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Post-9/11 Illegal Immigrant Detention and Deportation: Terrorism and the Criminalization of Immigration

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Abstract

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Thematic Track: Human Rights

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Introduction

Human rights are the inalienable fundamental rights protected by law that every

human being is secured with upon being born into this world. The United Nations'

Universal Declaration of Human Rights consists of a Preamble and 30 Articles claiming

that every human being is entitled to life, liberty, the security of person, and equal

treatment before the law (among other entitlements) regardless of their race, sex,

language, religion, political opinion, nationality, or social origin.[1] Human rights are

completely universal in that they are relevant anywhere at any given time and for anyone.

They encompass fair trial, free speech, education, protection against enslavement, and

most everything conceivable in between. Although they are universal, conflict is known

to arise both internally and externally between countries as they employ these rights

differently. Cultural traditions have direct effects on how the declaration enforced by the

United Nations is adopted on a country-to-country basis. These differing adaptations

provoke extreme tension between the United States specifically and other countries for a

number of reasons. Firstly, according to the Declaration of Human Rights and United

States Federal Law, human rights abuses committed both by foreign corporations and

individuals abroad are to be held accountable in U.S. courts. The Alien Tort Statute, a

law enacted in 1789 by the first U.S. Congress, authorizes U.S. courts to hear damage

suits for violations of international law or violations of any treaty signed by the United

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[1] United Nations Universal Declaration of Human Rights,
http://www.un.org/en/documents/udhr/index.shtml

States, which encompasses the Universal Declaration of Human Rights.[2] Recently, this practice was called into question by the Supreme Court in a decision made in 2013 regarding human rights victims using the statute to hold their abusers responsible for violations of international law. The 2013 majority opinion decision made by the U.S. Supreme Court held that the Alien Tort Statute was not intended to encompass human rights violations that not connected with "sufficient force" to the United States.[3] While the definition of "sufficient force" is still unclear, the global perception of U.S. involvement in international affairs is quite clear: countries across the world, whether in agreement with U.S. policy or not, expect the country's commitment to all human rights based abuses and conflict abroad. This status in conjunction with a stable political system and the reputable American standard of living make the U.S. a land of opportunity for those feeling oppressed or unhappy in their native lands, which leads to the increased movement of people from those countries to ones such as the United States. This is something that has been occurring for decades—immigration is not a new development. Each decade marks the influx of immigrants from a different area of the world: the 1910s prompted a high point for Italian immigration, the 1920s and 1930s welcomed a large number of Middle Eastern immigrants, and the early 2000s saw an increase in immigration from Mexico and Central America.[4] As countries experience difficult times, immigration to countries like the United States increases. This fact began to raise issues as questions of potential economic burdening and "free-riding" were addressed. The

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[2] The Center for Justice & Accountability, http://www.cja.org/article.php?id=435

[3] "Supreme Court Curbs Lawsuits Over Foreign Abuses," Narrated by Nina Totenberg, *NPR,* April 17, 2013. http://www.npr.org/2013/04/17/177650628/supreme-court-decision-a-blow-to-human-rights-advocates

[4] Heather MacDonald, Victor Davis, Hanson Steven Malanga, *The Immigration Solution: A Better Plan Than Today's* (Chicago: Ivan R. Dee Publisher, 2007), 35-36.

questions asked completely shifted, however, after the terrorist attacks on September 11, 2001. The actions of a few radical individuals supported by groups abroad provoked a stereotype for and fear of foreign presence in the United States: from that day on, immigrants became targeted as potential threats to national security. In the years following the attacks, the U.S. government rigorously searched for a solution to prevent future threats. The war that exploded in the Middle East in the post-9/11 world prompted new federal regulations and substantial change to immigration policy. Presidents Bush and Obama have since placed an increased emphasis on the security of U.S. borders, and policy changes have provoked noticeable change in society's responses to immigration and treatment of the immigrant population. Social control plans such as the USA PATRIOT Act of 2001 and Arizona's SB 1070 promote the tendency to associate immigration with a threat to national security.

