

Human Rights in a Globalizing World: Who Pays the Human Cost of Migration?¹

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Abstract:

This paper examines the relationship between globalization and immigration, and makes the case that current foreign policies and immigration regulations in the United States and France result in the violation of the human rights of migrants. In the United States, the House and Senate proposals presented in 2005 and 2006 to stem the tide of immigrants and thereby fix the immigration "problem" either criminalize undocumented workers or transform them into temporary workers. In France, the "selected immigration" bill introduced by Interior Minister Nicolas Sarkozy, and passed in 2006, makes it easier for skilled workers to enter and remain in France and harder for less skilled workers to do so. These proposals and bills fail to see immigrants as human beings with dignity and fundamental rights to a livelihood, a family, and a community, and fail to take into account the receiving countries' complicity in producing emigration. Designed to maximize profits for corporations, and minimize the prices of consumer goods for customers in the Global North, these policies and regulations have a high human cost. This paper explains how temporary worker programs are designed to extract labor from immigrants while preventing them from becoming full and equal members of the communities in which they work and live, and how the criminalization of undocumented immigrants transforms migrants into second-class citizens. From a human rights perspective, all human beings should have the right to food security, to decent health care, to safe working conditions, to an education, to a family, to their cultural identity, and to fight and organize for their rights. Temporary worker programs that permit workers to come to a country only to work for low wages and no benefits, and do not permit them to bring their families, to send their children to school, and to form communities are a violation of these workers' human rights.

Key Words : Immigration policies, globalization, human rights, border security, criminalization of workers, guest worker programs, meatpacking, HR 4437.

Introduction

Undocumented people from Mexico, Iraq, and other countries of the Global South risk their lives every day to enter the United States, France and other countries in the Global North, and many lose this wager on their lives. On May 13, 2003, at least 75 people, mostly from Mexico and Central America, who had just illegally crossed the US border, were packed into a 48-foot long truck trailer in order to sneak by a Border Patrol checkpoint approximately 45 miles inside the United States. Locked in the trailer, eighteen died that day from heat, dehydration and a shortage of oxygen and 56

others were caught by police, one of whom died later. The driver was arrested and, after a trial in late 2006, found guilty of smuggling resulting in death. In the penalty phase of the trial, in early 2007, the jury determined that the driver should be sentenced to life imprisonment without parole.²

Two years earlier, on February 17, 2001, the freighter *East Sea* that was carrying 912 migrants, most of who were Iraqi Kurds, was abandoned by its crew of smugglers and ran aground on a French Mediterranean beach. Although the migrants were crammed into holds in unhygienic conditions during the entire six-day voyage from Turkey and 22 had to be taken to French hospitals, none of them died. The migrants were given time to apply for asylum but more than a third of them disappeared without attempting to obtain asylum in France.³

Many of those who have died trying to reach France or European countries further north such as Germany, Netherlands, or the United Kingdom, lost their lives in attempting to enter Spain or Italy from North Africa. At least 13 sub-Saharan Africans died trying to climb over the fences around the Spanish enclaves, Ceuta and Melilla, in Morocco in October 2005, and in 2006 many more died attempting to cross the Atlantic ocean from the western coast of Morocco, Mauritania, and Senegal to the Spanish Canary Islands, or the Mediterranean Sea from Algeria, Tunisia, and Libya to Malta and Italian islands. Precise estimates of those who have died in the water are not possible because many boats and bodies are never found.⁴

One study analyzed the remains of those who were believed to have died during an unauthorized transit from Mexico to the United States between January 1, 2002, and December 31, 2003, in any county along the 650-mile section of the US-Mexican border from Yuma, Arizona to El Paso, Texas. Among the 409 migrants who died, environmental heat exposure (n=250; 61.1%) was the leading cause of death, followed by vehicle crashes (n=33; 8.1%) and drowning (n=24; 5.9%). Male decedents exceeded female decedents by nearly 3 to 1. More than half of those who died were known to be Mexican nationals (n=235; 57.5%) and were aged 20 to 39 years (n=213; 52.0%); the nationality of the others who died could not be determined.⁵

