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Othering in Immigration Laws

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Othering Throughout the History of Immigration Law

The United States government gives Hispanics and Latinos a false sense of citizenship, leading them to face unethical legal and social problems daily. Thus, finding the root of these problems and understanding why othering and xenophobia are normalized in the United States legal system and society is key. Laws and policies play a major role in the discrimination across Hispanic and Latino families. Immigrant discrimination is the unfair treatment of a person or group based on their classification in a protected status, such as race, gender, or religion. Have you ever wondered why Hispanic and Latino immigrants are treated differently than others? Ethical wrongs throughout the history of immigration laws and Trump Era politics cause hardship and a negative reputation for immigrants of the Hispanic and Latino race in America. This is a significant ethical dilemma that needs to be brought to light, and in doing so, expose the lies behind the reputation that Hispanics and Latinos attain. Latinos and Hispanics do not deserve the hatred and disrespect they receive. Therefore, this essay aids to demolish the immorality in legality and ethics in the United States. The hardships, reputations, and flawed citizenship for Latinos and Hispanics root from the practice of unethical habits and lack of respect for their human rights, which is evident throughout the history of immigration laws and during the Trump era.

Throughout the history of the United States, Hispanics and Latinos are blamed for economic instability and threats to national security; however, this is unfair reasoning because it greatly impacts the unethical and flawed citizenship immigrants are forced to live with. Hispanic

and Latino groups experience “citizenship” in the United States in a way that portrays them as uneducated and poor criminals. This essay seeks to understand the reasoning behind this unfair reputation. To answer questions of ethics and law, this essay begins by studying the root of othering, regarding immigration in the United States. Ethical wrongs in immigration laws largely affect the evolution of othering seen throughout the history of immigration laws in the United States. The United States immigration legal system is greatly flawed because it makes it very difficult for Hispanics and Latinos, especially along the United States Mexico border, to seek safety in this country. When a Hispanic or Latino enters this country legally and attains their citizenship, they are still not given full American rights and citizenship. Instead, they are given flawed or false versions of citizenship, which lack complete legal and human rights. In this type of citizenship, their legal and social rights are minimized. Hispanics and Latinos generally and socially are looked down upon and suffer greater consequences when breaching the law. Even before receiving citizenship, more hatred and disgust from American citizens and authorities surround them. The mistreatment and unfairness that Hispanic and Latinos experience is a recurring pattern in the United States., which is evident when observing and studying the history of immigration laws.

When analyzing the history of immigration reforms and laws, it is evident that Latinos and Hispanics are segregated from society and stripped of their legal and social rights. The history of immigration begins with the Naturalization Act of 1790, which is the first restriction for citizenship, excluding any person whose parents were not born in the United States. This act was made strictly to keep the white race superior and more common in the United States. In Marla Andrea Ramírez’s “The Making of Mexican Illegality: Immigration Exclusions Based on Race, Class Status, and Gender.”, Ramirez extensively studies the unethical patterns cultivated

within the past 232 years, beginning with this first “white free person” prerequisite. This act marks the beginning of the 232 years of ethical problems in immigration. Another major event in the immigration history of the United States is the Treaty of Guadalupe of 1848. This treaty is the outcome of the Mexican- American War, in which the Mexico and Texas border was not agreed upon. In this treaty, the United States government gives every Mexican in the conquered territory the right to citizenship. Although Mexicans were seen as legally equal to the rest of the United States, they still endured otherness and were not socially accepted due to the color of their skin. Citizenship for the conquered Mexicans was a great change for immigration in the United States, yet in the same year, other laws that endured restrictions on immigrants were created and passed. The first immigration act mandated that an immigrant who seemed unable to take care of themselves was rejected entry into the United States. This act was created in response to the beginning of the gold rush in California, which brought the first Chinese workers to America. Later, in 1924, the United States revoked the citizenship they granted to Mexicans and labeled them as illegal aliens. America granted citizenship to Mexicans in the United States territory, and then took it away, which is a tremendous ethical problem and flaw in United States history. Ramirez further investigates more recent laws published in 1996 called the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act, stating that an immigrant can be deported for an infraction as small as driving under the influence and expanding the definition of an aggravated felony for immigrants only. It granted government employees access to arrest and deport Hispanics and Latinos for extremely minor infractions, whereas a white American citizen would simply receive a ticket. The passing of these acts provokes the people of the United States to form the opinion that Hispanics and Latino are criminals. The United States legal system targets these immigrants and

makes the consequences more intense for them, not only throughout the history of the United States but also during the Trump era.