The first real threat to national security experienced by the United States, the 9/11 attacks symbolized a loss of control over borders that is often times attributed to the rising age of globalization. Roxanne Doty acknowledges this association in her book *Anti-Immigrantism in Western Democracies:*

> …The recent academic literature on globalization focuses on "the state" and the issue of order and disorder. What has become known as the "globalization thesis" suggests that states have been weakened in the sense that they are often unable to fully control the movement of goods, capital, people, and culture, which are all elements of globalization. Losing control over borders erodes the effectiveness of states, undermines their sovereignty, and by extension raises questions about the type of international system that may be emerging.[5]

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[5] Roxanne Lynn Doty, *Anti-Immigrantism in Western Democracy* (New York: Routledge, 2003), 5.

As Doty describes, this new international system emerging from the age of globalization is one in which it is far more difficult to regulate the movement of culture and capital as well as people across national borders. This loss of power on the part of the state is seen as a huge threat, especially since it has the potential to cause such events as 9/11. The new international system also houses immense potential for good in the world: the spread of new technologies, the creation of a worldwide web of understanding, and the unification of very different civilizations to finally play a role in the standardization of human rights. This paper seeks to analyze immigration's role in the discussion of globalization as well as globalization's role in the criminalization of immigration to demonstrate their changing roles in a globally integrated society. By examining immigration statistics in the United States, immigration policy changes in a post-9/11 world, the role of detention centers in the deportation process, and the local Gettysburg migrant population, it becomes apparent that the U.S. immigration policy changes since 9/11 have significantly influenced public opinion while globalization has spread that public opinion to foster a sentiment of distrust and criminality that is associated with immigrants.

Globalization Meets Immigration

Globalization is to be defined as the process of transmitting cultural practices through the movement of people and ideas both physically and technologically. Included in the cultural practices transmitted through the process of globalization is the mass production of material goods such as clothing and technology and mental goods such as political and social ideology. These mass productions actually facilitate violations of human rights such as increased and illegal child labor and minimum wage violations. Just

as material goods are imported and exported both legally and illegally more rapidly now than in the past due to the influence of globalization, people are exported and imported in a similar way. One of the most visible effects of human rights violations is the desire for those persons living within the community to seek a way out. They try to remove themselves from oppressive and dangerous environments to immigrate to countries where they imagine having more opportunities, a higher standard of living, and freedom from abuse. Obtaining legal residence in another country is not only difficult, however, it is also incredibly expensive and time-consuming.[6] For these reasons among many others, an unsurprisingly large number of immigrants opt for alternate solutions to their problems: they cross borders illegally, or send their children on dangerous journeys to cross borders illegally in the hopes that they will eventually have a better life.

Immigration, both of the legal and illegal variety, illustrates and extends a working concept of globalization because it has a direct effect on the flow of people from one place to another. In a post-9/11 world, however, both immigration and globalization have taken on different meanings. Barry Glassner's book updated for the post-9/11 world entitled *The Culture of Fear: Why Americans are Afraid of the Wrong Things* explains how since 2001, a culture of fear has developed between Americans and immigrants residing in the U.S. He theorizes that it causes Americans to feel threatened by a foreign presence. For instance, if the foreigner appears to be Hispanic, there is a perceived threat that the individual might take the American's job for less money, or be involved in violent gang crime. If the person appears to be from the Middle East, on the other hand, it could mean fear of a bomb or other terrorist activity. From the perspective of the

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[6] U.S. Immigration, http://www.us-immigration.com/index.html?referrer=adwords&gclid=Cj0KEQiA5K-kBRDZ9r71gOvlxOMBEiQAwkK52EWRF-Li4nIdl0tjvtsxaILUIb6FVr9e69Sgp8Hw8EAaAnuB8P8HAQ

immigrant, this culture of fear could mean seeing an American and fearing being treated

with disrespect, misunderstood, or deported. The culture of fear did not create itself: it is

rooted deep in U.S. history and was only further perpetuated by the country's

governmental response to 9/11.

Immigration and Deportation in the United States

The United States government proudly released in recent years that under the

Obama Administration, the number of illegal immigrants in the country had finally

stopped increasing: whereas past administrations saw a steady influx of illegal

immigration activity and an ever-rising number of deportations, both numbers are finally

decreasing for the first time in a considerable number of years.[7] While this is a great

success for the U.S. Customs and Border Protection Program (CPB) and U.S.

