and especially for immigrant families who are already impoverished, the consequences can be life altering. Families who lose their primary income due to deportations have a higher risk of falling behind on bills including rent which can translate to

being evicted from their homes, and if they are unable to move due to financial distress, they may end up houseless in addition to coping with the removal of a family member who may have also provided emotional support to the family. Affected families often are required to seek financial assistance from relatives, friends, churches, organizations, or public assistance programs; if they qualify; in order to provide basic necessities including food, clothing, and hygiene products<sup>30</sup>.

It has been estimated that 5 million children in the US have at least one undocumented immigrant parent<sup>30,16</sup>; 3 million of these children are US citizens<sup>30</sup>. “17% of Latino/a children are undocumented while approximately 40% have at least one undocumented parent”<sup>29</sup>. Between the years of 1998 to 2007, approximately 100,000 parents of US citizen children were removed from the US. “It is estimated that for every two undocumented workers detained by ICE, one child is left without a caretaker”<sup>30</sup>. This may be an underestimate due to the fact that many detained parents do not provide any information in regard to their children for fear that government authorities may apprehend their children and/or other family members<sup>30,16</sup>. When caregivers are removed, a hard decision must be made about whether or not to send the children to live them in their parent’s country of birth or remain in the US in the care of either family members or close familial friends. For children who remain in the US, separation from their parents can cause emotional/mental trauma that can be debilitating and transgress into severe mental health disorders. They may also perform poorly in school, display behavioral problems, and have feelings of abandonment or resentment<sup>30</sup>. As previously stated, parent-child separations can lead to long-term adverse psychological, social, and health impacts<sup>3</sup>. They may develop mental health disorders including anxiety, depression, behavior disorders, and PTSD<sup>3</sup>. Children who return to their parent’s birth country with them experience multiple traumas<sup>30</sup>. They may not know the culture, the language, or face extreme poverty or severe economic disadvantages. Due to the fast-paced nature of some deportations, parents do not always have time to find alternative forms of childcare for children who remain in the US. This can result in their children becoming wards of the state and being placed in the foster care system. Children who grow up in the foster care system suffer from higher rates of homelessness, unemployment, and unintended pregnancies, and are more likely to be incarcerated later in life. Many families are never reunited under one roof again<sup>30</sup>. Children may experience fear, confusion, uncertainty, anxiety, and chaos as a result of a detained parent(s)<sup>16</sup>.

Children of immigrants are disproportionately living in poverty in the US<sup>18</sup>. The effects of poverty are well documented as having negative effects on childhood health and development, particularly in early life stages. Living in poverty is associated with poorer physical health, poorer academic performance, and increased risks for emotional and behavioral problems in childhood as well as mental health problems in adulthood. Mendoza, Dmitrieva, Perreira, Hurwich-Reiss, and Enos Watamura found that when economic or immigration-related stress was low for Latino children and their parents, fewer behavioral problems were noted in the children; and the opposite was true when economic or immigration-related stress was high. They concluded that low economic and/or low immigration-related stressors may correlate to better mental health in children of Latino immigrants<sup>18</sup>. In another study, Potochnick, Chen, and Perreira examined the relationship between immigration enforcement policies and food insecurity<sup>23</sup>. Food insecurity is defined as lacking access to nutritionally adequate food due to financial constraints. Local immigration enforcement policies can have an impact on food insecurity in three ways: deportations exacerbating already existing economic disadvantages, deportations increasing fear and mistrust among immigrants, and decreased mobility due to fear, mistrust, and/or familial separations. Social isolation and worry about family separation also exacerbate parental distress, depression, and anxiety which are known risk factors for food insecurity. Avoiding law enforcement may entail refraining from driving which could alter food consumption patterns or limit trips to the grocery store. Their study found that programs, specifically 287(g), “was positively associated with food insecurity risk among Mexican non-citizen households with children”<sup>23</sup> in metro-areas. Food insecurity risk was greater in metro-areas that had used the program to remove unauthorized immigrants<sup>23</sup>. Another study by Rojas-Flores, Clements, Koo, and London found that citizen children of detained/deported parents experienced more psychological distress and trauma compared to peers whose parents had no involvement with immigration enforcement<sup>27</sup>. Children of detained/deported parents reported higher internalizing and externalizing problems and had higher ratings of negative moods and emotions<sup>27</sup>.

