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# Vulnerable Undocumented Mexican Immigrants in California from 1986 to 2012

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Vulnerable Undocumented Mexican Immigrants in California from 1986 to 2012

A senior thesis submitted to the faculty of Dominican University of California  
in partial fulfillment of the requirements of the Bachelor of Arts  
in Humanities and Cultural Studies

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## Abstract

Immigration from Mexico into the United States has contributed to the marginalization of undocumented immigrants in American society. This thesis will analyze the reasons undocumented immigrants believe undocumented immigration is the only solution for their economic hardships. Along with the examination of immigration legislation, beginning with the 1986 Amnesty to 2012 laws affecting the undocumented immigrant community, this thesis will examine why immigrants from Mexico decide to immigrate into the United States and join certain industries within California's labor force. Socioeconomic impacts of certain laws targeted toward the undocumented immigrants will also be studied. Finally, investigation on why many undocumented immigrants are unaware of their rights and of the impact this lack of knowledge has on the greater community will be the final point in this thesis.

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### **Introduction:**

For over 100 years immigrants from Mexico have immigrated to California; however the amount of undocumented<sup>1</sup> immigrants exponentially increased in the later decades of the 1900s and during the beginning of the 21<sup>st</sup> century. According to a December 2012 study, by the Pew Research Center, the number of undocumented immigrants in the U.S. during the previous year was 11.1 million, virtually unchanged since 2009 (Passel and Cohn). Moreover, according to the authorities cited in *The World of Mexican Migrants: The Rock and The Hard Place* by Judith Hellman, about half of all undocumented immigrants in the United States are Mexican nationals (2). A debate over the effects of illegal immigration in the contemporary United States has recently heated up in both Congress and in other nonpolitical communities, such as student organizations and pro and anti immigrant advocacy groups alike.

Though immigration seems to be a part of foreign policy for countries, its effects are largely real and many times affect social aspects of life for both the immigrants and those part of receiving communities within the country. The effects of immigration, specifically illegal immigration, are not theoretical; they have very real impacts, therefore a variety of citizens become involved. Even though the effects of illegal immigration on the receiving country are very much discussed, the original causes for illegal immigration from Mexico cannot be overlooked as they provide insight into why certain aspects of American society are more strongly affected than others, such as the labor force and education.

This thesis will supply information regarding the root causes for Mexican illegal immigration to California. It will provide proof of mistreatment by California's labor force,

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<sup>1</sup> The terms "undocumented" and "illegal" will be used interchangeably to refer to immigrants without legal status

which perpetuates the vulnerability of these immigrants in the workplace and in society. The laws, both immigration legislation and the law as a concept, and their effects on both the immigrants themselves and the larger community will be examined as well.

By following a structured map of certain important factors affected by illegal immigration this paper will take a deeper look at the vulnerabilities of undocumented Mexican workers in California. First, the root causes of illegal immigration to the United States will be explained. Second, the different industries which undocumented immigrants join will be examined, as well as the benefits the California economy reaps and the marginalization which is connected to these. Third, major immigration legislation from the 1986 Amnesty to 2012 laws which affect the undocumented community will be analyzed for the effects these have had on different social aspects, for example education or socioeconomic status of communities as a whole. Finally, investigation on lack of awareness by undocumented workers of their rights and of the existence of advocacy groups, which can provide legal counsel, will be the final point. All these points will be proven by evidence collected from a variety of texts about immigration, including books and articles.

As previously and briefly mentioned, immigration is part of foreign policy decided upon by political leaders, who look at immigration from a legislative perspective which determines its political implications. However immigration, especially in the United States is more than a box on a political agenda to be checked off, because its effects are far greater and real than a signed bill which limits whom and how many individuals can be part of American society legally. Both lives of immigrants and members of the receiving communities are affected by changes in social dynamics.

In order to better understand the controversy surrounding immigration in the

United States, the original causes for illegal immigration by Mexican nationals must be determined. Reasons for immigration within documented and undocumented immigrants may or may not coincide, however (for the purpose of this paper) only people of undocumented status will be examined. There are three common reasons Mexican immigrants decide to migrate to the United States. Many times the causes for immigration are also the reasons these people cannot migrate legally into the United States, such as immigration policies from the United States that target only a very selective segment of the potential immigrant population. For example in the United States, presidential candidate Mitt Romney in 2008,<sup>2</sup> pushed for a higher ceiling in visas approved for either students or individuals with expertise in science, mathematics, or technology ("Mitt Romney on Immigration"). Most immigrants wishing to immigrate to the United States do not fit these profiles. Much of the time, people who attempt to migrate to the United States are those who want to escape poverty, corruption, or violence, which more often than not means they are not students or experts in a STEM field<sup>3</sup>. The three primary causes for immigration to the United States are: tradition of immigration to the United States as a lifestyle within the community of origin; family unification; and economic opportunity.

### **Chapter 1: Root Causes for Undocumented Immigration.**

Within many communities in Mexico migration to the United States is a rite of passage, especially for men. Many times men of the community have migrated to the United States for so long that it has become part of the community's lifestyle. For example in Adriana Cruz-Manjarrez's article "Danzas Chuscas: Performing Migration in a Zapotec Community," she

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<sup>2</sup> Romney's policy began by suggesting the country give out more visas to "highly skilled" workers as well as cutting down on the number of visas granted to "unskilled" workers.