These data cause us to question why people from Mexico and other countries are willing to risk their lives to emigrate. One analyst points out that on the African continent which is “torn apart by poverty, disease, violence and corruption, a demographic and social time bomb ticks: half of Africa’s 900 million and growing population is under 17, and 40 percent live on less than \$1.20 per day”.⁶ There is a similar situation for the population in Mexico, 31 percent of which is under 15 years of age, and which has experienced a 25 percent decline in wages since the passage of the North American Free Trade Agreement (NAFTA) in 1994. Along the US Border, the wages for many workers in the *maquiladoras*, the multinational sweatshops, are from 60 cents to \$1 per hour,⁷ far below a living wage in Mexico.

The younger populations in Mexico, Africa and other geographical areas often believe that they can get better jobs and provide more for their families and relatives by working in the United States, France and other countries in the Global North and they willingly put their lives at risk to reach these destinations. In addition, the history of French colonialism in Africa and the French recruitment of North Africans after World War II produced the situation where many Africans have family ties in France, and the history of US intervention in Latin America produced the situation where many Latin Americans have family ties in the US. In short: immigrants are coming because they need work; work is available; and they know how to gain access to the opportunities for work. But, the increasing numbers of border crossers, legal and illegal, have reawakened anti-immigrant sentiments and encouraged some politicians and their supporters in the US, France and other countries to place limits on immigration as well as to strengthen the fences and the forces that guard their national borders. These policies have not served to deter immigration, but have greatly increased the vulnerability of migrants and would-be migrants.

The tension between economic utility and racism

Increasing immigration to the United States and France has created a tension between recognition of the economic necessity of immigrant labor and anti-immigrant sentiments that have a racist character. In the US, the Federation for American Immigration Reform (FAIR) “can be credited as the major influence in current immigration policy,” yet FAIR “has received a large portion of its funding from the overtly racist Pioneer Fund” and “multiple FAIR staffers have been directly connected with the white hate group the Council of Conservative Citizens (CCC)” (Fernandes 2006: 203; 214). In France, racism wears the cloak of nationalism, as former Interior Minister and current President Nicolas Sarkozy often makes comments with regard to the undesirability of immigrants who do not wish to become French, and generally directs those comments towards North Africans. For example, just before the Parisian riots of October 2005, Sarkozy referred to immigrant youth in the *banlieues* (suburbs) as “*racaille*” (scum or rabble – a word with racist connotations).⁸

During the past few years, critics in the US have raised their voices to mobilize support against immigrants from Mexico as well as Mexican-Americans. Samuel P Huntington (2005: 246) tells us Mexican-Americans “argue that the Southwest was taken from them by military aggression in the 1840s, and that the time for *la reconquista* has arrived” but he does not offer any credible evidence. Pat Buchanan (2006: 249) declares that “It is suicidal not to realize that Mexicans harbor a deep grievance against America and nurture a nationalist belief that we robbed them of half of their country”; and insists that “If we do not again become one nation and one people, we will lose our country”. But Buchanan also does not provide credible evidence of an agenda of re-conquest by Mexican immigrants. Nevertheless, the opinions of not only Buchanan and Huntington, but also those of Congressman Tom Tancredo (R-CO) and former Klansman David Duke, are gaining acceptance in immigration policy debates in the US. When David Duke first began leading citizen patrols of the US-Mexican border in the 1970s, these endeavors were seen by local residents and law enforcement agents as extremist and limited to the likes of white supremacists (Fernandes 2006: 211). Today, however, these sorts of anti-immigrant rhetoric and practices are no longer restricted to right wing extremists.

While immigrants are increasingly criminalized in the mainstream media, most analyses demonstrate the necessity of immigration to maintain the prosperity of the US. There are data that show that populations in western countries are living longer but not producing large families. These populations have been promised generous pension and health benefits, especially when they are older. Parsons and Smeeding (2006: 2) pointed out that, “This combination is unsustainable whether in Europe, North America, Australia or Japan: replenishment of the working-age population is now too slow to fund the promised benefits for the swelling ranks of retirees, or even to maintain economic growth in the long run”. Mexican immigrants and others from the Global South contribute to the economy and society. We need them to replace those of us who are getting older and approaching retirement.

