

The John M. Rezendes Ethics Essay Competition

NINGÚN SER HUMANO ES ILEGAL:

THE ETHICAL IMPLICATIONS OF THE DEPORTATION OF UNDOCUMENTED
IMMIGRANTS

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According to federal reports, in fiscal year 2016, U.S. Immigration and Customs Enforcement (ICE) conducted 240,255 “removals” of undocumented “aliens” from the United States (“ICE Immigration Removals”). This was a small portion, only about two percent, of the approximately 11 million undocumented immigrants estimated to be currently living in the country, but the effects of deportation are widespread and damaging (Krogstad, Jens, et al.). Under the previous Presidential administration, the primary goal was to remove undocumented immigrants who had committed crimes, though the offenses used to justify removal were usually minor and nonviolent, such as traffic violations. However, under the current administration, exclusivity has dissipated and ICE has been detaining all varieties of people suspected of unauthorized immigration, such as a woman seeking domestic violence protection in court (Mettler, Katie) and seven homeless Hispanic men taking refuge in a hypothermia shelter at a church in Virginia (Hernández, Arelis R., et al.). Furthermore, this recent trend toward the active removal of non-criminal undocumented people has sparked fear in immigrant communities, distress which has the potential to breed a feeling of insecurity and paranoia, thereby stealing human beings from all notions of comfort and safety. It is at this point when law and ethics collide. It is ideal that the two worlds would converge a majority of the time, but in regards to the issue of deportation, while it may be legal to remove an undocumented immigrant, it is also, arguably, unethical to do so. This argument is founded on the feminist ethics of care, which places emphasis on the idea of relationships and also assumes that a moral issue is highly dependent on context (Tong, Rosemarie), meaning that the intricate layers of an individual’s identity results in unique circumstances which must be examined with care and attention.

Those who do not have the resources to pursue immigration through lawful methods, which requires substantial funds and therefore a certain level of privilege, are a vulnerable population before they come to the United States and are made even more powerless by being forced to adopt the status of “undocumented.” This label places them under constant threat of removal by the federal government, regardless of the length of time they have lived in the United States, or whether they have children, a job, or a home in this nation. It is through such vulnerability, and the unequal power dynamics that arise from such a condition, that we are afforded an ethical lens with which to analyze the deportation of undocumented immigrants: feminist care ethics, as mentioned previously. In contrast to feminism, traditional ethical approaches are lacking in the necessary tools to unpack the concept of power dynamics and privilege. Such classic standpoints assume an already established social location of “citizen,” taking for granted the privilege that comes with this identity and presuming an authority that feminism seeks to subvert. Feminism acknowledges that a lack of citizenship status naturally places some humans in a place of vulnerability compared to others. As articulated by feminist scholars such as Rosemarie Tong, this ethical perspective differs from traditional ethics in the sense that it rejects universality, or the assumption that all of us are already citizens, and invites the concept of partiality into the equation. While feminism is largely focused on the power dynamics of male versus female, this method of inquiry can be utilized as a way to examine all areas of inequality, including citizenship status and race. In short, the creation of a gendered ethical lens encourages discussions which are vital to eradicating oppression not only of women, but of all oppressed people. By examining the issue of deportation through the lens of feminist ethics, it is possible to comprehend the

intersections of various forms of marginalization that immigrants face in the United States.

The focus of this argument will be on the undocumented immigrants who originate from Mexico and Central America, as this group of people make up over half the population of undocumented individuals living in the United States (Krogstad, Jens). It is also one of the most debated groups in our current political climate, due to recent endeavors by the U.S. President to construct a wall along the U.S.-Mexico border with the goal being to limit, or altogether cease, unauthorized immigration. In regards to the high numbers of immigrants from this region, many scholars explain that immigrants from Mexico and Central America face a “push” from their home countries due to conditions such as poverty and violence and a “pull” from the United States, which boasts “the American Dream” and relative safety (Portes, Alejandro, and Rubén G. Rumbaut). Therefore, it is essential to invite the intersections of nationality, race, and citizenship status into this discussion so that the layers of privilege which are largely ignored by traditional ethics can be appropriately acknowledged and unpacked.