<sup>3</sup> STEM is an acronym for Science, Technology, Engineering, and Mathematics.

mentions the origin of Zapotec<sup>4</sup> emigration from Mexico to the United States to be the late 1960s when poor socioeconomic conditions prompted the immigration of poor Zapotecs into the California fields. These immigrants became a source of cheap labor for the agriculture sector. The decade after Zapotec immigrants still left their homeland for better economic opportunities, but instead began to settle in Los Angeles where many of them joined the service industry. Furthermore, in the 1980s a greater number of Zapotecs migrated to California and the community has not stopped sending immigrants since (18).

Besides migration to the United States being a tradition prompted by economic necessity in certain Mexican communities, there are traditions for immigrants to leave their homeland rooted in popular culture in other places. Hellman mentions that migration to the United States plays a large role in Mexican popular culture and can be found within a variety of music and folklore. The United States, with its proximity to Mexico, is the perfect place for immigrants to escape whatever struggles they face, whether personal in nature, such as romantic affairs, family issues, or collective issues such as community disputes. Not only is migration to the United States convenient as far as geography is concerned, but life as an undocumented immigrant is the ideal manner in which a person who fled hardships can live a low profile life far away from their home. The concept of immigration to the United States is part of Mexican culture, which is rooted in both financial hardships as well as tradition embedded in popular culture (6).

Another reason Mexican people decide to immigrate to the United States, even illegally, is that many times families are separated, due partly to tradition or to financial need. In many cases the men leave for the United States due to tradition or in search of economic opportunities which results in broken families and causes women and children to become undocumented

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<sup>4</sup> Zapotec means “people from the clouds”; they are one of the largest Indigenous groups in Mexico. They populate three main areas in the state of Oaxaca, Mexico.

immigrants. *Illegal Immigration*, by David Haugen and Susan Musser, mentions most Mexican and Central American immigrants come to the United States in search of economic opportunities, and for some the hope to unite with family members that are already in the country.

*Underground America: Narratives of Undocumented Lives* discusses stories in which wives of undocumented workers make the journey into the United States to reunite with their husbands. Adela, a Mexican undocumented immigrant, decided to cross the border less than two months after she gave birth to her daughter, Estrella. A pregnant Adela waited in Mexico for her husband's return but he could not give up his job in California, because there were no opportunities for him back in Mexico. After Estrella was born, Adela decided to migrate to California to unite her family. Unlike her husband, Adela's main reason for migration to the United States was not economic and Estrella did not even have a reason to begin with. Estrella was brought to the United States by her mother to keep the family together and indirectly by her father to have a better opportunity at a better life. Though she had no say in the decision yet, she too, was an undocumented immigrant (Orner and Urrea<sup>305</sup>). According to the American Immigration Council there are roughly 1.8 million dreamers<sup>5</sup> today, like Estrella, who must deal with the repercussions of being undocumented, though many of them did not make the decision to enter the country illegally ("Who and Where the DREAMers Are, Revised Estimates" ).

Even though immigration to the United States is a lifestyle for people within particular communities, sometimes the reasons for a community sending so many immigrants to the United States is due to economic reasons. Many small communities rely on remittances. For example in *Underground America: Narratives of Undocumented Lives*, the very first story is Alex's, a Mexican undocumented immigrant. Alex worked as a busboy and had no family in the United States; however his mother and father along with his younger brother lived in Mexico and

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<sup>5</sup> "Dreamers" are immigrants who were brought illegally into the United States as children.

depended on Alex financially. Alex's parents became older and were too poor to survive on their own means, due to corruption in Mexico. Alex also helped his younger brother since his parents could not. Alex sent most of his income back to Mexico in an effort to keep his parents and sibling out of poverty (Orner and Urrea 2). Due to the chaos and corruption within the Mexican government, there are many people who, like Alex, see no other option than to immigrate, illegally, into the United States in hopes to provide for their poverty ridden families.

Eduardo another immigrant who came to California shared his story with Peter Orner when he was seeking asylum before the Immigration Court in San Francisco. Eduardo's father was murdered during the 1980s, a time when indigenous people were systematically murdered. Eduardo, his mother, and sister were held captive in an officer's home for almost ten years. There, Eduardo and his family were abused and mistreated (Orner and Urrea 5). Eventually Eduardo escaped, but was pursued by his captor and his well connected contacts. Eduardo decided to migrate to the United States. Without much he crossed the Mexico-United States border and became an undocumented immigrant (Orner and Urrea 6). Unlike Alex, Eduardo was not primarily in the United States for financial opportunities, instead he was attempting to escape corruption and violence. These immigrants decided to migrate into the United States, even as undocumented (immigrants) because they believed it was the best they could do to lift themselves and their families out of the poverty, violence, and chaos in their homeland.