Anti-immigrant rhetoric and practices only serve to ensure their marginalization in our society. Immigration policy in the United States has become increasingly punitive towards undocumented immigrants. Nicholas De Genova (2002) argues that immigration policy in the US is not actually designed to deter immigration, but serves to create a disposable and deportable migrant labor force. De Genova introduces the concept of “deportability” in order to describe the condition of undocumented migrants – deportability entails that some migrants will not be permitted to remain in US borders, but the overwhelming majority will remain, albeit in a socially marginal and vulnerable state (2002). Gilberto Rosas (2006) expands upon the arguments made by De Genova and introduces the concept of “policeability.” By this, he means that the militarization of the border has created subjects that are deemed “worthy of dying in the treacherous geographies of the border,

or subject to militarized policing, or vigilante actions, or daily forms of surveillance” (413). These concepts of policeability and deportability are useful for understanding the migrant condition, and we expand on these notions by pointing out how the creation of disposable and marginal workers is not only detrimental to migrants, but also advantageous to employers. In this essay, we examine how immigration policies not only create marginalized subjects, but also are beneficial to employers in certain sectors of the labor market insofar as they create a disposable workforce.

Immigration Policies in the US

Most people involved in politics today generally agree that we need immigration reform in the United States. An examination of the parameters of the current debate, nevertheless, indicates that the prevailing dialogues are still quite far from being able to reach a humane solution to the immigration crisis. The immigration policies presently being debated in Congress, as well as the reforms proposed by President Bush generally have some or all of the following five components: (1) Increasing border security, (2) Applying sanctions on employers for hiring undocumented workers, (3) Detaining immigrants who do not have the proper documentation to remain in the US, (4) Expanding the guest worker program, and (5) Constructing a path to citizenship for undocumented workers. Most of the proposals, however, have very little chance of succeeding in ameliorating the immigration crisis, no matter what your perspective is concerning immigration.

The reason is that these proposals do not confront the fact that we need immigrants to fill the jobs they are currently performing and that we have a 2000-mile border with Mexico that is virtually impossible to seal. Another reality that needs to be taken into account is the number of people we are talking about. Twelve and a half percent of the current US population is foreign-born, and many of these 37.5 million people still have family members abroad that they wish to reunite with. In addition, we have between 11 and 12 million undocumented immigrants currently residing in the US, 7 million of whom are working. Finally, we have to reckon with the fact that corporations and the US government, the military, and the CIA have engaged in activities that have spawned emigration in several countries in Latin America and attracted immigrants to the US. Most of the immigration proposals on the table are bound to be unsuccessful because of a failure to confront these realities.

Whose security at the border?

Increasing border security does not decrease migration flows. It only leads to more deaths along the border, passages that are more treacherous for potential immigrants, more suffering and injuries, and generally increases the vulnerability of potential crossers, especially women. The few assessments of sexual violence along the US border find that sometimes as many as 45 percent of Mexican border crossers are women and that as many as 70 percent of them are raped during their treacherous trips. Some even take birth control pills before crossing, knowing that being raped is part of the price of crossing the border.⁹ The first-hand accounts of crossing the border in collections such as *The Border Patrol Ate my Dust* by Alicia Alarcón provide vivid and disturbing examples of how this happens. Increasing border security will only enhance the current suffering of potential border crossers, as they will have to go to even more remote regions of the border in order to avoid capture by the Border Patrol.

As long as there is an incentive to cross, people will continue to do so. Carlos and Ulises, two young men from Mexico, for example, crossed the border illegally in 1994. They had been sent word in their hometown in southern Mexico that a contractor in Los Angeles had jobs waiting for them. Both of them were unable to find work in their hometown, and Carlos was trying to start a family. The passage of NAFTA resulted in the loss of over one million jobs in Mexico (Bacon

2004), and Ulises and Carlos are among the many victims of NAFTA. After several attempts at crossing the border, Carlos and Ulises succeeded and met up with their contractor in Los Angeles. Ulises worked for a few years, until he saved up enough money to go back to Mexico to reunite with his wife. Carlos decided to stay, since things were going fairly well for him in southern California (Alarcón 2004: 16-33).

