

Case Study: Migrant Detention Today

Instructions: Read the overview **two times**. On the **first read**, underline the laws and policies that led to the detention of migrants and asylum seekers in recent years. On the **second read**, circle the practices and attitudes that led to these detentions.

Part I

Overview: Migrant Detention Today

Throughout U.S. history, U.S. immigration laws have limited or, in some cases banned certain groups of people—from parts of Europe, from Asia, from Latin America, from the Middle East, from Africa—from immigrating to and becoming citizens of the United States. Important examples of these laws and policies include the Naturalization Act of 1790, the Chinese Exclusion Act of 1882, the 1924 Immigration Act, and the Zero Tolerance Policy of 2018.

These laws and policies have used race, religion, wealth, education status, or some combination of each as justification. When these laws discriminate against people based on race, they must be understood as racist. Throughout its history, U.S. immigration policy has created categories of “others,” people who are not “wanted” in the country or allowed to become American citizens. This form of “othering,” of wanting to keep certain groups of people out, is called xenophobia.

Prior to 1924, immigrants to the United States did not have to obtain a visa (official documentation granting someone the right to enter a country) in order to immigrate to the United States. Since then, the U.S. government has required that immigrants obtain “official documentation” in order to enter the United States. Over the past several years, the United States has seen a spike in the numbers of children and families attempting entry without “official documentation.” Many of these migrants come from Latin America. Others have come from Asia, the Middle East, and Africa. Most have come out of economic necessity or to escape violence or persecution in their home countries. Although U.S. businesses often rely on and even recruit these people for cheap labor, applications for entry into the United States often take years and frequently are not granted to people migrating for economic reasons. Likewise, applications for asylum (the right to immigrate due to persecution or violence in one’s home country) take a long time and have significant restrictions. Because of this, some immigrants choose to enter the United States without documentation.

Undocumented immigrants in the United States have faced incarceration, deportation, and family separation, despite the vital economic role of their labor on farms and in factories across the country. According to Detention Watch Network, a national coalition dedicated to ending immigrant detention, the United States government maintains the world’s largest immigrant detention system.

In 2018, the United States government escalated its crackdown on undocumented workers and families in the United States, in part by creating a “zero tolerance” policy. In addition to U.S. Immigration and Customs Enforcement (ICE) raids at factories and businesses, the “zero tolerance” policy separated families, often young children from their parents, and prolonged detention in poor conditions.

Important U.S. Immigration Laws and Policies

The Naturalization Act of 1790 limited citizenship in the United States to free white persons.

The Chinese Exclusion Act of 1882 suspended immigration of Chinese people to the United States for ten years and made Chinese immigrants ineligible for citizenship.

The 1924 Immigration Act established quotas for immigrants by country and completely excluded immigrants from Asia.

The Zero Tolerance Policy of 2018 established that every migrant—including asylum seekers—attempting to cross the U.S. border without authorization anywhere other than at an official port of entry was to be detained and criminally prosecuted. The policy led to the systematic separation of newly arriving adult migrants from any children who had accompanied them.

Part II: Analyzing Sources

Rationales for Laws and Policies

Instructions: Read Sources 1-3 below. As you read, underline each rationale (reason) for U.S. government immigration policies.

Source 1. Attorney General Jeff Sessions, January 26, 2018

"A central idea of the President's [Trump] immigration reform proposal is switching to a merit-based system of immigration.... That means welcoming the best and the brightest but banning and deporting gang members, identity fraudsters, drunk drivers, and child abusers—making them inadmissible in this country.... That kind of system would be great for our economy, of course. Much more importantly, it would be the best way to ensure that our immigration system does not continue to harm our national security. Immigration is a national security issue."

Source 2. Stephen Miller, senior policy advisor to President Trump, April 24, 2020

"[T]he most important thing is to turn off the faucet of new immigrant labor.... All around the country, Americans of every political stripe will rally behind an initiative to make sure that they, their children, their parents, their husbands, wives, sons, uncles, nephews, cousins can be the first to get a job when it opens up, to get her old job back when they rehire or to keep their job if they already have one. Those individuals have a right and an expectation to get their jobs back and not to be replaced by foreign workers."

Source 3. Presidential candidate Donald Trump, June 16, 2015

"When Mexico sends its people, they're not sending their best. They're not sending you.... They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."

Conditions in Detention

Instructions: Read Sources 4-6 below. As you read, underline each description of the conditions or experiences of detainees.

Source 4. From Julissa Arce, formerly undocumented, August 6, 2019, in *Time* magazine

"Last month, Francisco Erwin Galicia, a Dallas-born teenager, was held in Immigration and Customs Enforcement (ICE) custody for more than three weeks, where he says he lost 26 lb. due to the poor conditions and was not allowed to shower. In March, Customs and Border Protection detained 9-year-old Julia Isabel Amparo Medina, a U.S. citizen, for more than 30 hours when she crossed the border at the San Ysidro port of entry to attend school. These are not isolated incidents. ICE has requested the detention of 3,076 American citizens from October 2002 to December 2018, according to Syracuse University's Transactional Records Access Clearinghouse. It isn't even about being born on American soil. It's about our brown skin in America."

Source 5. Testimony to Congress from Hope Frye, Executive Director of Project Lifeline, about a visit to a Border Patrol detention center in McAllen, Texas, on July 10, 2019

"Some children were too traumatized to even interact with us. Children who were lucid enough to interact with us were glad to see us. They were grateful for the opportunity to sit in an office which is warmer than their cages, to sit on a chair not on a concrete floor, to sit close to us—adults with smiling faces—and talk to a respectful person glad to see them, about the horrendous things that are happening. As the conversations unfolded, we struggled to maintain our composure, emotions carried away by the cruelty and deprivation all the children describe. We are uniformly incredulous at how the government can treat children so inhumanely in our name and saddened to find the children more traumatized and in worse shape than even the most experienced of us had imagined."

Name: _____

Source 6. From *The Texas Tribune*, June 28, 2019

"They don't have the humanitarian conditions for people to be there," said Gary, a 33-year-old migrant from Siguatepeque, Honduras, who would only give his first name. "There were more than 200 of us in a single cage—seated on the floor, standing, however we could fit." He said the stench inside overflowing toilets was so bad it made him gag and caused children to vomit.

"The bathrooms are full, they aren't cleaning them regularly," he said.