Although the argument that undocumented immigrants immigrate to the United States to find not simply better paying jobs, but jobs in general is faced with disagreements about how another country's (Mexico's) bad economy is not the responsibility of the United States, however the involvement the United States has in foreign affairs with Mexico is a main cause for illegal immigration. For instance, in the 1990s Mexican President Carlos Salinas de Gotari

negotiated NAFTA<sup>6</sup> with the United States and Canada. NAFTA sought agrarian reform in Mexico, which had previously given *ejidos*<sup>7</sup> to peasant farmers for fighting from 1910-1920 in the Mexican Revolution. The *ejidos* should not to be rented or sold, they were inherited through family. However, for peasant agriculture to work with the larger scale farmers in Canada and the United States NAFTA asked for Article 27 of the Mexican Constitution to be amended in 1991, which allowed peasants to sell their *ejidos* and also relieved the Mexican government from its responsibility to give landless peasants *ejidos*. Not only did the Mexican government no longer have to distribute land to landless peasants, it also agreed to withdraw most state support to peasant farmers, along with no longer providing low-interest or interest-free loans to peasant agriculture. With these changes in agrarian law many *ejidatarios*<sup>8</sup> were pushed further into poverty and had no choice other than to sell their *ejido* and migrate away from their once fruitful homeland (Hellman 4).

Though there are a multitude of reasons undocumented immigrants migrate to the United States, such as tradition; family unification; or to escape violence and corruption, the principal reason (this paper will mostly focus on) is better economic opportunities. Other leading causes of illegal immigration are not enough for people to actually take on the dangerous journey to migrate to the United States; however when social mobility for themselves and families is nonexistent in their homeland, the journey becomes more appealing. The need immigrants have for financial opportunities then drives them to join the California labor force under industries, as construction and service, taking jobs such as cooks, waiters, and janitors in the latter.

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<sup>6</sup> North American Free Trade Agreement.

<sup>7</sup> “Ejido” refers to land parcels given to peasants by the Mexican government for their service in the Mexican Revolution.

<sup>8</sup> “Ejidatario” is a small peasant farmer who held an ejido from the Mexican government.

## **Chapter 2: Undocumented Workers in California's Labor Force & Its Benefits.**

The financial necessity undocumented immigrants experience causes them not to care about what kind of jobs they get, all they are concerned with is being to provide for their families. Undocumented immigrants tend to join service industries. About twelve percent work in food preparation or restaurants, fifteen percent work in the cleaning workforce, and forty-seven percent join the meatpacking industry (Haugen and Musser 36). Horticulture and construction are other industries that are popular within the undocumented population.

Undocumented immigrants join these industries because, aside from servers in restaurants, these jobs are secluded from society. People working as cooks, janitors, construction workers, agricultural laborers, or factory workers do not interact with people. These are behind the scene kinds of jobs, which perfectly fit the lifestyle these undocumented immigrants are trying to protect.

Aside from these industries fitting undocumented immigrants' lifestyles, the jobs provided are back-breaking and wages are not what American citizens would expect to receive for the harshness of the work. Undocumented workers take these intensive jobs for little pay because the wages they get paid in the United States are much better than anything they could get in Mexico. Some Mexican undocumented workers are paid up to nine times as much as they could in Mexico, if they could even find a job at all. The economic distress these people face is so great that they take whatever job and pay they get, in the United States (Ong Hing 3).

Undocumented workers take these jobs due to a variety of reasons, some being are that they do not have much choice or bargaining power, since they are working illegally.

Undocumented immigrants, though thought to be a burden to the American economy, are actually beneficial to many industries' bottom lines. Undocumented workers are beneficial to

businesses and to consumers, when it comes to unskilled labor, because they usually work for about half of what documented workers work for. For example, Barry Chiswick from University of Illinois conducted a study in 2003, which found that home builders save about \$5,000 for every home due to the cheap labor undocumented workers provide in the construction industry. In 2002 1.6 million houses were built across the United States, which equaled profit of about \$8 billion for home builders or saving by consumers (Haugen and Musser 36). The savings by both consumers and businesses is undeniably brought by the cheap labor undocumented immigrants provide.

Many times, people only focus on the costs undocumented immigrants accumulate through welfare programs for taxpayers. However the fact that undocumented immigrants actually add funds to welfare programs goes unnoticed. In Haugen and Musser's book, John Price, the president of business intelligence firm InfoAmericas, claims that undocumented workers contribute to tax revenue from businesses, since undocumented workers' low wages adds to businesses' profits, which then increases tax revenue for welfare programs. Price also points out that, though these workers contribute to welfare programs, they cannot use services such as Medicaid or Social Security benefits (Haugen and Musser 31, 32). Due to their undocumented status, these people cannot apply to federal welfare programs, since those services are only for the documented population. Though low wages are beneficial to the population as a whole, because they allow more money to be available for welfare programs and provide lower prices for consumers, corporations are the greatest beneficiaries, since the low wages affect the rest of workers, not only undocumented ones. Businesses know undocumented immigrants work for lower wages, which means bigger bottom lines, so hiring undocumented workers is a smarter decision for businesses. However because businesses can pay undocumented workers less for

the work they need, wages are then lowered in general and wages depreciate for both documented and undocumented workers alike (Haugen and Musser 33).

