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Title

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Permalink

<https://escholarship.org/uc/item/4pp6f6bs>

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Publication Date

2013

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Caitlin Patler is a PhD Candidate in Sociology. She is received a CSW Paula Stone Legal Research Fellowship in 2011 and a 2012 CSW Travel Grant. Her work addresses the impacts of government-imposed undocumented legal status on the lives of undocumented youth and young adults as they grow up in this country.



7 Myths about Undocumented Immigration

BY CAITLIN PATLER



Carlos Amador with the author at Dream Act hunger strike in 2010.

I have spent the last 13 years working with undocumented communities in Los Angeles and have witnessed, time and time again, how the ripple effects of living without formal immigration status can tear apart the lives of some of the people I hold dearest. And so part of my personal, professional and political life's work has been to fight alongside undocumented folks in the struggle to gain rights, recognition, and respect.

Immigration—especially undocumented immigration—is a loaded topic in this country. The President is talking about it, Members of Congress are debating about it, pundits are complaining about it, and everybody has an opinion about it. However, as I have engaged in

this work over the past decade, I have met hundreds of people who are confused and/or misinformed about undocumented immigration, in large part due to negative representations of immigrants in the media. This article attempts to address some of the most common misconceptions about undocumented immigration.¹

MYTH #1: It's OK to use the i-word

As a sociologist, I am taught to think about the *structural* and *social* conditions that impact our lives, and one important way that structural inequality impacts individuals and communities is through language. I'm sure you can think of several examples of words (especially those used to describe individuals with limited access to



March for immigrant rights

power or resources) that are discriminatory and dehumanizing. The term “illegal(s)” is racist, promotes hate, and is also factually inaccurate.² *Colorlines* and the Applied Research Center launched a campaign to encourage journalists, academics, and others to eliminate the i-word from their vocabulary. I encourage all people (academics, journalists, parents, clergy, teachers, humans) to drop the term and to instead use words that are more factually accurate and promote dignity. Many academics, for instance, choose “undocumented” or “unauthorized.”

Myth #2: My family came the right way so those people should just get in line

Unfortunately, for most would-be immigrants, there simply is no such “line” for immigration. Current immigration policy allows three main paths of entry to the U.S.: through direct family ties, skilled employment, and humanitarian considerations: in other words, through blood, sweat, or tears.³ While the first category is sensible and relies on a principle of family reunification, the second category is simply out of sync with the realities of the labor market.

First of all, employment visas are generally only available for skilled jobs—that is, software developers in Silicon Valley or company executives who can invest over \$1 million into their firms. Not surprisingly, most people do not meet the criteria for such jobs. In fact, only 10,000 visas per year are allocated to jobs considered ‘unskilled.’⁴ Yet, 94% of undocumented men between the ages of 18 and 64 had jobs as of 2004, and most were in low-skilled industries.⁵ Talk about a mismatch between policy and reality!

A population of over 11 million undocumented people (roughly one-third of the entire foreign-born population)⁶ does not emerge because of an impatience to “wait in line.” Rather, the source for such disproportion is *policy failure*. Congress needs to reexamine its admissions criteria so that it more accurately reflects the needs of the country (and its immigrants).

Myth #3: Undocumented immigrants are, by and large, Mexican men

Undocumented immigrants are an incredibly diverse group, yet they are not often presented as such. This myth is fueled by stereotypical media representations of undocumented immigrants as Mexican men working in “unskilled” jobs. This falsely uniform image is worth dissecting piece-by-piece.