Through a feminist ethical lens, we are able to uncover, as stated by Patricia Hill Collins, such aforementioned “interlocking systems of oppression” (Collins, Patricia Hill). Intersectionality acknowledges that there are often multiple identities through which a person may face oppression. For example, if someone is an undocumented immigrant, they are oppressed due to their citizenship status, but also as a result of that condition, they may find it difficult to earn a livable wage, thereby implying a lack socioeconomic privilege. Furthermore, if this hypothetical immigrant was a woman, she

would also be vulnerable to gender-based oppression such as sexual violence or lack of access to reproductive rights.

The majority of undocumented immigrants find commonality in their socioeconomic vulnerability. As stated previously, poverty is a significant reason why many Latin American people leave their homes and undergo dangerous conditions to cross the U.S.-Mexico border. The documentary *María in Nobody's Land* follows the movement of a group of immigrants who are too poor to come to the United States via a legal route, and therefore find themselves largely at the mercy of various gangs to reach the border. The documentary explains how many women are sexually assaulted or end up trafficked into prostitution by said gangs, and that a large but undetermined number of men are murdered by gang members and left in the desert before they reach the United States (*María in Nobody's Land*). These tragedies occur due to a lack of money, both in the sense that there is no economic security to offer opportunity and prosperity at home and also due to the fact that these immigrants do not have the funds to pursue safe northward travel.

Once in the United States, undocumented immigrants continue to struggle under the weight of extreme poverty. Because they lack “legal” status, they often have no choice but to accept the jobs that American citizens typically don’t want, i.e. agricultural labor or unskilled factory work. Furthermore, because their employers are often aware that their employees do not have legal citizenship, they are able to get away with acting contrary to U.S. labor laws and pay low wages for long hours of work. Most immigrant workers will not protest this, largely due to threats from their employer about calls to the federal authorities. Thus, undocumented immigrants remain poor in the United States,

although in a relative sense they may be better off than in their previous situations. Their undocumented status makes it nearly impossible for them to earn livable wages, providing roadblocks to legal citizenship, which costs a large sum of money to achieve and is therefore virtually unattainable for many undocumented immigrants. In cases such as this, deportation would only worsen conditions for undocumented immigrants, as it would send them back to a place where they had even less opportunity, and make hopeless any future dreams of life in the United States; deportation transforms legal immigration efforts into an impossible endeavor due to the implications of a criminal history. It is in cases like this when we must deny the universality of traditional ethics, which largely ignores the dichotomy between citizen and non-citizen, and use feminist ethics to view people not as assumed citizens, but as vulnerable people not privy to the system of Western privileges afforded to those with “legal” status.

Referring back to the concept of intersectionality, coupled with the vulnerability that poverty breeds, there is further oppression faced by undocumented immigrants in the United States with regards to race. Being a Hispanic person of color with a Hispanic-sounding surname, or otherwise simply looking as though you might be from Latin America, has caused many documented U.S. citizens to be targeted by federal immigration authorities. For example, there have been instances when a Hispanic person of color has been pulled over for a traffic violation, and their immigration status has immediately been questioned (Hoffman, Meredith). There was also a case in which a woman who was a legal U.S. citizen was allegedly arrested during a political protest, and was transferred to ICE custody, and yet the other two protesters who were arrested with her, both white and without Hispanic surnames, were not handed over to immigration

authorities (Moreno, Carolina). These assumptions that come with being visibly “other,” particularly in regards to Latin American or Hispanic identities, make it difficult not only for some U.S. citizens to have lives at an equal status to the more privileged white citizens, but also for undocumented immigrants from Latin America to build secure and stable lives for fear of being targeted by federal immigration authorities on the grounds of visible race. This is the point at which poverty and race intersect, creating a dynamic in which undocumented people face hardship due to socioeconomic conditions, but also are confronted with marginalization as a result of racism. Thus we see how the relationship between these two identities creates the necessity for partiality through feminist ethics so that we may come to understand the unfair bias against these vulnerable people.

To further complicate matters and use feminism to more deeply understand the intricate layers of oppression that undocumented immigrants in the United States face, it is essential to invite gender into the equation, so that we may see how women who live unauthorized in our country face even deeper hardship. In a report published by the Southern Poverty Law Center, it was discussed how many women who live undocumented in the United States are often sexually harassed or assaulted by their employer, but due to their unauthorized status, they can't go to the authorities for protection (Bauer, Mary, and Mónica Ramírez). Feminist ethics seeks to recognize how a woman's citizenship status would influence attempts at seeking justice for gender-based discrimination. Many of these women left communities in Latin America where violence against women was common, and then came to work in the United States to find that their layers of vulnerabilities (through gender, economic situation, and citizenship status) have made such violence a continued threat. Thus to deport undocumented women is

often to send them back to a place of violence, devoid of the job opportunities they had in the United States, thereby worsening their overall situation.