The argument that undocumented workers take jobs from American citizens is often linked to these immigrants taking lower wages than citizens would. Though some documented people would take jobs which are usually performed by undocumented workers, usually they want higher wages or more benefits. For example, Swift & Company, which owns meat packing plants across the United States, recently saw a crackdown due to employment of undocumented immigrants (Haugen and Musser 25). Due to this incident they saw documented people willing to take the jobs of undocumented immigrants, except they demanded higher wages. Higher wages would be a solution to the flow of undocumented immigrants into American businesses and to the depreciation of wages they cause. However a business' overall goal is to make a profit and by underpaying undocumented workers profits increase.

Undocumented workers are more prevalently found in certain industries, because of the labor they perform. Most undocumented immigrants are not well educated people, meaning they do not possess the skills that white collar or professional jobs require. Undocumented immigrants have to look for jobs that use unskilled labor, which is usually in some sort of service sector. Along with the low wages many businesses within the construction, restaurant, cleaning, and agricultural industries provide in order to accrue less costs, these are also fields that use unskilled manual laborers, which are perfect for undocumented immigrants who are usually less educated (Ong Hing 13, 14). Unskilled labor is exactly what undocumented workers are capable of doing, especially when they have recently arrived since they do not even speak the language, but at the same time this causes them to be easily replaceable. Being replaceable, not simply by documented people but by other undocumented workers really benefits businesses since they can

have high turnover rates without really affecting their profits in the end. A business that relies on cheap unskilled labor, which is abundantly found among the undocumented immigrant population, gives businesses freedom to underpay and easily fill positions that are vacant.

Another main reason businesses are able to reap benefits from undocumented immigrants is that they abuse these workers because undocumented immigrants do not know rights they have and also feel there is nothing they can do about the abuses because of their immigration status. Roberto, an undocumented immigrant, who worked picking fruit in the fields of Bakersfield, California and other places nearby, recalls the system his bosses used to pay the workers. Workers would get buckets where they would put the fruit they picked; each full bucket equaled a coin, which was a certain amount of points. Once a good amount of coins were accumulated, workers would trade in their coins to get paid. Since each of the coins was valued at a specific number of points, those in charge would tell the workers the number of points per coin. In the end the workers were cheated and were paid whatever those in charge decided. The undocumented workers would not say anything or try to fight the injustice because if someone did, those in charge threaten to not let them work again, since the workers need the work and businesses can easily replace workers with other immigrants looking for work (Orner and Urrea 60).

### **Chapter 3: Mistreatment & Effects of Undocumented Immigrants within the Larger Community.**

Usually people focus on the labor force when discussing abuses to undocumented immigrants, but undocumented immigrants face maltreatment in a variety of ways. It is imperative that the abuses these immigrants undergo are noticed because the problems these issues cause are not exclusive to the immigrants but affect entire communities. Sometimes,

undocumented immigrants are not actively targeted in order to be victimized, however the way in which they are portrayed in the media or simply the popular view people have of these people condones unfair treatment of them, yet allowing for mistreatment to go on only negatively affects the community as a whole. Undocumented immigrants experience maltreatment within the education system, by law enforcement, through the law, and in other social situations.

A diverse number of stories from undocumented immigrants found in *Deporting Our Souls: Values, Morality, and Immigration Policy* by Bill Ong Hing, with interviews conducted by Hellman, show that the reason immigrants come to the United States is that they are in search for a better life, either for themselves or their families. The American dream is an ideal which many people pursue; nevertheless many undocumented immigrants have their own version of the American dream. Time and time again, when asked, undocumented immigrants initially want to cross the border, make some money, and go back to their homeland. Unlike the idea of owning a huge house with a white picket fence, these people simply want to make some money to raise themselves out of poverty. For example, Diego, a 19 year old undocumented worker, whose dream was to migrate into the United States, work for a few years, and go back home, where he could then study and make his life. He worked as a dishwasher, a field worker, and even in construction. So far he had yet to go back to his homeland and that dream he thought he was pursuing did not seem like a dream anymore (Ong Hing 14). The desire for a better life, which means better job opportunities and saving some money, is a basic desire of all humans. So much so, that people feel compelled to undergo extremely dangerous travels in order to get to the one place they believe they have an opportunity in, the United States.

Besides the blatant ways undocumented immigrants experience marginalization, there are other things that affect their lives in a negative manner, which then negatively impact the

community as a whole. For example, according to a U.S. Census Bureau survey conducted in March 2005, the poverty rate for immigrants in general, and their U.S. born children, is fifty seven percent higher than for the native population (Haugen and Musser 29). Poverty rates for immigrants (in general) are a lot higher and that is not focusing on undocumented immigration alone. Undocumented immigrants do not even have the same opportunities as legal immigrants, meaning there is a probability the poverty rates for undocumented immigrants are even higher. It is essential to keep this in mind because poverty levels correlate with education levels. People living under certain poverty levels are more likely to use welfare programs, which means people with higher poverty levels and lower education levels use up more welfare programs which cost tax payers even more money. As both a nation and as a state, these entities must be aware of the economic and educational gap between natives and immigrants, in order to keep the education levels closer together, leading to a decrease in poverty, hence less need for welfare programs for everyone in general. The socioeconomic level of a community is important to keep in mind as far as financial matters are concerned because an economically stable neighborhood attracts more residents to those communities, as well as investors, which then stimulate the economy.