While investigating recent immigration policies and events in the Trump Era, it is evident that immigrants are still condemned and excluded from the legal system. D.S. Dobkins explains in “The Diminishing Prospects for Legal Immigration. In Behind the Green Card How Immigration Policy is Killing the American Dream” the S.B. 1070 law passed in Arizona, which states immigrants are required to carry a form of identification and allows police to arrest people of color on mere suspicion of being illegal. Although this law was not passed under the Trump presidency, it was recently published in 2010. This law heavily targets Hispanics and Latinos, just like the Illegal Immigration Reform and Immigrant Responsibility Act. Dobkin studies necessary statistical information to argue that Hispanic and Latino immigrants are not the main cause of high crime rates in the state of Arizona and refutes the stereotypes that Latin Americans have in the United States. In this piece, Dobkin also refers to ICE, the Immigrant and Customs Enforcement, which works against immigrants for the sake of national security and public safety. Similar to the Illegal Immigration Reform and Immigrant Responsibility Act, ICE targets immigrants and deports them for minor infractions. In fact, ICE can arrest and deport illegal immigrants who have zero infractions in the law, simply because they live in the same house as or are loosely acquainted with an immigrant who has breached the law. In 2012, the rejection of the Development, Relief, and Education for Alien Minors, DREAM, which paves a direct path toward U.S citizenship occurred, and instead, the Deferred Action for Childhood Arrivals, DACA, which gives temporary protection from deportation to minors was passed. The United States could not give immigrant children a chance to become a part of this country, children who have no criminal backgrounds and have done no wrong to the United States. While Ramirez

examines Donald Trump's 2016 inaugural speech, she says he declares that "When Mexico sends its people... They're sending people that have lots of problems, and they're bringing those problems with us. They bring drugs. They're bringing crime. They're rapists." (pg. 327). The past president of the United States vocalizes these unfair and unjust opinions to the public about Hispanics and Latino immigrants. Not only are these claims unprofessional and false, but they also give the citizens of the United States an untrue view of Hispanics and Latino, making their reputation even worse. In Erika Pinheiro's Ted Talk "What's Really Happening at the United States-Mexico Border -- and How We Can Do Better.", she gives her personal stories regarding the Custom and Borders Protection facility and the way they treated her as an American and Mexican citizen, whose job affiliation is an immigration attorney. In this story, Pinheiro explains how they separated her and her client, Anna, and was later detained because they claimed she was a national security risk, simply because she is a Mexican citizen and desires to assist immigrants migrating from Mexico to the United States in a legal and just manner. It is quite evident that there is a current ethical dilemma in the United States immigration system.

While researching more topics that relate to our topic, we came across the article "Ethics of Immigration: The Issue of Convicted Criminals" written by Cecile Fabre. Immigrants are believed to bring criminal behavior to the US but Fabre is arguing that someone who is born here is a product of American society not from their home country. In Fabre's journal entry, she argues against Joseph Carnes's remarks in his recent book and recognizes that "A felon who came to this country as a child, has never lived in his country of citizenship, has been schooled here, has worked here, formed relationships with other long-term residents, and has a wife and children here, belong to this civil society" (Pg. 429). Fabre also agrees that immigrants should be as much of a citizen as you are. Fabre also writes "If that felon has been here for a long time, we

collectively have as a society played an important part in failing to inculcate the relevant social norms in him, or in failing to provide him with the economic and social opportunities which might have blocked his path to crime” (Pg. 429). Fabre points out that As this Academic journal mentions, “That felon is our problem, and it would be unfair on our part to impose on his country of citizenship” (Pg. 429). This point and those mentioned above, help bring to light the flawed citizenship that hispanic and latino immigrants face in society.