Carlos and Ulises' fate differed from that of María, who left an abusive mother in Mexico only to be sexually assaulted while trying to cross the border, and then to be sold as a slave to a family in the US. When her employer tried to rape her, she finally decided to escape, and found a job as a maid in another family (Alarcón 2004: 129-138). These stories are all too common for Latin American and other immigrants who risk their lives trying to cross the border. The fact that women are taking birth control pills prior to crossing the border means that potential migrants are well aware of the risk of being raped while crossing. And sexual assault is not limited to women as indicated by the story of 14-year old Manuel who reported how an older woman tried several times to force herself on him during their passage (Alarcón 2004: 110-116).

If women are willing to endure rape in order to cross the border, the incentives to leave their countries must be extraordinarily high. Sadly, these crimes could be avoided with a more humane border policy, which allowed people to search for a better job and life in another country. Although the people smugglers are the main perpetrators of rape along the border, Mexican and US officials are not innocent in this area either.¹⁰ The vulnerability of these women and men could be lessened if they did not need to rely on the services of people smugglers to move across the border, that is, if they did not have to cross illegally.

The case for opening the border is strengthened when we consider US complicity in producing emigration. During the civil wars in Guatemala and El Salvador, boys as young as twelve were at risk of being recruited to take up arms against their compatriots. Many saw emigration as the only way out. Some emigrated to nearby countries; others went to Canada and Mexico, but most of them came to the US. We must remember that the US government provided billions of dollars for the arms to fight these wars in Central America. The US provided six billion dollars in economic and military aid to El Salvador alone during its twelve-year civil war. During this war, US-trained soldiers killed countless women and children, yet the US continued to supply funds for this brutal war (García 2006: 25-26). US intervention and military aid to Central America, Colombia, Haiti, Chile, and other countries must be a part of the conversation about immigration policy.

Immigration raids and the criminalization of workers

On March 6, 2007, 361 undocumented workers were arrested during a raid at the Michael Bianco leather goods factory in New Bedford, Massachusetts. Senator Edward Kennedy demanded that the detained workers who had been transported to Texas and other states be immediately returned to a location as close as possible to New Bedford. Senator Kennedy stated that "These men and women had not harmed anyone. They were victims of exploitation, forced to work under barbaric conditions by an employer who knew that they could not afford to complain." Senator Kennedy, who observed some of the fragmented families in a church that had been transformed into a relief center, reported that "Babies were screaming for their mothers. Wives were desperately searching for information about their husbands. One father tearfully described the agony and sleeplessness of his young children who couldn't understand why their mother had disappeared".¹¹ Congressman Tom Tancredo, however, disagreed and urged that the undocumented workers be deported. Speaking of the separated families, Tancredo declared that, "My hope is that they will be reunited before they are deported".¹²

While Tancredo may see it as politically viable in his constituency to call for mass deportation, it is clear that the Department of Homeland Security does not have the resources to detain and deport the seven million people working illegally in the United States. In addition, these workers, despite their lack of legal paperwork, are currently providing vital services to the US, and a crisis would ensue were they to all be fired. Undocumented immigrants make up nearly 15 percent of the workers in a number of industries, including farming and food services. The removal of 15 percent of the workers in any industry would have serious consequences for the economy and for daily life.