Undocumented immigrants are fearful of law enforcement since they are considered criminals themselves for breaking immigration laws of the United States. Although law enforcement such as police officers are not involved with immigration authorities, sometimes officers have an interest in someone's immigration status when these seek protection, which only discourages undocumented immigrants from seeking protection when they either witness or experience an act of violence or a crime (Ong Hing 19). The dichotomy undocumented immigrants find themselves within is very important because even though they are 'criminals'

according to immigration laws, they are not directly causing harm to others, while other violent crimes do and are going unreported because immigrants are fearful of the repercussions.

Since undocumented immigrants live in the shadows due to the fear they have of being caught and being deported, it is much wiser to keep out of trouble with law enforcement. A low profile life means being extra cautious of not calling attention to oneself, whether not committing a crime or being caught in the middle of one. For example, one of Hellman's stories focuses on Luis, a Mexican undocumented immigrant and grill-man at a deli. Luis discusses his need to keep a low profile and attempts to keep out of law enforcement's sight. During a regular workday, two workers began to fight in the kitchen, but none of the other workers got involved. The event was scary to Luis, not because he was scared of the men fighting or the violence that would come, but because he knew the deli was his work place and as an undocumented worker he needed to keep quiet and simply do his job. A fight in their work place was more than simply a disagreement between the two men, even more since Luis was not involved in the fight. Luis, like many of his coworkers, had been through a lot just to work at that deli and a fight could mean that either police officers or immigration agents could be called and that would be it for Luis. A petty work argument, especially one that could turn into a physical fight was not worth Luis losing his job, much less getting involved with the cops or immigration (Hellman xiv). The notion that undocumented immigrants are more likely to commit crimes, or be involved in acts of violence comes from the impression that being an undocumented immigrant makes someone a criminal, not just for breaking immigration law but in general.

The fear of the law undocumented immigrants have, has for better (to communities as a whole) and for worse (to the immigrants themselves), added to the decrease in crime rates. In 2007 a study by the Immigration Policy Center found that in cities with large populations of

undocumented immigrants, like San Diego, California crime rates have significantly declined, even though undocumented immigration rates are much higher than they have ever been. The study also concluded that incarceration rates among young immigrant men are lower than for native born men, even for those immigrants with the least amount of education (Musser and Haugen 49). Though crimes are certainly committed by some undocumented immigrants, the likelihood of an undocumented immigrant being involved in a crime, other than crossing the border illegally, is much lower than his or her citizen and legal immigrant counterparts, simply because undocumented immigrants are much more fearful of the law than native born people or legal immigrants.

Anxiety is part of daily life for undocumented immigrants, whether an argument will turn into a fight, if someone will find out that they are in the United States illegally, if someone will expose their use of a fake social security number, or simply if they commit a small traffic violation, which for someone else may simply mean a ticket or court visit. For undocumented immigrants everything they do needs to be done cautiously because it does not matter how small and petty a violation they may have committed, a police officer might find out their unlawful immigration status and incarceration may be the least of their problems. Jail will mean deportation; if their family is in the United States then their families will be one of the many that will deal with being separated and if their family is back home, (in Mexico) separation from their loved ones will not be a problem, but income becomes nonexistent and all the struggles to cross the border, land a job, and the everyday obstacles they face will have been futile. Involvement with the law is simply not worth stealing something or getting even with someone over a disagreement. Undocumented immigrants have so much more to lose than their freedom. Their freedom is being able to stay within the shadows of American society so they can keep their

American dream alive. Dealing with the law, whether that means committing a crime or reporting one, may lead to light being shone over them and being found out. Being found out would mean being deported back to Mexico, or to wherever they came from, they do not care for being able to live freely without anxiety in their own countries because there is no American dream there. Undocumented Immigrants much rather live within the shadows of American society, as long as they can pursue a better life for themselves and their families.

#### **Chapter 4: Major Legislation Affecting Undocumented Mexican Immigrants (1986-2012).**

Though undocumented immigrants deal with the fear they have of the law on a day to day basis, there has been legislations that have helped lessen their struggles throughout much of the late 1900s and early 2000s. There have been a number of major immigration legislations that have had both positive and negative impacts on the lives of undocumented Mexican immigrants residing in California. This chapter will focus on legislation impacting Mexican undocumented immigrants created in California, between 1986 and 2013.

In 1986 Congress passed the Immigration and Control Act (IRCA) which intended to control and discourage illegal immigration. IRCA penalized businesses that hired or recruited undocumented immigrants, however it also allowed for undocumented immigrants already in the country to legalize their status. Immigrants had to meet certain requirements in order to become legal residents. They had to prove that they had entered the United States before January 1, 1982 and had continuously lived in the country up until the date they filed their application ("History of Legal and Illegal Immigration to the United States"). Though IRCA provided a number of immigrants with a path to legalization, which meant that they would be to work legally in the country, it also created sanctions for employers of undocumented immigrants and negatively

affected those who did not meet the requirements. The negative impact of IRCA was not only felt by those undocumented workers who were not able to legalize their status, but were also felt by businesses, since they could no longer hire submissive undocumented workers without being fined.