Furthermore, with regards to women and gender, motherhood plays a significant role in the unethical nature of deportation. When an unauthorized immigrant woman has a child on U.S. soil, that child is automatically made a citizen, while the mother remains undocumented. Thus, when the mother, as well as possibly the father, of that child is deported by immigration authorities, entire families are torn apart. Diane Guerrero, a Latina actress born in the U.S. who stars in the television series *Orange is the New Black*, tells the story of how her undocumented parents were deported from the United States when she was fourteen years old in *In the Country We Love: My Family Divided*. She was not able to see them for many years, since they could not legally return to the United States and she was too young, nor did she have the financial means, to go to Columbia to reunite with them. Arguably, tearing a young child from their parents is highly unethical, as it steals from that boy or girl a stable support system and leaves the parents unable to be a part of their child's growth and development. Traditional ethical frameworks would likely not acknowledge the importance of family, but feminist care ethics focuses particularly on the importance of human relationships and how they affect the stability and quality of our lives.

Moreover, entire communities could be uprooted at the hands of deportation. For example, if an undocumented couple arrived in the United States with a child who wasn't a United States citizen, and yet that family spent the majority of their life in the United States working or going to school, to deport them is to take them from their home and to put them in an unfamiliar place where very little is familiar to them. Some undocumented

immigrants who come to the United States at a young age often grow up not speaking Spanish, meaning that once they are deported, the country they arrive in south of the border is not only alien to them, but they are unable to function linguistically as a member of that community. Also, within immigrant communities in the U.S., there is a strong sense of fear and paranoia as a result of increased ICE raids encouraged by the current Presidential administration. One journalist writes of the community surrounding farming fields in Florida: “Children have stopped playing in parks and the streets and businesses have grown quieter, as many have receded into the background, where they feel safe” (Samuels, Robert). To force people to live in the shadows is immoral; it is akin to disregarding the fundamental humanity of undocumented immigrants. Refusal to acknowledge that unauthorized immigrants are human beings just like U.S. citizens, capable of fear and heartbreak, is refusal of the basic human right to social equality, which is a feminist endeavor.

Merriam-Webster offers various definitions of the word “citizenship.” With regards to legal terminology, it is referred to as “the status of being a citizen,” inviting more patriarchal or traditional viewpoints that are centered on rules and rights. However, it is also defined as “membership in a community,” which is favorable to a more feminist standpoint that emphasizes relationships, and the situations that arise according to our connections with others (“Citizenship”). These two definitions serve as an example of the basic contradiction between traditional and feminist ethics. The former definition, informed by masculine prejudices, sees a citizens as the owner of abstract rights. The latter sees a citizen as a participatory member of the community, defined by their genuine, human relationships to others rather than by a set of impartial characteristics

intended to define political, rather than social, life. The feminist perspective argues that, regardless of an undocumented immigrant's legal citizenship status, they are members of the American community. Many undocumented immigrants grow, harvest, and package food for Americans (Bauer, Mary, and Mónica Ramírez). They build American homes and landscape American gardens. They attend American schools, from elementary to university level. They interact with American culture and speak American-English. Like legal U.S. residents and citizens, they labor toward the American dream. Through these actions, it is reasonable to conclude that, for all intents and purposes, they are American, too. To deport undocumented immigrants is to remove them from a community of which they are a part of and is, if we are adamant about the latter Merriam-Webster definition of "citizenship," to steal from this nation its devoted and hardworking citizens.

As an alternative to deportation and a solution to the unethical horrors of forcibly removing immigrants from a place of safety, security, and opportunity, the removal of borders on a global scale would be the ideal, though a highly radical, solution. In a *Washington Post* interview with political science professor Joseph Carens, he claims, with regards to undocumented immigrants in the United States, "...these people belong to a community, and they ought to be given citizenship because of their membership in that community," which is highly reminiscent of feminist care ethics (Matthews, Dylan). Carens then continues on, arguing that the modern organization of the world is similar feudalism and has been constructed by privileged humans as a method of predetermining a person's worth or value. He argues that borders contribute to global inequality in the sense that the level of opportunity, security, and happiness a person is afforded in life is often largely dependent on what country they were born in. In short, a woman born in the

United States would be much more privileged than a woman born in, for example, Guatemala, due to the aforementioned fortunes. Thus the erasure of borders would eliminate this socially constructed inequality and move the world away from modern feudalism and the resulting penchant developed countries have for the mistreatment of developing nations and their people.