On the other hand, the article, “You Don't Speak for Me” has an opposite view from the previously mentioned. This article mentions that Col. Al Rodriguez became fed up with mass immigration reform protests and asked others to help him reach more people who felt the same way. The group was made up of concerned Americans who opposed immigrants. Rodriquez argues that “All immigration should be illegal; undocumented immigrants from any country should never be rewarded with benefits or privileges; no amnesty – now way; secure our borders now and fully enforce immigration law; learn and speak English”. The You Don’t Speak for Me members believe that any immigrant who comes into the US illegally should not be accepted into the society. Aside from the points mentioned, this article was “more concerned with emphasizing that despite the positive benefits protesters are claiming immigrants bring to society, they are nonetheless breaking the law and must pay those consequences, as well as admit they thus do not deserve the rights they are asking for”. Rodriquez also mentioned, “...to emphasize that immigrants do not fit in; instead, they are aliens, strangers, illegal, and must be considered a threat”. This comes to show that although we may think otherwise, there will always be members who oppose our thoughts.

The news article, “Racism, not a lack of assimilation, is the real problem facing Latinos in America” was written by Suzanne Gamboa. Gamboa talks about the history behind the rights

of Latinos on U.S. soil. She shows the layer of racial violence against Hispanics. As stated in the article “Assimilation is the excuse we use when an opportunity is denied”(Gamboa). Gamboa also states the perspective of Hispanics being outside won't be going away anytime soon. Especially ones who come to seek refuge. Gamboa brings up counteractive points. For instance, “Latinos, even those whose roots in this land stretch back to before the nation's origins, still face overt and subtle racism and discrimination”. Hispanics and Latino Immigrants face hardships even if they have lived all of their life here. Another point brought to light is, “There is an ingrained perception among many white people that all Latinos are foreign no matter how long they’ve been in the United States or how “assimilated” they are” (Gamboa). At the end of her article is a quote by Van Cleve saying “race, darkness, skin type, all the things that label people, our bodies, our hair, an accent, culture, all the codes we have been trained in America to see, cannot and will not go away.”

When analyzing the reputation of Hispanic and Latin immigrants in the United States, several questions arise. What is the reputation of Latin Americans and Hispanics in the United States? Why do they have this reputation? How do ethical immigration wrongs affect American Hispanic and Latin immigrants? The ethical wrongs in immigration laws adversely impact the experience of being an immigrant American citizen. Although Hispanics and Latinos have been blamed for instability in the United States economy and threats to national security throughout history, this reasoning is unjust. It significantly influences the unethical and flawed citizenship immigrants are forced to live with on a day-to-day basis. Since many of the Hispanics and Latino who are in the United States are fleeing poverty-stricken areas of their countries in search of better economic opportunities, safer living conditions, and better education, citizenship for Hispanics and Latinos is perceived as a representation of poverty, lack of education, and

criminality. Research has shown that the hardships, reputation, and flawed citizenship of Latinos and Hispanics stem from unethical habits and a lack of respect for their human rights. This is evident when studying the history of immigration laws and studying the immigration laws during the Trump era. Exploring the history of immigration reforms and laws reveals that Latinos and Hispanics are treated as second-class citizens and deprived of legal and social rights.

Immigration law in the United States is very problematic because it makes it difficult for Hispanics and Latinos, particularly those individuals living along the United States-Mexico border, to find safety. Although Latinos and Hispanics can enter this country legally and acquire citizenship, they are still denied full citizenship rights. They are instead granted false or flawed citizenship. Such citizenship entails a reduction in their legal and social rights. In general, and socially, Latinos and Hispanics are looked down upon and suffer greater penalties if they break the law. Even before receiving citizenship, more hatred and disgust from American citizens and authorities surround them.