Another important law for undocumented immigrants was California's Proposition 187. In 1994, Californian voters passed Proposition 187, which required social service workers, teachers, as well as law enforcement to report undocumented immigrants to authorities and at the same time deny them education, health care, and any other social services. Even though voters passed the initiative to withhold welfare benefits from the undocumented population in California, its opponents took the proposition to a U.S. District Court, in which it was deemed unconstitutional. The ruling judge, Mariana Pfaelzer, rejected proposition 187 on the grounds that California was attempting to regulate immigration when that power clearly belonged to the federal government ("History of Legal and Illegal Immigration to the United States"). Even though the proposition attempted to deter undocumented immigrants from residing in California, which should have had a negative impact on the undocumented population, the rejection of the actual law was what ended up affecting the undocumented immigrants in a positive way, since they were able to keep receiving some social services which are basic social needs.

Even though IRCA and Proposition 187 had positive effects for undocumented Mexican immigrants in California, there have also been legislation which have had a negative impact on these people. For example, the Minutemen Project of 2004 in Arizona, which placed people from across the country along the Arizona-Mexico border in order to track undocumented immigrants, has affected the view Americans across the United States have of undocumented immigrants ("History of Legal and Illegal Immigration to the United States"). The fact that the

Minutemen Project was happening in Arizona and not California, does not mean it affects only those undocumented immigrants living in Arizona. The bad light undocumented workers are put under by these volunteers affects all undocumented immigrants. More specifically because the border Minutemen patrol is between the United States and Mexico, much of the demonization falls on Mexican immigrants. Along with the Minutemen Project was the Secure Fence Act of 2006. The Secure Fence Act approved for the double fencing of about 700 miles of the southern border, along with the use of technology surveillance ("History of Legal and Illegal Immigration to the United States"). Again, though the law was a federal bill that directly affected states like Arizona, the impacts it had on the image of undocumented immigrants encompassing of all undocumented immigrants regardless of which state they lived in.

Finally, one of the most recent and large immigration legislations for the United States is President Obama's Deferred Action for Childhood Arrivals (DACA). Obama signed the bill into law on June 15, 2012 under executive action. DACA allows for certain undocumented immigrants to be in the country without worry of being deported. The law allows undocumented young immigrants to work legally in the country and no longer allows for the Department of Homeland Security to launch a deportation process for these immigrants. Undocumented immigrants who are protected by DACA must have come into the United States before they were sixteen, have continuously lived in the United States for at least five years, and be in school, have a high school diploma, or be a military veteran in good standing ("History of Legal and Illegal Immigration to the United States"). For many pro-immigrant groups, DACA was a triumph for the undocumented population, since the Development, Relief, and Education for Alien Minors (DREAM Act) bill failed in 2010. The DREAM Act, a bipartisan legislation, attempted to create a process for young bright undocumented individuals to legalize their status,

but died in the senate at the end of 2010 (Miranda). Other groups are upset with President Obama's inaction regarding immigration reform nonetheless DACA has been a major legislation in recent years. Even though immigration legislation passed in the United States has had both positive and negative effects on the undocumented community, the issue is that legislation has been wavering in how it reflects the view the United States has of undocumented immigrants. By having legislations that help undocumented immigrants and some that hope to deter any more illegal immigration by pushing these immigrants out, the country is not giving a uniform opinion regarding undocumented immigrants. Not having cohesive legislation is confusing to undocumented immigrants, whom by the way are too many to simply hope to deport, not only because there are so many of them but because much of the United States' economy depends on their labor. Legislation to anyone is confusing on its own, even to educated people, which gives perspective on how undocumented immigrants must feel about watching politicians debate over policies that can change their lives with the stroke of a pen, if they are even aware of what is going on in Congress.

### **Chapter 5: Undocumented Immigrants & Their Rights.**

When considering illegal immigration, laws in general, not simply immigration laws, are something to keep in mind for both immigrants themselves and for members of the community in which these immigrants reside. Once immigrants settle into a community they no longer have to worry only about the fact that they broke immigration laws, but they must be aware of the law in general. Simply by crossing the border without proper documentation, they have already become targeted members of society, and can no longer really become an active citizen to help keep the community safe as a whole.

In comparison to the average American citizen, undocumented immigrants do not see the law as a positive thing and in fact live in fear of it (Orner and Urrea 9). This may not necessarily seem as a negative thing to people who are not undocumented themselves, because they can keep living without being affected by how undocumented immigrants perceive the law. However, the lack of trust undocumented immigrants have in the law allows for violence and crimes to increase and go unreported, plaguing the community with dangers that could be avoided if undocumented immigrants had better knowledge of their rights as well better understanding of the law. The distorted impression of the law undocumented immigrants have, allows for the United States to be a cruel nation which seems to be blind to its own morally wrong doings.

In the case of the United States and particularly California, due to its large population of undocumented immigrants, the distrust in the law by these people affects them in a variety of ways, simply because there are so many of them and for whatever reasons, whether economic or moral, they have yet to be legalized or deported. Due to the large number of undocumented immigrants some of them live 'under the radar' or attempt to, by working long hours in factories or fields and sleeping during the night, others are more free in their lifestyles and attend colleges,<sup>9</sup> while attempting to live a more normal life, and there are even some of these immigrants that own businesses of their own (Orner and Urrea 10). The lives undocumented immigrants lead could not be more different.