Immigration and Customs Enforcement (ICE), a closer look at the numbers and what they

mean is necessary.

Foreign-born individuals who must leave the United States are categorized as

either "removals" or "returns." Removals are deportations, or the process of sending

unauthorized immigrants from the U.S. back to their homelands. Returns are the

movement of unauthorized immigrants from the U.S. *not* based on an order of removal.

Many returns are of those individuals entering the country through Mexico and

apprehended by the U.S. Border Patrol. According to plan, the number of returns is at its

lowest since 1969 due to the severe increase in border patrol mandated by the Obama

Administration, and the number of removals is steadily decreasing as well.[8] Meanwhile,

the number of immigrants housed in detention facilities across the country continues to

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[7] Migration Policy Institute, http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#9
[8] Migration Policy Instiute

rise, and the application process for becoming a citizen continues to become more difficult.[9] In the midst of the rush of deportations and detentions, however, a crucial element of immigration to the U.S. is lost: that which welcomes those individuals seeking to improve their quality of life, be reunited with family, or receive an education. Somewhere along the way, immigrants were transformed from people from a foreign country wanting a better life in the U.S. to people who pose a potential threat to American citizens. Refugees entering the country persecuted in their homelands are placed in detention facilities in the U.S. resembling prisons until further notice on their trial process rather than truly helped to recover from their traumatic experience and treated as decent human beings. The laws and policies regarding foreign status developed in the aftermath of 9/11 only serve to foster this criminal treatment.

Detention Centers Pre and Post-9/11

A few short months ago, the U.S. opened a new immigrant detention center in Karnes, Texas to hold illegal immigrants and refugees for temporary relief from deportation during the period of waiting for their hearings. After a few weeks of the center being in official operation, a report was leaked of alleged sexual abuse at the hands of the facility guards.[10] Women were removed from their sleeping residences and promised money or help speeding up the detention process in exchange for sexual favors and even groped by the guards in front of their children.[11] Other such family centers in Texas, New Mexico, and Kansas were investigated and shut down in recent years for

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[9] Center for Immigration Studies, http://cis.org/ICE-Illegal-Immigrant-Deportations
[10] Molly Hennessy-Fiske, Cindy Carcamo, "Overcrowded, Unsanitary Conditions Seen at Immigrant Detention Centers," http://www.latimes.com/nation/nationnow/la-na-nn-texas-immigrant-children-20140618-story.html#page=1
[11] Meredith Kucherov, "Alleged Sexual Abuse at Immigration Detention Facility in Karnes, Texas," http://www.humanrightsfirst.org/blog/alleged-sexual-abuse-immigration-detention-facility-karnes-texas

similar assaults and inhumane conditions from malnutrition to insufficient bed accommodations to inadequate medical maintenance.[12] In May of 2008, Representative Zoe Lofgren introduced the *Detainee Basic Medical Care Act* to the U.S. Congress in attempts to improve the medical facilities in detention centers, but no further steps were taken to enact it.

Not only are these human rights violations common to the detention facilities, the closest of which is based out of the York County Prison a short hour away from Gettysburg College, but the immigrants and refugees placed in them can be imprisoned in these conditions for up to six months, a recent change made only after the Supreme Court case *Zadvydas v. Davis*[13] was decided in 2001. Before this decision was made, immigrants and refugees sent to the centers could be held for extensive or even permanent detention. As a result of the 2001 decision, nearly 134,000 immigrants with final orders of removal were released into the U.S. between 2001 and 2004 due to detention for longer than six months during their deportation process. Legal experts, ICE, and INS statistics all indicate that at any given moment, the Department of Homeland Security holds approximately 31,000 immigrants in detention for "preventative" purposes.[14] These are immigrants who did not commit a crime other than having no legal status in the country.