RACE & NATIONALITY: The Pew Hispanic Center reports that undocumented immigrants hail from all over the world: Mexico (representing 58% of undocumented immigrants, or 6.5 million), other nations in Latin America (23%, or 2.6 million), Asia (11%, or 1.3 million), Europe and Canada (4%, or 500,000), and African and other nations (3%, or 400,000).⁷

SETTLEMENT TRENDS: While California, Texas, Florida, and New York have been traditional destinations for undocumented immigrants,

undocumented families now live and work in every state in the nation.⁸ In addition, while some undocumented immigrants have been in the country only a short time, many have lived here for decades. Professor Veronica Terriquez and I conducted a survey of undocumented students (aged 18–30) across California and found that the vast majority of respondents had been in the U.S. for over a decade: 85% came to the U.S. before the age of 12, with 54% arriving before the age of 6.⁹

GENDER AND FAMILIES: The Urban Institute reported that in 2004, females made up 42% of undocumented immigrants nationwide (and 47% in California and Los Angeles). In addition, “1-in-10 California residents lived in an unauthorized family—i.e., a family where either the head or spouse is an unauthorized immigrant—compared with 1-in-20 nationally.... In Los Angeles, 14% of all residents lived in unauthorized families.”¹⁰ This means that immigration is not only about the individual; entire families are impacted by undocumented status. In many cases, citizens, legal residents, and undocumented immigrants can all live in one household. Yet, U.S. citizen children (as minors), have virtually no legal rights to petition for their undocumented parents to stay in the country. As a result, the threat of deporta-

tion creates real fear and trauma in the lives of undocumented immigrant families.¹¹

SEXUALITY: Many undocumented immigrants do not identify as heterosexual or straight. However, U.S. immigration laws only acknowledge certain types of heteronormative relationships in determining immigration benefits: namely, immigration laws do not allow gay couples to petition for immigration benefits. Although recent case law has granted some rights to transgender couples, it has still upheld the Defense of Marriage Act (DOMA), maintaining that marriage is between one man and one woman.¹² However, queer undocumented immigrants (and those who love them) may have more equal access to marriage rights in 2013 when the Supreme Court hears a case challenging DOMA.

In the meantime, groups of queer and undocumented activists have been working hard to educate and organize the community about the double discrimination they face. For example, the UCLA Downtown Labor Center’s Dream Resource Center has launched a program to “address the intersectional experiences of LGBTQ immigrant youth [who] have distinctive experiences as a part of two politically controversial and socially stigmatized communities.”¹³ This issue took center stage in June

2011 when Pulitzer Prize–winning journalist Jose Antonio Vargas came out as undocumented and gay in the *New York Times* magazine and subsequently in *Time* magazine.¹⁴

Myth #4: Border Enforcement Works

Annual apprehensions by the U.S. Border Patrol, which was created in 1924, peaked in 2000, with nearly 1.7 million arrests.¹⁵ By 2011, Border Patrol arrest figures had dropped to just over 340,000. This drop is likely correlated with the economic downturn in the U.S., as well as sharp declines in circular migration patterns. In addition, Operations Gatekeeper and Hold-the-Line have pushed migration into more and more treacherous terrain.

Although arrest rates have decreased over the past decade, death rates along the border have actually increased, *by a factor of thirty*.¹⁶ Indeed, it is estimated that over 5,600 people have died along the border since 1998—and the remains of thousands more are simply never found.¹⁷ Common causes of death along the border are dehydration, hyperthermia, and hypothermia.¹⁸ During recent volunteer work along the U.S.-Mexico border, I encountered several migrants who had not had any food or clean water for up to 6 days.

Abuse of migrants by Border Patrol agents is also far too common along the border and in



Altar for unknown dead found along U.S.-Mexico border



detention centers. The Tucson-based humanitarian organization No More Deaths recently released a report documenting 30,000 incidences of abuse.¹⁹ Among other findings, the report documents the Border Patrol's systematic denial of water to detainees, in particular to children. Physical abuse by Border Patrol agents was also reported in 10% of cases.