Though they are all united by their immigration status and the fear they live in, their lives vary even within the same family unit. There are many families in the United States, which have both undocumented immigrants and citizens within them. Many times parents are undocumented immigrants and children are American citizens. Other times, however, parents

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<sup>9</sup> Dreamers: usually college students who were brought into the United States as children illegally.

were not the only ones that crossed the border illegally, and they brought their Mexican born children along with them. For example, Lorena, a twenty-two year old, now living in California, was born in Puebla, Mexico and came to the United States when she was six, along with her two younger brothers, mother, and stepfather. Lorena's mother had her when she was really young, sixteen years old, and had Lorena's two younger brothers by the time she was nineteen. Lorena's father was an alcoholic and abusive man, who did not care for his children. Like Eduardo, the undocumented immigrant seeking asylum in San Francisco (see Chapter 1), Lorena's mother decided to head north in order to find a job and provide for her children. Lorena's mother met her new husband in California, and they both decided to go back to Mexico to get Lorena and her siblings and bring them to America. Lorena's mother and stepfather worked in the fields, while Lorena started school right away. Though Lorena did not understand any English at all, one of her elementary school teachers really supported her and eventually, Lorena began to fit in a bit more. Her mother however, kept working harsh manual labor jobs, because she lacked a social security number. After the field work Lorena's parents had done, her stepfather went into construction and her mother moved to a clothing factory. Eventually Lorena's mother was let go because of her undocumented status, and began work as a seamstress. The hours were long, sometimes she worked for 16 hours a day and the pay was hardly worth it, at ten cents per pair of pants. Lorena's mother eventually began to work at a bakery.

Unlike her mother, Lorena was not constantly changing low paying jobs, dealing with long hours, and low wages. Of course Lorena was younger and had no children; Lorena dedicated herself to school until she turned sixteen. In high school, Lorena began work at the same bakery her mom worked at, and a few months later got offered a second job at a local

market. Eventually, Lorena started college at Fresno State, while she was still working at the market, but the difference between her and her mother was that Lorena was using a social security number that was not fake, however it was not hers. Lorena used her cousin's Sabrina's social security number to work; since her cousin was in Mexico and did not need her social security number to work in the United States. Lorena had to work during her college career in order to afford college because her undocumented status did not allow her to receive any financial aid, the way citizens do. At some point through her college years Lorena had to find a different job, so she applied for a position at a Real Estate office. Lorena got the job, using Sabrina's social security, and learned many things for her professional development. Unlike her mother and stepfather she was not doing any back-breaking labor, she seemed like just another American college student. After a while Sabrina came back from Mexico and needed her social security number back (Orner and Urrea 193-197). Lorena was crushed and had to come in clean with her bosses. Lorena's problems were so different from those of her parents she needed financial aid for school and a social security number to keep her professionally oriented job while her mother did not care so much about keeping a certain kind of job, as long as she was able to find a job that allowed her to provide for her family. The struggles these two women had to deal with were unlike each other even though they lived in the same house and were family. However the problem was the same, which was the lack of proper documentation. The fear of the law is not just about fearing law enforcement officers, though usually that is what most people think of at first. The fear the law has within these people does not come from an embodiment of it. The fear is embedded in the laws that have the power to take everything they worked so hard for away, and for some of these undocumented immigrants, like Lorena, everything they have ever known. The one thing all these people have in common is that they all

live in constant fear about what the future might hold for them because their entire lives, as they know them, could change in a heartbeat simply because unlike every other American they cannot rely on the law to protect them.

The problem is not just that they cannot call upon the law to protect themselves from petty crimes like getting something stolen, which people might say they have no right to because of their immigration status, which deems them criminals themselves, but they cannot call upon their human rights. Undocumented immigrants do not lose their human rights just because they have broken immigration laws, and yet they are victims of individuals who are more knowledgeable, do not live in constant fear of the law, and so exploit them. Undocumented immigrants have human rights, but many of them are unaware of the fact because a large portion of the undocumented population comes from lower rungs of the socioeconomic ladder. These people do not usually know that they have been stripped of their basic human rights. Many times they also hold onto other rights such as freedom of speech and other constitutional rights (Orner and Urrea 10). It is a bit ridiculous to think that most undocumented immigrants would be well informed about their rights when much of the media has demonized these individuals, they hold a very small amount of education in general, and some might not even speak English. They are deemed criminals and then expected to know their rights, yet many well educated American citizens have a vague idea of what many laws even mean. Hand in hand with the above is that even if some immigrants know of their rights in theory that is usually where they stay. Having human rights and actually calling upon them for protection is very different and can be difficult for people who do not even speak the language (Urrea and Orner 10). Upholding undocumented immigrants' rights should be of utmost importance to the United States because it is a matter of principle.