While the Department of Homeland Security and ICE were both created in the aftermath of 9/11, the concept of immigrant detention centers was established long before

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[12] Tierney Sneed, "New Immigrant Detention Centers Have Old Problems," http://www.usnews.com/news/articles/2014/10/30/immigrant-detention-centers-in-texas-new-mexico-have-old-problems-report-finds

[13] Zadvydas v. Davis, 533 U.S. 678 (2001)

[14] Aaron Nelsen, "Fight or Flight: Taken from family and threatened with deportation, a legal resident battles his detention in South Texas," http://www.brownsvilleherald.com/news/article_a603f4cb-12d3-5fc8-a482-a429c63d190d.html

2001. They were implemented in 1981 when the Ronald Reagan Administration attempted to respond to the mass migration of people seeking asylum from Haiti.[15] As the numbers of illegal immigrants pursuing asylum from economic or political conditions increased, the U.S. government saw a need for centers to cater to the rising numbers and planned first for a regional location to temporarily house the influx. The United Nations High Commissioner for Refugees arranged for Belize, Honduras, Trinidad, Tobago, and Venezuela to provide relief for those Haitians escaping to the U.S. This effort proved to be incredibly difficult in execution, and mandatory detention was authorized by the federal government in 1996 as an alternate solution with the enactment of the Illegal Immigrant Reform and Immigrant Responsibility Act.[16] Since that time, the U.S. has come to possess the largest immigration detention system in the world. There are currently fifteen official detention centers across the country not including in-state and local prisons, juvenile detention centers, and shelters that also serve as detention centers. Detained immigrants are given what is called an Alien Registration Number and then sent to one of those locations, where they remain until their trial is complete and they can be deported. While the U.S. Constitution provides convicted individuals with legal advice free of charge, the immigrants in these facilities are not guaranteed the same right: they have to pay for lawyers that many of them are not able to afford.

While these centers may have existed well before 9/11, the problems arising from them and the number of immigrants forcibly held in them have both risen significantly in the years following it. Between 1998 and 2008, the number of detainees rose from 16,000

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[15] CRS Report for Congress, http://trac.syr.edu/immigration/library/P960.pdf

[16] Amnesty International, "Jailed without Justice," http://www.amnestyusa.org/our-work/issues/refugee-and-migrant-rights/immigration-detention?id=1641033

to well over 30,000.[17] In 2003, when the Department of Homeland Security created ICE to deal specifically with the detention of immigrants suspected of violating immigration and customs laws, the system was altered to incorporate the mandatory detention of individuals committing crimes not assigned jail time. Despite the Obama Administration's promise to make the immigration system less punitive and more centralized for the purpose of transparency, the policies in place have become far more punitive than ever in the past. Senior officials in government agencies dealing with immigration promise that their primary concern is with deporting terrorists and potential threats to national security, yet the reality stands that a significant amount of those affected by the security programs are completely innocent of any terrorist activity at all.

In line with the goals of the two agencies, a decade-by-decade comparison of removal proceedings by Immigration Courts shows incredible growth: 2.3 million in the ten years after 9/11 as opposed to 1.6 million in the decade before. A closer look at the kinds of deportation being carried out is crucial in this comparison: national security threats and terrorist activity have decreased significantly, while the number of those indicted only for immigration violations has increased, 1.9 million after the attacks as opposed to 1.2 million beforehand.[18] The number of deportation proceedings dealing with terrorist threats was cut by more than half in the ten years following 9/11 at 37 cases from the ten years before with 88 cases.[19] These conflicting statistics lead to believe that the DHS and ICE and are not performing the task they were created to. Julie L. Myers, the first director of ICE, said at a conference of immigration lawyers in 2007 that she

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[17] Anil Kalhan, "Rethinking Immigrant Detention," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1556867

[18] TRAC, http://trac.syr.edu/immigration/reports/260/
[19] Ibid.

was: "…proud that we are entering our fifth year of service to the American people and that our mission remains clear—to protect the United States and uphold public safety by targeting in the people, money, and materials that support terrorists and criminal activities."[20] As many would understand it, the criminal activity mentioned by Myers should deal with those activities posing threats for the people of the U.S. It is difficult to conceive that what Myers means by criminal activity is the mere presence of foreigners without permanent residency cards. According to statistics reports, however, this is exactly what she intends. Myers' voice has been echoed by countless other political figures since her first days as director of ICE focusing on the removal of criminal "aliens" from the U.S. in the name of public safety, national security, and border security. In a Homeland Security blog post published in 2010, the Obama Administration's then Director of ICE announced that:

> Under this Administration, ICE has focused its efforts on removing criminal aliens, recent border entrants, and immigration fugitives. The results have been unprecedented. Last fiscal year, ICE removed a record 389,000 illegal aliens rom the United States, 136,000 of whom were criminals. So far this fiscal year, we have removed a record 170,000 criminals and have placed more people—criminal and noncriminal—in immigration proceedings than ever before.[21]

What the director failed to mention in his post was what percentage of those illegal immigrants were removed for petty crimes and what percentage posed an actual threat to U.S. national security. Based on the records published by the Immigration Courts, TRAC Reports kept a detailed classification[22] of each of the 1,577,171 individuals charged before 9/11 and each of the 2,279,305 individuals charged afterwards. The classifications

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[20] U.S. Immigration and Customs Enforcement Annual Conference, Julie L. Myers (Orlando: Thursday, June 14, 2007 9:00AM), http://www.ice.gov/doclib/news/library/speeches/070614aila.pdf
[21] Homeland Security Blog, John Morton (August 26, 2010), https://www.dhs.gov/keywords/john-morton
[22] TRAC Immigration

are broken down according to seriousness of the crime committed: highest (terrorism), next highest (national security), middle (criminal), and lowest (immigration).[23] In the decade before 9/11, 75.7 percent of the charges were from the immigration category, 22.8 percent in criminal, and minimal percentages consisting of less than 300 people were categorized for national security. In the decade after, despite the number of deportations increasing significantly, terrorism and national security threats dropped by more than 50%, criminal remained the same, and immigration increased to 83.2 percent.

As information regarding the huge immigrant population in the U.S. is spread through newspapers, classrooms, and social media sources, it is natural to assume that the current number of immigrants living in the U.S. is on the rise. However, completely contrasting information can be found relating to the immigrant population as permanent residents, holders of green cards, or recent citizens. In 2013, the National Research Council (NRC) reported that "Although the absolute number of current immigrants rivals the peak levels at the beginning of the twentieth century, expressed relative to the size of the existing U.S. population, current immigration is far more modest…Immigrant flows were larger in the past."[24] The NRC went on to report that the number of immigrants formally admitted under the IRCA currently in the U.S. is approximately equal to the very slowest of immigration years between 1840 and the start of World War I.[25] A skeptic could look at these statistics and theorize that the number of legal immigrants in the country is on the decline because the number of those illegally entering the country is on the rise, but after analyzing the facts aforementioned, it becomes apparent that this is

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[23] Ibid.
[24] Ediberto Román, *Those Damned Immigrants: America's Hysteria over Undocumented Immigration* (New York: New York University Press, 2013), 47.
[25] Ibid.

not at all the case. Rather, the process of accessing a green card, gaining permanent residency, or becoming a U.S. citizen has become next to impossible for people of illegal status.

United States Immigration Policy Pre-9/11 versus Post-9/11

A more detailed analysis of how immigration law in the U.S. functioned before in comparison to after 9/11 is crucial to the development of this conversation. In the early 1990s, Americans became concerned with the financial burden they saw associated with the immigrant population. Many felt that immigrants reaped the benefits of living in the U.S. without having to pay taxes, only to send the money they made out of the country to their families at home, and ultimately negatively affecting the U.S. economy.[26] Operations Hold the Line and Gatekeeper were created in 1993 and 1994 in attempts to curb the number of immigrants entering the country for exactly these reasons. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was created to make entry into the U.S. even more difficult.[27] Later, when George W. Bush was elected President in 2000, immigration policy changed for the first time in a big way in thirty-five years. He started the temporary worker program, sought to form closer ties with Mexico and other countries with high immigrant populations in the U.S., and met with Vincente Fox—the then President of Mexico—on a semi-regular basis.[28]

The alliance and acceptance that began to form crumbled completely in the post-9/11 period, and immigration policy changed in a very different way from how it was viewed in the 1990s. Congress passed a number of laws to secure the U.S. border and

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[26] Bill O. Hing, *Deporting our Souls: Values, Morality, and Immigration Policy* (New York: Cambridge University Press, 2006), 12-15.
[27] Doty, 34.
[28] Hing, 17.

collect data on immigrants for the purpose of discovering terrorist threats, which resulted

in the broadening of government's power to regulate immigrant detention and

deportation.[29] Organizational changes such as the Anti-Terrorism Act of 2001, the