Policy changes in the past twenty years have curtailed many due process rights for undocumented immigrants, especially those who are arrested at the border. These laws have

allowed for the expedited removal of non-citizens (essentially deportation without trial). They have also allowed for measures such as Operation Streamline, which brings federal criminal charges to nearly everyone caught crossing the border. I recently observed Operation Streamline proceedings in a Tucson federal courtroom. Under this policy, seventy people each day are charged and tried at once. The defendants are shackled from the ankles to the waist to the wrists and forced to answer in unison (via simultaneous translation) to an immigration judge at the head of the courtroom. Overcrowding is such that some defendants must sit in what would normally be the jury box. In many cases, defendants are ordered to serve time in jail. Perhaps not surprisingly, many immigration detention centers are run by for-profit corporations who stand to gain from each jailed individual.²⁰

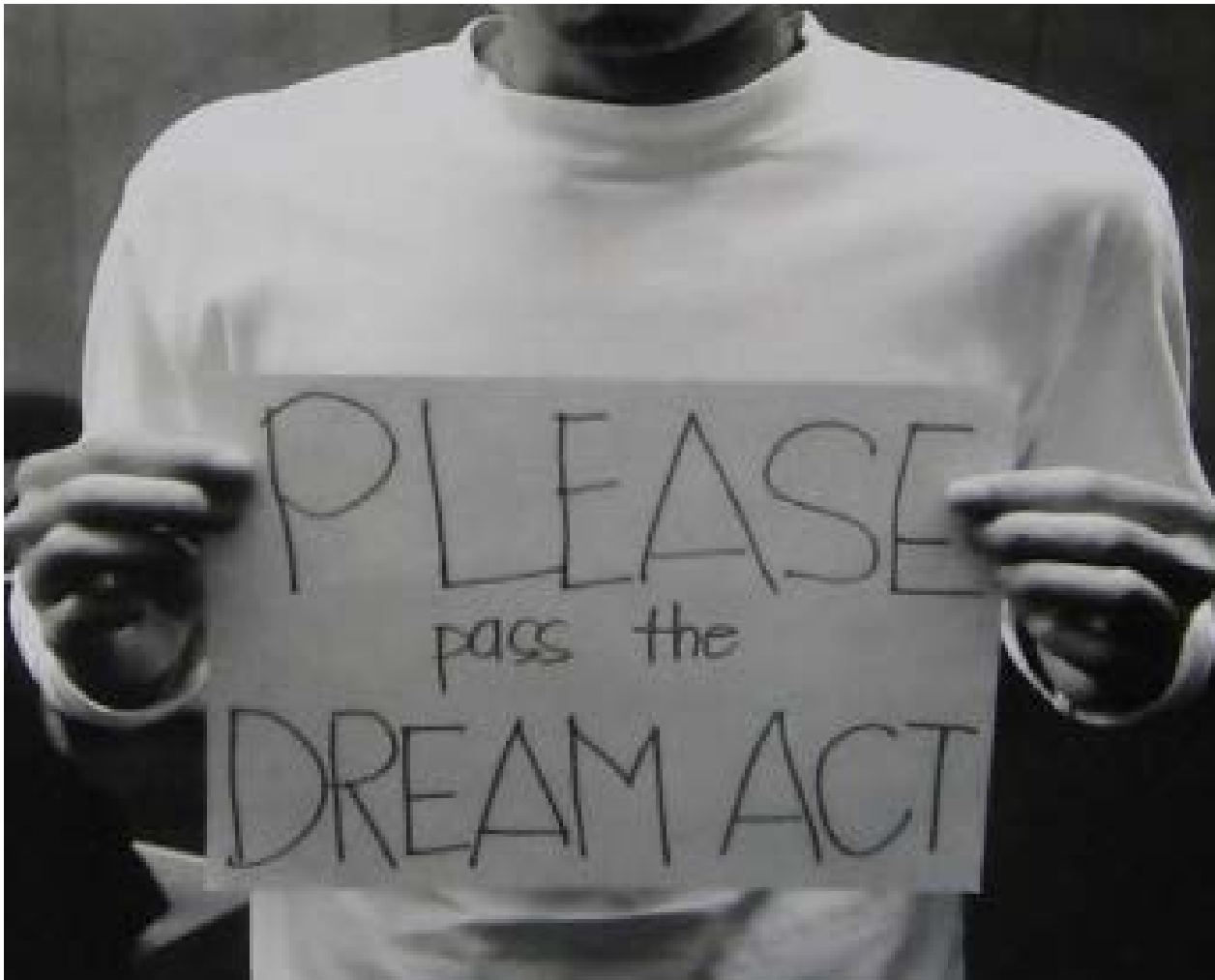
Myth #5: Undocumented immigrants don't have rights

As I have shown, while there is no doubt that living in a precarious legal status causes serious challenges, it is also important to point out that undocumented immigrants do have access to some rights, particularly in the realms of education and labor law. Undocumented immigrants are also leading struggles around the

country to increase access to rights, citizenship, and freedom from discrimination.