The United States was founded on giving rights to the people. Today as a nation it even looks after the rights of people all around the globe. The United States monitors crimes committed against humanity. It is hypocritical of the United States to take such pride in protecting rights both nationally and internationally, when there are people living within its borders that are being abused in a variety of ways, such as having dangerous working conditions, unfair labor situations, and divided families (Orner and Urrea11). Though the harsh conditions undocumented immigration must face seem to be caused by labor laws, the struggles and injustices these people go through are actually more often than not caused by employers who break labor laws that benefit workers, since they are already breaking the law by employing undocumented immigrants. Roberto, an undocumented immigrant from Mexico, worked in a variety of jobs since he migrated to California at the age of fourteen. For awhile Roberto moved to San Jose, California and worked at a tortilla factory. At the factory, Roberto was not even asked for a social security number, he simply needed to show up and work. He was told when to show up on a day to day basis and he had twelve hour workdays. The work was easy for Roberto, since all he did was feed the machine dough to make the tortillas which was nothing compared to the back-breaking labor he had once done in the fields, while picking strawberries or cutting cilantro. The tortilla factory only paid a \$4.50 wage per hour, which was too low a pay, but then again the employer was not asking for proper documentation (Orner and Urrea 62, 63). Taking away rights from undocumented immigrants may not be about actively suppressing these people, but many times the reality is that these people are abused in ways that may seem unimportant to some people, but would cause outrage if citizens were in these immigrants' shoes.

Undocumented immigrants' fear of the law affects more than just that part of the community and the image of the United States globally, the fear of the law affects communities

and life within these, for everyone involved not just the immigrants. Sometimes when immigrants have the right to call the police for help they refuse to do so because in some instances the police are more concerned about the immigration status of a person than in what protection the person is seeking. Immigrants are scared of losing their jobs or even of being deported for contacting law enforcement, who might not care about what they have to say if they are undocumented (Orner and Urrea 11). This reluctance might not have such an encompassing effect on the community if undocumented immigrant simply wanted to report a wrong doing by an employer or business, nevertheless these are not the only reasons immigrants might want to call upon the law. If crimes are being committed and an undocumented immigrant wants to actively help his/her community they may be hesitant to report whatever crimes they have witnessed because they are too fearful the spotlight might be shone on their immigration status rather than the crime they were trying to report. In this case, crime and violence goes unnoticed by law enforcement and communities are less safe than they could potentially be, if police officers were not feared by a section of the community. When immigrants are victimized they have nowhere to turn to and the crime whether against an American citizen or an undocumented immigrant affects the community as a whole because people no longer feel safe in their own neighborhoods, which causes communities to spiral into crime and violence (Ong Hing 19). The entire community suffers when undocumented immigrants are afraid of the law or of its representatives (Hellman xxiii).

Due to the distrust undocumented immigrants have of the law, the rights and laws applicable to undocumented immigrants should be made better known within this section of the community, so everyone can benefit from a better educated undocumented population. Though some think there is no reason to give more information to undocumented immigrants on their

rights and the laws that exist in general, because they are in the country illegally, there is no doubt that increasing knowledge of these types of things allows for safer communities for everyone regardless of immigration status. This initiative of educating undocumented immigrants on the law should be even more prominent in states like California, since its population of undocumented immigrants is so large. The more undocumented people there are living in a community the less likely it is for that community's police force to control violent acts and crimes, due to the fear and lack of knowledge of the law these people have. In order to have safer communities a holistic approach is essential when it comes to the education of the law for members of said communities.

### **Conclusion:**

Though undocumented immigration has been an issue for policy makers for quite a while, the real effects are experienced by both the immigrants themselves and the members of the receiving communities. One of those communities, in the larger sense, is California due to its high volume of undocumented immigrants. Besides sharing a border with Mexico, California is one of the more liberal states in the United States, which many times means undocumented workers are not demonized or persecuted as much as they are in other states.

For many undocumented immigrants the dangers of crossing the border illegally are worth all the risks because they have no better choices in Mexico. Some of these undocumented immigrants are either running away from violence or corruption, however like the great majority, they cannot get themselves out of poverty. There are a myriad of reasons why these immigrants decide to leave their country and overcome the struggles that becoming an undocumented immigrant brings about. All these reasons are a crucial part of the story for every undocumented

immigrant, because they hold incredible value and strength for the individual themselves. These reasons are essential to understand why undocumented immigration happens.

The reasons undocumented immigrants have for making the journey to the United States are very telling of why these workers join the industries they do. Most undocumented workers are not leaving their country for pleasure but due to necessity, many times over economic struggles while being uneducated, since education and income are highly correlated. Since these immigrants are uneducated and unskilled they tend to flock towards the same industries, those that use menial labor and in which education or even sometimes language is not absolutely necessary. These industries tend to be construction, restaurants, janitorial, and agriculture, however there has been a shift from most undocumented immigrants joining the agriculture industry to service jobs. The businesses involved reap economic benefits from hiring undocumented workers because wages do not have to be as high for unskilled labor or undocumented workers, who have no bargain power. Benefit may also be shoved to the side when dealing with undocumented immigrants, and turn over is not a problem in industries where workers are easily replaceable and unskilled.

The marginalization undocumented immigrants endure is not specific to the labor force, but can be seen throughout different domains of society within their daily lives. The struggles these people must overcome are embedded in dealing with law enforcement, within the education system, and other social situations like simple human rights. Another essential piece to understand illegal immigration is immigration legislation and the effects these laws have on undocumented immigrants and society all together.

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