The evidence of the destruction wreaked on Swift Meatpacking Company and the communities where these plants are located is another case in point. On December 12, 2006, more than 1,000 agents from Immigration and Customs Enforcement (ICE) raided the Swift meatpacking plants in Colorado, Texas, Iowa, Nebraska, Utah and Minnesota. This resulted in the detaining of nearly 1,300 workers from these plants, and cost Swift an estimated \$30 million in lost production.¹³ As a result, the towns were left in shock: families were separated, and many women and children were left behind without a breadwinner. In order for ICE to get all of the undocumented workers out of their positions, they would have to conduct similar simultaneous operations on more than 5,000 other occasions. Even if they were to do one of these every single working day, this would take nearly 30 years to complete. And, it is not actually possible to conduct one every single working day, since these raids take time to plan. What is more, within a couple of weeks, many of the Swift workers who had been deported were back working at the plant.¹⁴ So, mass raids are not a viable solution.

The problems surrounding proposals to detain all unauthorized immigrants are quite similar to those pertaining to undocumented workers: we simply do not have the resources to arrest and hold 11 or 12 million people. We are currently stretching our resources with the detention of 26,000 people, each of whom costs taxpayers over \$50 per day, with a total cost approaching more than \$1,300,000 per day (Fernandes 2006). Even if we were to increase the number of detainees 100 fold, we would barely be up to 5 percent of the current undocumented immigrants. Not only do we not have the detention facilities; we do not have the lawyers to give those detainees due process, the judges to charge them, or the vehicles to transport the 11 or 12 million people out of the country. Both raids on undocumented workers in factories and mass arrests of undocumented immigrants only serve to instill fear in the hearts of people, while doing very little to resolve the issues at hand.

Guest worker programs and the meatpacking industry

Some of the US government proposals being debated suggest extending the guest worker program, which has a long record of violations of labor rights and standards, including blacklists and deportations of workers who protest. Guest worker programs and temporary worker programs create a vulnerable workforce that allows companies to keep wages low and to break union organizing efforts. Guest-worker programs are fashioned and implemented to create a reserve army of low-wage laborers without rights. This sort of labor immigration is extremely beneficial economically for employers, at the expense of the guest-workers. Employers of guest-workers have a history of not paying living wages, not providing safe working conditions, and not providing health benefits or pensions to their workers. An examination of the practices of the meatpacking industry will show why a guest-worker program is a violation of fundamental human rights and bad for US communities. We have chosen to discuss meatpacking not because they are the primary users of guest-workers, but because this is the type of industry that would most benefit from the expansion of the guest-worker program.

As depicted in Upton Sinclair's *The Jungle* (1985 [1906]), the meatpacking industry has been characterized by grueling conditions for at least a century, and has historically used immigrants as its primary source of labor. These two characteristics have changed little. What has changed is that, starting in the 1980s, meatpacking companies began to move their plants away from urban centers and closer to the rural areas where livestock abound, especially near small towns in Kansas, Nebraska, Texas, and Colorado. Along with this move, meatpackers changed the way they cut meats. Whereas previously skilled and semi-skilled butchers would cut up the cattle, now the carcasses are moved along a powered chain where each worker is responsible for a specific operation on the carcasses. This new way of processing meat has resulted in a deskilling of the workforce as well as an increase in the rate of production. Plants now process much more meat at a much faster rate than they did just twenty years ago. This has also led to extremely high rates of turnover and injury in the meatpacking industry. Turnover rates are as high as 100% in some plants, while incidences of carpal tunnel syndrome increased 264% between 1980 and 1988 (Gabriel 2006; Champlin and Hake 2006; LeDuff 2000).

When Human Rights Watch conducted a study of the meatpacking industry, they found that workers who tried to form trade unions and bargain collectively were "spied on, harassed, pressured, threatened, suspended, fired, deported or otherwise victimized for their exercise of the right to freedom of association".¹⁵ They also found that many companies took advantage of workers' immigration status and lack of knowledge of their rights as workers in the US in order to deny them these rights. Overall, they found the meatpacking industry to be characterized by unsafe working conditions, very high rates of injury, and constant abuses from superiors.