EDUCATIONAL RIGHTS: *Plyler v. Doe* was a 1982 Supreme Court case that ruled that K-12 school districts cannot limit access to education for undocumented children. In most states, undocumented immigrants are also able to attend colleges and universities, though state laws determine their level of access to tuition benefits and financial aid. On one hand, states like Georgia and South Carolina have passed policies banning universities from enrolling undocumented youth. On the other hand, 13 states have passed legislation allowing undocumented students to pay in-state tuition rates at public colleges and universities, though these laws do not provide access to financial aid. California's Assembly Bill 540 (A.B. 540), signed into law in 2001, is an example of such a policy. However, though in-state tuition lowers costs, most undocumented youth still cannot afford college.²¹ Two states (California and Illinois) passed legislation in 2011 allowing undocumented students access to certain types of financial aid.

LABOR RIGHTS: Undocumented immigrant workers are able to access most (though not all) labor law protections, including wage and



hour, health and safety, and equal protections laws. These protections are critical, given that undocumented workers tend only to have access to jobs that are wrought with labor law violations.* However, especially in unregu-

* Bernhardt, Annette, Ruth Milkman, Nik Theodore, Douglas Heckathorn, Mirabai Auer, James DeFilippis, Ana Luz González, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller. 2009. "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities." Center for Urban Economic Development, National Employment Law Project, UCLA Institute for Research on Labor and Employment.

lated or under-regulated industries, asserting these rights becomes very difficult. My master's thesis focused on the extent to which workers in low-wage industries were able to assert their rights. I found that although most workers reported making verbal complaints to employers and co-workers about workplace conditions, few had taken any formal action. Undocumented workers regularly reported "putting

up with" bad working conditions because they were afraid of the potential immigration consequences of reporting violations. Employers know and exploit this fear.

Myth #6: Obama's New Deferred Action for Childhood Arrivals (DACA) policy is the DREAM Act

In June 2012, President Obama announced that his administration would de-prioritize the deportation of certain undocumented youth and young adults who came to the U.S. as children, attended school here, have no criminal record, and meet other criteria.* These youth would be granted temporary permission to remain in the U.S., which allows them to apply for a work permit. However, DACA is *not* an amnesty or a permanent legalization program. In contrast, the DREAM Act and other more comprehensive legislation would not only provide access to education and employment but also a path to citizenship.

Myth #7: This issue is too big, there's nothing I can do about it

Archbishop Desmond Tutu once said: "We think of ourselves far too frequently as just individuals, separated from one another, whereas you are connected and what you do affects the

* For more on DACA eligibility, see: <http://nilc.org/FAQdeferredactionyouth.html>

whole World. When you do well, it spreads out; it is for the whole of humanity.” With the words of this extraordinary freedom fighter in mind, I encourage you to go out and work toward a vision of a more just and humane world. If you’re upset about the way that immigrants are portrayed and treated in this country, you can join forces with a growing movement for immigrant rights. There are many organizations in Southern California fighting for immigrant rights—Dream Team L.A., Orange County Dream Team, the California Dream Network, and the Immigrant Youth Coalition are just a few. Remember that it is also a myth that undocumented immigrants are powerless and need citizens to fight *for* them—they aren’t and they don’t. Rather, they need citizens to fight *with* them. Get involved! In the words of Arundhati Roy: “another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.”