Communities can also face adverse repercussions from immigration law enforcement and mass deportations<sup>30</sup>. When ICE conducts raids through communities with a high Latino presence, widespread and palpable fear are felt by community members. Social isolation may ensue as a defense mechanism; legally ICE cannot enter private residences without a warrant signed by a judge. What’s described as community paralysis may follow mass deportations and feelings of uncertainty about the future arise. People may be fearful to leave their homes, certain businesses may cease operations, and future community plans are put on hold. One infamous case of a work raid conducted by ICE in 2008 in Postville, Iowa at an Agriprocessors Inc. Meatpacking Company plant; mostly of Mexican and Central American immigrants; actually forced the company to file for bankruptcy and virtually closed within a 6-month period, which resulted in laying off hundreds of workers. In a domino effect, other local business were forced to close. Within 18 months, half of the town’s population was gone. Abandoned housing units deteriorated, banks foreclosed on houses,

decreased retail sales occurred, and unpaid taxes drained the local government's revenues to the point where the Postville's town council attempted to be declared a federal disaster zone<sup>30</sup>.

Hispanic/Latino individuals experience barriers to healthcare for various reasons including lack of bilingual/bicultural services, low health literacy, insufficient public transportation, and limited knowledge of available health services but barriers to healthcare increase when individuals lack legal status<sup>26</sup>. Fear of deportation, lack of required forms of documentation, interaction with law enforcement personnel, and racial profiling can also reduce healthcare utilization. Adding to the list of barriers, "the Patient Protection and Affordable Care Act bars undocumented or recent legal immigrants from receiving financial assistance for health insurance"<sup>26</sup> leaving many uninsured and dependent on public health services or free clinics. Rhodes et al. conducted a quantitative and qualitative study in North Carolina focusing on how programs like 287(g) impacted prenatal healthcare utilization among Hispanics/Latinas and what Latinos living in those areas thought about immigration policing. Several themes emerged from the focus groups conducted including immigration enforcement policies not being well understood, they compounded existing distrust of services, they condone racism, they create practical barriers to accessing and utilizing health services, they reduce physical and mental health, they compromise child health, and they lead to the use of nonstandard and risky contingencies for care. An example of racial profiling was described by one participant (in a 287(g) county) in this statement: "Police see that someone is Hispanic and stop them even though everything is fine. Why? Because they say that there are now laws that give them the right to do anything. Now, they just see that you are Hispanic, and the police won't leave you alone"<sup>26</sup>. Another participant (not in a 287(g) county) expressed trouble accessing healthcare services: "Recently, someone told me there is a very good clinic where they have comprehensive services, interpreters, and have more health programs including dental services. However, it is in [a neighboring county]. So, if I go there, I take the risk that a police officer will stop me. These are extra challenges to go to that place"<sup>26</sup>. Many participants described fear forcing them to self-isolate/limit their mobility: "I wouldn't, I couldn't go beyond the door [of my house] for over a year. I was too fearful of what might happen"<sup>26</sup>. One participant (in a 287(g) county) detailed how children were impacted from these policies: "There was a 4-year-old girl who had a nervous attack. She couldn't sleep well because she had overheard that her dad was going to be deported because the police stopped him. That girl already knew that the family could fall apart. Children understand what it means to be stopped by the police, and they fear that their parents will be deported"<sup>26</sup>. One participant (in a 287(g) county) expressed risky healthcare practices: "It's difficult; I am going to tell you but I won't mention names or anything, but here in Charlotte and in many parts of the US, dentists from other countries come here and in your home they will do everything and charge you really cheap"<sup>26</sup>. The researchers also found that Hispanic/Latinas were more likely to access prenatal services later and experienced inadequate care. One other interesting variable from this study was that out of participants surveyed, over 60% did not have a valid driver's license which led to greater fear of driving in general, which translated to delayed healthcare utilization<sup>26</sup>. Many of the barriers imposed on immigrants, including Mexican and Central American immigrants, stem from immigration policies and enforcement. Fear of detention/deportation and mistrust of government agencies further potentiates the vulnerability of immigrant populations and their susceptibility to various negative health outcomes.

### **3. Implications & Conclusion**

#### **3.1. Effective Solutions & Policy Recommendations**

One solution to help fight injustices within the US agricultural industry is the Worker-Driven Social Responsibility (WSR) Network (2015) founded by the farmworker's rights group, the Coalition of Immokalee Workers (CIW) (1996) based in Immokalee, Florida. This model and their program, the Fair Food Program (FFP) (2001), has been described as "the best workplace-monitoring program in the US" and is praised for its "provocative policies, the participation of workers, and the economic incentives placed on anti-harassment policies"<sup>8</sup>. The CIW's Anti-Slavery Campaign works to help uncover, investigate, and assist federal prosecutors to eliminate slavery in the agricultural industry. The CIW's first model of WSR network was the FFP which today improves the lives of over 30,000 farmworkers in 3 crops across 7 Eastern seaboard states and continues to grow and impact other industries. This model also helped to inspire Migrant Justice in Vermont to implement a similar program, the Milk with Dignity campaign which fights for worker's rights in the dairy industry. It has even had influence in Bangladesh in the garment industry through the Accord on Fire and Building Safety<sup>8</sup>. Hallmarks of the program that make it so effective in addressing violations of all kinds across various under-monitored industries are legally-binding agreements between corporations and worker organizations, worker participation in program design, monitoring, and enforcement, in depth auditing by an independent entity, and market