Uniting and Strengthening America by Providing Appropriate Tools Required to

Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, the Homeland Security

Act of 2002, and the Enhanced Border Security and Visa Entry Reform (EBSVERA) Act

of May 2002 were made in the immediate years following the attacks.[30] The

Development, Relief, and Education for Alien Minors (DREAM) Act, proposed for the

first time by the Bush Administration in August of 2001 regarding a potential legalization

process for unauthorized youth, was failed five times in the Senate and the House of

Representatives before finally being approved to begin operation beginning ten years

later in the Fiscal Year 2011.[31] The DREAM Act legalized unauthorized youth who had

come to the United States as children and graduated from high school or pursued some

form of higher education. President Obama announced in 2012 that the U.S. would cease

the deportation of young illegal immigrants who were eligible for protection under the

DREAM Act.[32] In that same speech, President Obama announced his plan to implement

Deferred Action for Childhood Arrivals (DACA), allowing illegal immigrants who

entered the U.S. before turning 16 and earlier than June of 2007 eligibility for exemption

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[29] The Regional Migration Study Group: "US Immigration Policy Since 9/11: Understanding the Stalemate over Comprehensive Immigration Reform," file:///Users/Owner/Downloads/RMSG-post-9-11policy%20(3).pdf

[30] Carol M. Swain, *Debating Immigration* (New York: Cambridge University Press, 2007), 119-120.

[31] The Regional Migration Study Group

[32] Tom Cohen, "Obama Administration to Stop Deporting Some Young Illegal Immigrants," http://www.cnn.com/2012/06/15/politics/immigration/index.html?hpt=hp_t1

from being deported and a renewable two-year work permit.[33] Around 581,000

individuals have since been granted DACA status in the U.S., just short of what is

estimated to be half of those who would be eligible.[34] Most recently, in November of

2014, President Obama announced his plan to extend DACA to include those immigrants

either having entered the country before 2010 or with children eligible for DACA

status—deferred action for parents of childhood arrivals. It is estimated that these policy

changes will increase the number of individuals able to apply for a two-year work permit

and protection from deportation by around 330,000.[35]

Problems with Immigration Policy: A Local Case Study

While the efforts made by the late Bush and Obama Administrations to ease the

immigrants forced into the shadows by current immigration policy out are a step in the

right direction, they do not actually put those eligible individuals on the pathway to

citizenship or permanent residency. They are short-term solutions to historically rooted

problems that may only perpetuate the problem when expiration dates are reached. The

programs hold those immigrants seeking full legal status back because they are deterred

from beginning the citizenship process in conjunction with the extensive paperwork and

fines associated with DACA. Furthermore, immigrants are faced with incredible

hardships in the assimilation process into cities they reside in, regardless of how long

they have been there, as a result of harsh laws such as Arizona SB 1070,[36] or the Arizona

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[33] Office Website of the Department of Homeland Security: Consideration of Deferred Action for Childhood Arrivals, http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca

[34] Data Set: Deferred Action for Childhood Arrivals, http://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-deferred-action-childhood-arrivals

[35] Jens Manuel Krogstad and Jeffret S. Passel, "Those From Mexico Will Benefit Most From Obama's Executive Action," http://www.pewresearch.org/fact-tank/2014/11/20/those-from-mexico-will-benefit-most-from-obamas-executive-action/

[36] Senate Bill 1070, http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf

Profiling Law that caused an uproar in 2010, and grassroots efforts such as the

Minuteman Project developed in April of 2005.[37]

A closer look into the migrant worker population of Gettysburg, Pennsylvania

proves these points on a local level. Many work long hours in the orchards, construction

sites, and factories of central Pennsylvania while trying to support their families who

have been in the U.S. for a number of years. They attend English lessons provided by

migrant service centers such as the Lincoln Intermediate Unit and the Center for Public