Researchers such as Marla Andrea Ramirez, who have published writings like “The Making of Mexican Illegality: Immigration Exclusions Based on Race, Class Status, and Gender.”, Comprehensively assess the unethical patterns cultivated, beginning with the first "free white person" who was a requirement for citizenship in the United States in 1790 in America." Ramirez refers to the 1848 Treaty of Guadalupe, which granted US citizenship to all Mexicans in occupied territory. In doing so, Mexicans were seen as having equal legal rights with the rest of the United States but were not socially accepted because of their ethnicity. That same year, the first immigration law ruled that immigrants unable to support themselves were barred from entering the United States. Later, in 1924, the United States stripped Mexicans of their citizenship, labeling them illegal aliens. Recent immigration policies during the Trump era make

it clear that the legal system still condemns and excludes immigrants. In his book "Behind the Green Card How Immigration Policy is Killing the American Dream" D.S Dobkins discusses S.B 1070. This was an Arizona law that required immigrants to carry some form of identification and allowed police to arrest people of color on suspicion of illegality. In this piece, he also refers to ICE, the Immigrant and Customs Enforcement, which worked against immigrants.

"Citizenship is man's basic right, for it is nothing less than the right to have rights." Ramirez says, quoting chief justice Earl Warren while studying the definition of citizenship in the United States. Citizenship aims to give immigrants legal and social rights, but Hispanic and Latino immigrants are routinely deprived of their legal rights and, more importantly, their human rights every day. The idea of flawed citizenship in America led to the classification of "others" for Hispanics and Latinos because the United States offers flawed citizenship. Immigrants are subject to State Bill 1070, which seeks to allow unconstitutional and immoral practices in Arizona. This is an example of defective citizenship. Law enforcement officials had to arrest suspected individuals in the country who did not provide proper documentation. However, it is unethical to arrest on suspicion. The United States struggles to respect the human rights of immigrants and has a deep-seated prejudice against people of color and ethnic minorities. Immigrants are forced to face an unjust, unethical, and inhumane immigration system, giving them a false sense of citizenship.

The concept of "otherness" is central to sociological analysis of how majority and minority identities are constructed. Naturally, society classifies people based on gender, class, and race, but the dissociation between undocumented and legitimate Hispanics and Latinos, and "white" Americans' citizenship is one of the biggest divisions seen in the United States. Othering is evident in society due to contradictions and unethical practices in the United States legal

system. This happens because discrimination by politicians and immigration law strongly influences American citizens' thinking about Hispanics and Latinos. Ramirez also analyzed othering and the law, stating that "The California Joint Immigration Commission described undocumented immigrants as" vicious criminals consisting of smugglers, gangsters, and thugs in big cities." It is very clear that the legal system manipulates American citizens to make Hispanics and Latin Americans think they are not worthy of law and human rights. American society is brainwashed to think that Hispanic and Latino immigrants are less deserving than other groups and are not equivalent to other Americans. This roots from words spoken by political leaders and written in American law.

Contrary to many beliefs, research has shown that although immigration laws for Hispanic and Latinos do not differ from other groups, they do affect Hispanic and Latino groups differently. Immigrants are more likely to be implicated in crimes under the Antiterrorism and Effective Death Penalty Act, the Illegal Immigration Reform Act, and the Immigrant Responsibility Act because the consequences are emphasized for them. Laws such as these work against Latinos and Hispanics, portraying them continually as criminals and unlawful. Past president Donald Trump and other political figures also preach racist and negative opinions about Hispanics and Latinos to the public. In addition, Arizona's S.B 1070 law aims to punish immigrants without sufficient grounds to do so. Under the law, immigrants can be deported without the need for a valid reason. These acts and laws represent immigrants very poorly, particularly the Latino and Hispanic communities, giving them an awful reputation in both the legal system and society of the United States.

This ethical dilemma in the United States immigration system needs to be brought to light to give Hispanic and Latino immigrants a voice. This calls for a change in the immigration

system to give not only Hispanics and Latinos a better American experience but also a true version of citizenship. There needs to be a more accessible and practical path that leads Hispanics and Latinos, especially ones on the United States Mexico border toward stable and fair citizenship. To improve the immigration laws and policies, these decisions should revolve around ethics and how to improve the experience Hispanics and Latinos have in the United States. This is a valid problem that demands more attention to better the quality of life that immigrants should experience in the United States. Hispanic and Latino immigrants, mainly illegal ones, are rarely taken seriously or properly heard. Because of their reputation of being uneducated, dangerous, and poor criminals, the American legal system fails to ever respect immigrants, let alone listen to what immigrants have to say. Without this kind of communication, there will be little to no improvement in the experience immigrants have in the United States. This is why the flawed citizenship for immigrants exists, and sadly, will not be corrected in the near future. Defining flawed citizenship and the reputation of Hispanics and Latinos helps establish a base ground for this ethical dilemma and offers solutions. The flawed and fractured citizenship legal Hispanics and Latinos experience is a lesser version of what it truly means to be an American citizen; they do get very few benefits socially and experience many more hardships. This is unfair to the people who have put a tremendous amount of effort into being a part of this country. These Latino and Hispanic immigrants deserve to be treated equally socially and legally and to have a true sense of American citizenship.