consequences for suppliers who fail to comply<sup>8,7</sup>. The CIW also provides in depth training/education sessions to all persons working on FFP farms in English and Spanish with easy to understand visuals and employ the use of translators when needed for people who speak Indigenous languages. They also have a 24-hour anonymous hotline to share tips about possible violations/abuses which helps avoid retaliatory behaviors<sup>7,8</sup>. To learn more about the CIW and their work visit [www.ciw-online.org](http://www.ciw-online.org). To learn more about the WSR Network visit [www.wsr-network.org](http://www.wsr-network.org).

Other solutions need to involve drastic policy changes. Various organizations including some grassroots organizations, advocate for progressive immigration reform policies that would stop oppressing immigrants and advance policies that aid immigrants. Some nationally recognized organizations include Fair Immigration Reform Movement (FIRM), United We Dream, Center for Community Change, Southern Poverty Law Center, American Civil Liberties Union (ACLU), and UnidosUS. Some policies they advocate for include abolishing ICE, retain the Deferred Action for Childhood Arrivals (DACA) program and expand to include parents (Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program), end the use of private detention facilities, end local and state law enforcement participation in immigration enforcement, demilitarize the borders and restore constitutional rights to all persons within the US, and create a realistic/affordable path to obtain citizenship. I would advocate to create an Immigrant's Bill of Rights to ensure immigrant's rights are protected for generations to come, given that currently they are left outside of the protections guaranteed to US citizens through the US Constitution in many cases. It is important for members within immigrant communities as well as community organizations who work with immigrants to formulate this Bill of Rights to make sure that all immigrants from all backgrounds are included and their unique challenges are addressed within the Bill of Rights.

### 3.2. Final Thoughts

Immigration incorporates many historical, political, social, and cultural variables that all impact individual, familial, communal, and societal health outcomes. Given that this paper only scratches the surface of immigration, many other considerations need to be addressed for other populations under the immigrant umbrella-term. There are most likely some immigrant populations that experience similar situations that Mexican, Guatemalan, Honduran, and El Salvadorian immigrants encounter, yet there are other immigrant populations that may have different situations entirely. Every group of immigrants are unique in how they are perceived within the larger contextual frame of United States' society and research should consider comparing and contrasting populations to better understand immigration as a whole. Immigrants are necessary for our nation both economically and culturally speaking. The word immigrant is associated with the American Dream and it is everyone's duty who is a US citizen to respect that enough to have US policies and enforcement procedures reflect dignity and respect to all who enter the US. This nation is only as great as it treats the most vulnerable among us, regardless of immigration status.

With that in mind, regarding Mexican, Guatemalan, Honduran, and El Salvadorian immigrants and their children, substantial changes must be made to our nation's immigration policies. Our foreign policy for generations has undermined democracy in nations south of our border for far too long without any accountability for the consequences that rose as a result. Our domestic policy is built on a history of racist ideology that perpetuates injustices against nonwhite individuals with impunity under the guise of national security. The hypocrisy of a nation of immigrants justifying anti-immigrant rhetoric through racist policies and racist social norms has not gone unnoticed. The world watches as we deny entry to huddled masses yearning to breathe free with dying children in their arms, who fled from violence we fueled for the benefit of US corporations to further pillage vulnerable communities and sacred lands. The world watches as our needs for cheap labor in agriculture are fulfilled by the same people we imprison for no crime other than not having the right piece of paper, or for driving without licenses we wouldn't give in the first place. The world watches as we criminalize brown immigrants and strip away protections granted in our own Constitution. Yet despite the US's disgraceful track record, immigrants from all over the world still risk everything for a taste of 'freedom'. The American dream is equated with opening up a world of possibilities for anyone with the determination to work for it. The American reality is founded upon racist institutions and ideologies that work generation after generation to preserve the whiteness that is responsible for naming Abiayala, America.

## 4. Acknowledgements

The author wishes to express appreciation to Dr. Ameena Batada for her support, guidance, and encouragement throughout the process of writing and editing this paper. The author also wishes to express appreciation to Dr. Laura Jones, Dr. Mark Gibney, and Dr. Juan Sánchez Martínez for educating and inspiring the author in topics that made

this paper possible, including mental/emotional health, immigration/refugee law, and indigenous cultural perspectives. The author wishes to express gratitude to all the farmworkers who pick our nation's food in spite of the challenges they face daily in the industry and from immigration obstacles. Finally, the author wishes to express hope for all the voiceless immigrants who endure injustices at the hands of others in this nation; one day you will have the dignity and respect you've always deserved.

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