Service, support and help cultivate local gardens such as Painted Turtle Farm, and enjoy

local restaurants with their families. But still, year after year their applications for

permanent residency are denied and their pathway to citizenship is blocked. Since the

creation of Deferred Action two years ago, many have jumped at the opportunity to apply

for a two-year work visa, thinking that it will push them a small step closer to permanent

residency. Yet despite being able to prove local residency for more than the time

mandated by the new plans and commitment to learning the English language, a

requirement of DACA since the forms are only in English, they are still turned away

when seeking to make their lives in the U.S. "official". The process was never an easy

one: the first waves of immigration prompted an estimated five-year naturalization

process. But since that time, the process has only become more extensive. The

lengthening of the naturalization process through recent laws and movements

aforementioned foster an American sentiment of uneasiness with local immigrant

populations, something that can even be detected in Gettysburg. This sentiment is

expressed by Martin Barker as the "new racism" theory of human nature:

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[37] Roxanne Lynn Doty, *The Law Into Their Own Hands* (Tucson: University of Arizona Press, 2009), 3-6.

> Human nature is such that it is natural to form a bounded community, a nation, aware of its differences from other nations. They are not better or worse. But feelings of antagonism will be aroused if outsiders are admitted. And there grows up a special form of connection between a nation and the place it lives.[38]

This sentiment of uneasiness with cultural differences is more than just the human nature expressed in the quote above. It is both sustained and extended by U.S. foreign policy, which makes assumptions about the immigrant population in effort to secure national borders from potential international threat. This is especially disheartening in the recent age of globalization that encourages the understanding and acceptance of other cultures because it stereotypes and isolates foreigners rather than accepting them into a globally integrated society. In a book entitled *Illegal Immigration* published in 2007,[39] a collection of authors compiled chapters discussing the immigrant label. Authors either address the problem with profiling immigrants or are themselves guilty of encouraging these stereotypes, assuming that a few instances of immigrant criminal activity can be indicative that all immigrants are criminal.

Conclusion

This sentiment of protection from foreign threat can be seen not only in recent policy in the U.S., but is mirrored in other countries across the world. Western Europe recently witnessed an influx of immigration as people from the countries of Northern Africa realize how much higher the standard of living is for the citizens of countries such as Spain and France than in their own native homelands. In September of this year, the United Kingdom and France announced a new plan to deal with the problem of illegal immigration. In an effort to stop illegal movement across the port of Calais, a main

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[38] Doty, *Anti-Immigrantism in Western Democracies,* 19.
[39] Michael C. LeMay, *Illegal Immigration* (Santa Barbara: ABC-CLIO, Inc. 2007).

problem area for illegal immigrants crossing the Channel, the UK and France are

expected to spend around twelve million euros in the next three years.[40]

Globalization plays an incredibly large role in the discussion of immigration

worldwide because the process prompts the blurring of borders and allows for the

movement of people and information across them to be easier than ever before in history.

It allows people from different countries to understand the importance of diversity in a

globally integrated society. Through television, the media and Internet, and international

news and journalism, it is easy to see how people across the world are living and compare

it to yourself. New Internet programs such as Google Earth even allow individuals to

access real-time street-view across the world from the comfort of their own homes.

Travelling is becoming an increasingly common phenomenon. Even those who do not

personally have access to the Internet or means of transportation to other parts of the

world are far more likely now to be connected somehow to someone who does.

Information and people are travelling faster and more extensively than they ever have

before, allowing for biases and public opinion to gain more power and influence as well.

Instances of this can be detected in recent cases such as the Ferguson trial, gaining

support and instigating riots everywhere from the south of Missouri to Tokyo. The

mistreatment and criminalization of immigrants is just another example: in a post-9/11

world it is difficult to separate public opinion from policy changes made regarding them.

Globalization grants the U.S. potential to participate in the true acceptance of differences

to work towards this incredible new integrated society with all the power in the world to

facilitate the true standardization of human rights, yet somehow it has allowed itself to

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[40] Nadia Khomami, "British Government Pledges 12m to Tackle 'Illegal Immigration' from Calais,"
http://www.theguardian.com/uk-news/2014/sep/20/uk-government-illegal-migrants-calais-twelve-million

become stuck analyzing the inevitable negative phases of globalization such as the blurring of border lines between countries and the hypothetical weakening of the nation state. The first steps towards altering this perspective lie in policy changes regarding issues such as immigration. Only through working on the development of these at a constitutional, legal level can the public opinion and by default treatment of individuals improve, and only through the development of the public opinion can this world expect to see and experience a true standardization of a code of human rights.

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