During this research on immigration laws, immigrant reputations, and ethical wrongs involving immigrants, it is evident that the ethical wrongs in immigration laws severely impact the concept of citizenship for immigrants. We examine race-based exclusion laws in immigration in this essay, examining the relationship between the laws and racial hierarchy in the U.S., using

the Trump era as an example, and the idea of faulty citizenship, which leads to the categorization of Latinos and Hispanics as "others." Throughout history, Hispanic/Latino immigrants have faced ethical injustices, and their reputation has suffered because of it. Researching several sources and studying immigration laws, the ethical wrongs Hispanics/Latinos faced throughout history, and their reputation in America, we come to the following conclusion: Throughout the history of the United States, immigration restrictions have been heavily influenced by race, class, and gender. With the introduction of the "free white persons" prerequisite in the year 1790 up to the year 2018 during the Trump era, with the implementation of border security and immigration reform. Additionally, several other laws have been passed, including the alien and sedition acts of 1798, the naturalization law of 1802, and Senate Bill 1070 in 2010. This research paper studied those issues and the legislation created for immigrants in America. The reputation and hardships Hispanics and Latinos suffer are connected to this ethical issue, which must be addressed to restore their good name. Consequently, we believe the immorality in legality and ethics can be fixed by this paper because Latinos and Hispanics do not deserve the hatred and disrespect they receive. The United States is becoming increasingly diverse, with immigrants from all over the world crossing the border. The arrival of immigrants is leading to more diversity in schools, workplaces, and communities. The United States will continue to attract immigrants. However, how long can we treat them as if they have no value? When will they no longer face discrimination and be treated differently?

Work Cited

Ramírez, Marla Andrea. "The Making of Mexican Illegality: Immigration Exclusions Based on Race, Class Status, and Gender." *New Political Science*, vol. 40, no. 2, 2018, pp. 317–35.

Crossref, <https://doi.org/10.1080/07393148.2018.1449067>.

Dobkin, D. S. (2013). Enforcement: Arguments and Misconceptions. In *Behind the green card how immigration policy is Killing the American Dream* (pp. 65–73). essay, Algora Publ.

Torres, S.A., Santiago, C.D., Richards, M., & Kaufka Walts, K. (2018). *Immigration Policy, Practices, and Procedures: The Impact on the Mental Health of Latino Youth and Families.* *The American Psychologist*. Advance online publication.

Pinheiro, Erika. "What's Really Happening at the US-Mexico Border -- and How We Can Do Better." *TED Talks*, uploaded by Erika Pinheiro, 14 Nov. 2019, www.ted.com/talks/erika_pinheiro_what_s_really_happening_at_the_us_mexico_border_and_how_we_can_do_better.

SB 1070: A Primer." *YouTube*, The Arizona Daily Star, 6 Mar. 2014, www.youtube.com/watch?v=PGA4qWZJPnM&feature=youtu.be.

Gamboa, Suzane. "Racism, not a Lack of Assimilation, Is the Real Problem Facing Latinos in America." *NBC News*, 26 Feb. 2019, www.nbcnews.com/news/latino/racism-not-lack-assimilation-real-problem-facing-latinos-america-n974021.

Fabre, C. (2016). Ethics of immigration: The issue of convicted criminals. *Journal of Applied Philosophy*, 33(4), 428–434. <https://doi.org/10.1111/japp.12186>

Santa Clara University. "Ethical Principles for Immigration Reform in 2019." *Markkula Center for Applied Ethics*, www.scu.edu/ethics/all-about-ethics/ethical-principles-for-immigration-reform-in-2019.

Accessed 4 Mar. 2022.