The changes in the way meat is processed have generated great profits for the largest meat processing firms, while putting smaller firms out of business. It may seem odd that the large meat processing companies moved out of cities with relatively high rates of unemployment to small towns with very low unemployment, even given the advantages of being closer to the raw materials -- the cattle. From a supply and demand perspective, this would seem to entail that the companies would have to pay higher wages in order to attract workers in areas with low levels of unemployment. The solution to this potential problem is that meat processing is designed in such a manner that workers can be easily trained to process meat at very high rates of speed. This in turn causes very high rates of injury and turnover. Thus, the meatpacking companies do not need a large stable workforce, but rather a temporary workforce that is mobile and is willing to work for a few months and then move on.

The town of Lexington, Nebraska provides an example of this tendency. IBP opened up a large meat processing factory in Lexington in 1990, when the local unemployment rate was about 3%. When IBP opened its doors, 81 percent of the people hired were non-Hispanic, and Lexington and the surrounding areas had a very low Hispanic population. Two years later, 57 percent of the new hires were Hispanic. Nearly all of these new hires had come from other states to work at IBP. The turnover rate at IBP was about 12 percent per month during its first four years, meaning that the entire workforce was replaced every nine months. While the average length of employment at IBP was 8 months, the average employment at Cornland, a smaller plant in Lexington that was put out of business by the competition from IBP, had been 33 months (Gouveia and Stull 1997).

The exceedingly high turnover rates and harsh working conditions make a guest-worker program a very attractive option for meatpacking plants. The situation in Lexington demonstrates the desirability from the employer's standpoint of the guest-worker program. It also demonstrates the lack of consideration given to the employees and to the community of Lexington. Most towns would welcome the entry of a large and profitable company into their community, insofar as it would be expected to provide jobs and economic prosperity. IBP, in contrast, has created a transient community that is wearing out its welcome in the town. This is not because of the nature

of the newcomers, but the nature of the jobs they come to fill, in which they rarely last more than a year. Thus, while IBP would clearly benefit from the implementation of a guest worker program, the town of Lexington, and other meat-packing towns in the US would continue to face the same problems, and the workers would continue to be hyper-exploited.

This situation calls into question two commonly heard claims: (1) Immigrants take Americans' jobs, and (2) Immigrants do jobs Americans do not want. With regard to the first claim, the unemployment rate barely fluctuated in Lexington and other similar communities in Nebraska, despite large increases in population. Notably, wages actually increased 7.8% from 1990 to 2000 in Lexington, a time during which nearly 4,000 Hispanic immigrants arrived in Lexington, increasing the town's size by 50%, and the Hispanic population tenfold (Bodvarsson and Van den Berg 2003). The building of the plant in Lexington not only created jobs that had not been there before, but the presence of new people generated more jobs in related service industries, such as restaurants and grocery stores. As for the second claim, the fact that 81 percent of the new hires at IBP were Anglo when the plant opened indicates that Anglos are willing to do meatpacking jobs. Although most left after eight months, the turnover rate for Hispanics is equally high. Thus, it is not the case that immigrants do jobs Americans do not want, but that nobody wants to do these jobs for very long, and immigrants are ideal candidates for jobs with high turnover rates, since they are less likely to stay in the community once they are no longer employed there.

A Path to Residence in France

France has a population of 61 million, 10 percent of which are foreign born; the United States has a population of 300 million, 12.5 percent of which are foreign born. But less than one percent (between 200,000 and 400,000) of the French immigrant population is undocumented as compared to the more than thirty percent (between 11 and 12 million) of the United States immigrant population, which is undocumented. Family reunification as a percentage of total immigration is 64 percent in France and 56 percent in the United States. Employment-based entry as a percentage of total immigration is 11.9 percent in France and 22 percent in the United States.¹⁶

Nicolas Sarkozy, the former Interior Minister of France, was elected President of France on May 6, 2007. He won 31 percent of the votes in the first round, and then beat the socialist candidate Segolène Royal in the second round, winning 53 percent of the votes. Record numbers of voters (85 percent of the electorate) turned up to vote in these polemic elections.¹⁷ As Interior Minister, Sarkozy was successful in obtaining parliamentary approval for his "selective immigration" policy. On the day of its adoption, July 24, 2006, Sarkozy argued that his new immigration policy "is the expression of France's sovereignty. It is the right of our country, like all the great democracies of the world, to choose which foreigners it allows to reside on our territory."¹⁸