NOTES

1. In June 2012, my friend and colleague, Professor Roberto Gonzales of the University of Chicago, wrote an excellent piece in the *Washington Post* entitled “Five myths about the Dream generation” to address the false stereotypes that exist about undocumented youth. I add to his list here.
2. <http://colorlines.com/droptheivord/resources/en/toolkit.html>
3. For more thoughtful scholarship on admissions category

ries, see Sarah Morando’s article “Gendered Recourse in Humanitarian Paths to Citizenship” in the June 2011 CSW Newsletter: http://www.csw.ucla.edu/publications/newsletters/2010-2011/article-pdfs/Jun11_Morando.pdf.

4. See U.S. Immigration and Nationality Act §203(b)(3)(A)(iii)(B) (8 U.S.C.A. §1153)
5. Fortuny, Karina, Randolph Capps, and Jeffrey S. Passel. 2007. “The Characteristics of Unauthorized Immigrants in California, Los Angeles County, and the United States.” The Urban Institute, Washington, D.C.
6. Passel, Jeffrey S. and D’Vera Cohn. 2011. “Unauthorized Immigration Population: National and State Trends, 2010.” Pew Hispanic Center.
7. Passel and Cohn 2011.
8. See Passel and Cohn 2011, Appendix Table A3
9. Terriquez, Veronica and Caitlin Patler. 2012. “Aspiring Americans: Undocumented Youth Leaders in California.” University of Southern California Center for the Study of Immigrant Integration. (<http://csii.usc.edu/documents/AspiringAmericansEnglish.pdf>).
10. Fortuny, Capps, Passel 2007, page 11.
11. See Dreby, Joanna. 2012. “How Today’s Immigration Enforcement Policies Impact Children, Families, and Communities: A View from the Ground.” Center for American Progress, Washington, D.C. and Menjivar, Cecilia and Leisy J. Abrego. 2012. “Legal Violence: Immigration Law and the Lives of Central American Immigrants.” *American Journal of Sociology* 117:1380-1421.
12. U.S. Citizenship and Immigration Services. 2012. “Adjudication of Immigration Benefits for Transgender Individuals; Addition of Adjudicator’s Field Manual (AFM) Subchapter 10.22 and Revisions to AFM Subchapter 21.3 (AFM Update AD12-02).”
13. See the Dream Resource Center’s CIRCLE project: <http://www.dreamresourcecenter.org/circle-project.html>
14. See Vargas, Jose Antonio. *New York Times Magazine*, 06/22/11. “My Life as an Undocumented Immigrant.” (http://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?pagewanted=all&_r=0) and Vargas, Jose Antonio. *Time*, 06/25/12. “Not Legal Not Leaving.” (<http://www.time.com/time/magazine/article/0,9171,2117243,00.html?pcd=pw-op>)
15. “United States Border Patrol Nationwide Illegal Alien Apprehensions Fiscal Years 1925 – 2011” (http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/25_10_app_stats.ctt/25_11_app_stats.pdf)
16. McCombs, Brady. *Arizona Daily Star*, 12/27/09. “No signs of letup in entrant deaths.” (http://azstarnet.com/news/local/border/article_faf5b437-b728-527b-9eb8-77977d0cdf84.html)
17. Jimenez, Maria. 2009. “Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border.” ACLU of San Diego & Imperial Counties and Mexico’s National Commission of Human Rights (<http://www.aclu.org/immigrants-rights/humanitarian-crisis-migrant-deaths-us-mexico-border>)
18. For a thoughtfully written account of the tragedy at the U.S.-Mexico border, I recommend *The Devil’s Highway* by Luis Alberto Urrea.
19. No More Deaths/No Más Muertes. 2011. “A Culture of Cruelty: Abuse and Impunity in Short-Term U.S. Border Patrol Custody.” (<http://nomoredeaths.org/cultureofcruelty.html>)
20. For more on the links between Operation Streamline and for-profit prisons, see: <http://www.justicestrategies.org/publications/2012/privately-operated-federal-prisons-immigrants-expensive-unsafe-unnecessary>
21. See Terriquez and Patler 2012 for some of the economic challenges undocumented students face.