A less radical and more reasonable solution than the disintegration of national borders is to cease deportation as a method of immigration policy. Instead of forcibly removing those who do not have the privilege to attain legal citizenship, thereby sending them back to often dangerous or impoverished situations, obtaining documented status should be made a much less expensive and much faster process. American citizenship should be easily accessible to all who want it, via increased funding to government agencies who can provide legal citizenship, as well as through support for non-governmental organizations who may provide undocumented immigrants with an array of resources such legal advice, shelter, or job search assistance. The land of the free and the brave should not become a place of restrictions for non-citizens. Instead of deporting a child's parents and dividing a family, federal resources should be allocated to undocumented people who have become a part of the American community to pursue permanent resident or citizen status. After all, America itself was founded by immigrants, and thus we must truly endeavor to, as declared by Lady Liberty herself, "lift [our] lamp beside the golden door."

One of the main arguments that arises from this issue is the worry that most undocumented immigrants are criminals, or even terrorists. In fact, in the recent 2016 Presidential race, one of the GOP candidates was quoted on several occasions referring

specifically to Mexican immigrants as criminals (Edelman, Adam). However, such stereotypes are not an accurate portrayal of undocumented Latin American immigrants in the United States. According to Department of Homeland Security (DHS) information, while “undocumented immigrants had crime rates somewhat higher than those here legally,” such rates were actually “much lower than those of citizens” (Pérez-Peña, Richard). Furthermore, a nonprofit organization called the American Immigration Council validated this claim with the statistic that about 3.3% of males who are U.S. citizens aged 18-39 are incarcerated, compared to 1.6% of immigrant males of the same age group, the majority of which are likely in prison due to immigration-related offenses (Shoichet, Catherine E). Furthermore, DHS estimates that only 4% of the foreign-born people living the United States, whether undocumented or documented, have been convicted of crimes and are eligible for deportation. Thus, we see that immigrants in general are less likely to be criminals than U.S. citizens, which is blatantly contrary to claims by pundits and politicians that people coming into the country from Mexico and Central America are committing crimes at alarming rates. A crime and justice journalist for CBS News hypothesizes that the reason crime rates for undocumented immigrants are so low is because “after undertaking the economic and social sacrifice necessary to emigrate, it doesn’t make sense to imperil that new life by committing crime or engaging in risky behavior” (Dahl, Julia).

In conclusion, when dealing with undocumented immigrants in the United States, it is unethical to seek deportation as the primary course of action. When we analyze the situation of unauthorized people living in the country through a feminist ethical lens, we reject the universalist assumption that all people already hold the status of citizen, and

instead seek out a viewpoint more concerned with partiality and the relationship between the powerful and the vulnerable. The many layers of oppression that undocumented people struggle with cannot be thoroughly unraveled without understanding their relationship to the United States and those privileged enough to take their citizenship for granted. All in all, regardless of the legality of the circumstances, to deport unauthorized immigrants is immoral and contributes greatly to existing structures of inequality such as poverty, systemic racism, and violence against women. Furthermore, the threat of ICE raids breeds a strong sense of fear and discomfort in immigrant communities in the U.S., thereby forcing millions of people to live in the shadows. To restrict the daily freedoms of human beings is highly unethical, and to threaten the structures of support and security they have in their families has been a dishonorable undertaking by the U.S. government.

Rather than deportation, the federal government should seek thorough immigration reform with easier access to citizenship or permanent resident status. In the current situation, it is an expensive and lengthy process to become American; to restrict citizenship and security to those with privilege is to contribute to a feudalist world, as argued by aforementioned professor Joseph Carens, and to deepen global inequality. While an ideal world would be borderless, a more reasonable endeavor is to simply make such borders safer to cross, and to discontinue rhetoric that refers to immigrants as “illegal,” which only serves to deepen criminal stereotypes about this extremely vulnerable population. To solve the ethical issue of deportation, we must not construct border walls or allocate funds to the forced removal of innocent people. In short, undocumented immigrants are not “aliens”; they have not invaded the United States. It is

vital to the future of this country that we seek to live by the words inscribed on the Statue of Liberty and welcome marginalized people, because no human being is illegal.

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