The new immigration law has four components: recruitment of skilled workers, extension of the foreign students' stay in France, restriction of family unification, and limitation of access to residence and citizenship. Foreigners who possess skills or qualifications that would be helpful to government-identified French employers in particular professions and geographic areas that are experiencing recruitment difficulties will be able to obtain "skills and talents" visas. Eligible foreigners must be able to show that they will contribute to the economic, cultural or intellectual development of both France and their country of origin. The government will only issue these visas to qualified immigrants from a developing country if it has signed a "co-development" agreement with France or if the immigrants agree to return to their country of origin within six years.¹⁹

The new law will require foreign students to receive approval from their country of origin to study in France. Once in France, foreign students who receive a masters or higher degree will be allowed to stay in France to have a "first professional experience" that contributes to the economic

development of both France and the students' country of origin. These students will be given six-month renewable visas to look for work in France.²⁰

The purposes of this new law are to ensure that immigrants respect French values, to promote their integration into French society, and to halt forced or polygamous marriages. Family members who do not accept the secular state, the equality of men and women, and monogamy will not be permitted to enter France. In addition, immigrants must demonstrate that they can support all family members who migrate to France, and family members will face longer delays for family reunification. They must earn the minimum wage and not be dependent on assistance from the French state themselves. This component of the law is clearly intended to shift migration from the former policy of family reunification to one, which is work-based. Almost needless to say, this component will lead to separated families.

The new law will also enable the French government to deport unauthorized migrants who are refused the right to stay in France. Those unauthorized migrants who disturb the "public order" such as in the burning of cars and buildings in the fall of 2005, will be subject to deportation. Immigrants will have to sign an integration contract and take French language and civic courses. Before they apply for permanent residence, immigrants will have to demonstrate that they are "well-integrated" into French society.²¹ This component of the new law will make it possible to remove immigrants that offend the sensibilities or tastes of officials of the French state. It may generate antisocial activities or mental health problems among immigrants who wish to remain in France. And it will likely lead to violations of the human rights of some immigrants. By creating a class of "deportable people," it will further marginalize those people who do not fit into Sarkozy's vision of the good immigrant.

The French plan for immigration will further marginalize the *sans-papiers*, and deny immigrants the right to be with their families, but, unlike the US proposals, it does not create a disposable workforce. This is not because French public opinion is any friendlier to immigration than that of the US; it has much more to do with the different structure of the labor market and the social welfare system in France. Sarkozy's law, for example, does not propose to increase the availability of unskilled workers. This is because France does not need a large influx of unskilled workers. France currently faces very high unemployment accompanied by industrial decline. In addition, the national minimum wage is substantially higher than that in the US, France has national health care, and the state provides free childcare starting at six weeks of age, which makes low-level positions more attractive to the native-born than in the US. Finally, there has not been such a massive deskilling of food processing in France as there has been in the US. In France, skilled butchers cut up their cattle carcasses daily; fishmongers clean and cut fish, and bakers continue to rise early to make baguettes and other bakery products. In the US, much of this food processing work has been outsourced, and undocumented workers do the bulk of it. A comparison of the distinct circumstances, strategies, and outcomes in France and the US sheds light on the extent to which immigrants are seen by national politics not as human beings endowed with rights, but as subjects who should be economically beneficial to the host society.

A Path to Citizenship in the US

After the New Bedford raid, Senator Kennedy announced that in 2007 he would bring up again what was called the McCain-Kennedy bill that in 2006 passed the Senate but which was defeated in the House of Representatives. The McCain-Kennedy bill proposes a "path to citizenship," which, although sounds better than a massive detention or deportation, this bill, like that passed in France, will allow only some people to become citizens. Under this plan, undocumented workers can apply for a temporary work visa that is valid for six years. If they qualify, they will receive a work and

travel authorization. After six years, they have to reapply in order to qualify for permanent status. At that point, they will have a security background check, pay substantial fines, and must meet English and civics requirements in order to become citizens. The more recent Flake-Gutierrez proposal contains similar provisions for the potential legalization of temporary workers.

Both the McCain-Kennedy and the Flake-Gutierrez proposals would cause people to live in uncertainty and fear for several years. They also could put immense stress on families. Suppose, for example, the immigrants' children, who have been attending school, pass this requirement, but the parents, who live in an immigrant enclave, fail to pass the test. Or, as another potential example, a father who works outside the home passes, while his wife, who works in the home fails. This sort of program would deny people the basic human right of being with their families. Alternatively, it could force children who have lived their entire lives in the US to be transplanted to Mexico.

Even if the path to citizenship were less treacherous, the proposals that advance it do not address the fact that employers are assuming they will always have a constant source of cheap labor to take advantage of streaming in from south of the border. For this reason, immigration reform has to be accompanied by labor reform. The meatpacking industry cannot continue to operate as if workers are disposable if our goal is to transform undocumented workers into citizens and members of the communities in which they reside. In addition, we have to take responsibility for the migration flows into the US. Owners, investors, and consumers in the United States profit immensely from the availability of cheap raw materials and labor from the Global South. Furthermore, the instability and political turmoil in Central America is at least partly due to the actions and policies of corporations and the US government and its military in previous decades. We cannot continue to ignore our past and present complicity, nor can we expect to continue to benefit from the suffering of others without paying the consequences.

People in the US must come to terms with the fact that our economic prosperity comes at a great cost. That cost is extreme poverty and hideous violence for migrants beyond and within our borders. We also have to come to terms with the kind of society our current immigration policy is creating. Undocumented immigrants live in fear of being deported, while communities are facing new and growing problems due to the lack of resources to incorporate newcomers. A problem we do not talk about as much is that people who cross the border illegally often undergo serious trauma, and are frequently either maimed or sexually assaulted. This means that we have a large population of people who are emotionally impaired and physically injured upon entering the United States. Unfortunately, Congressional proposals continue to move further away from recognizing the human cost of migration, as exemplified in the most recent proposal, the S.A.V.E. Act (H.R. 4088 and S. 2368), which focuses primarily on border security and the deportation and detention of migrants.

The Human Cost of Migration

Strengthening the border will provide economic benefits to the contractors and corporations who specialize in security operations and in detention services. Guest-worker programs will provide economic benefits to agricultural and food-processing corporations. Nevertheless, each of these proposals comes at a high human cost, and we must consider this cost in the development of our migration policies. What is the cost to our communities (not to mention the female victims and survivors) if the cost of crossing the border is being subjected to rape? What is the cost to our communities and schools (not to mention the children) when our migration policies allow children to be detained or deported because of immigration violations? What is the cost to our communities (and to the workers and their families) when we have a large, temporary population that is only allowed to remain in our communities for a few months or a year?

From an economic perspective, immigration is good for our economy and the current policies, or lack thereof, are good for business. Espenshade (1995), for example, argues that the current level of undocumented immigration is at a level that could be seen as socially optimal because US employers need low-skill, low-wage labor to continue to be competitive in the global economy, that the cost of ending illegal immigration greatly outweighs any benefit from doing so, and that the current level of unauthorized immigration is a price that most Americans are willing to pay to maintain an open society. However, from a human rights perspective, we must also take into account the consequences of our immigration policies on undocumented workers themselves, not just on the US economy.

From a human rights perspective, all persons, not just citizens of certain nation states, share a common human dignity and deserve certain human rights (Blau and Moncada 2005). For example, Article 23 of the United Nations Universal Declaration of Human Rights specifies that “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment,” and Article 25 stipulates that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services” (Blau and Moncada, 2005: 39). Undocumented immigrants in the United States currently enjoy few, if any, of these rights or others. Thus, although the US economy and its citizens profit immensely from the work performed by undocumented immigrants, we also must take into consideration the extent to which the human rights of migrants and potential migrants are being ensured when we formulate immigration policies. It is time for the immigration debate to take a new direction.

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Endnotes

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