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TRUMP AND THE BORDER CRISIS

Explaining the Indefensible

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It is difficult to resist the temptation to rant against the ineptness and mean-spiritedness of the Trump Administration's recent border apprehension policies. Yet the moral and ethical obtuseness on display is the product of a long and complex history in which we all have a hand.

I recently participated in a panel discussion on the refugee crisis in the Middle East at the Jesuit university where I teach. I shared the podium with an undergraduate whose family had fled Syria and a colleague from the theology department. Responding to my co-panelists' heartfelt pleas for humanitarian relief to populations in distress, I attempted to sound a note of realism by pointing to the difficult judgments that must be made between individuals needing shelter from duress and those seeking "merely" to improve their life chances here. I argued that one reason Americans generally were not more welcoming of those genuinely seeking sanctuary was that this critical distinction had long since gotten muddled in our decades-long debate over immigration.

My theologian colleague responded by citing the Biblical injunction "to welcome the stranger." She went on to insist that as a political community we are obliged to welcome all "strangers"—immigrants and refugees alike. Overcoming my surprise at a Catholic so uncharacteristically invoking Scripture, I demurred and suggested that this could hardly be the basis of a sustainable national policy. But on that occasion, mine was the minority view.

My colleague's refusal to differentiate between the claims of immigrants and refugees reflects the posture of the Catholic Church generally. Consider, for example, how at a Mass celebrated along the U.S.-Mexican border in February 2016, Pope Francis failed to draw any such distinctions and criticized the United States for denying entry *both* to Mexican migrants seeking to work or join relatives here, *and* to women and children fleeing economic, social, and, political chaos in Central America.

The refusal to critically evaluate such claims and the intellectual confusion that sustains them are hardly limited to Catholics, or even to other believers. It is a refusal strongly reinforced by Americans' deeply engrained, virtually mythological misunderstanding of our history as "a nation of immigrants." As historian John Higham pointed out decades ago, Emma Lazarus's famous 1883 sonnet affixed to the pedestal of the Statue of Liberty praised "the Mother of Exiles" for welcoming not ordinary migrants but victims of anti-Jewish pogroms in Czarist Russia.¹ Today, these people would be designated refugees. And yet the Statue is the symbol of our self-understanding as an immigrant nation.

This confusion has persisted and even flourished for many years now. In 1965 Lyndon Johnson signed the Hart-Celler Act, repealing the reviled national-origin quotas, which had been the basis of our immigration policy since 1924. He did so at a ceremony held at the base of the Statue of Liberty, and on that occasion thought it appropriate to also announce a new initiative to welcome refugees from communist Cuba. As Higham noted, "the revival of the myth of America as a refuge for the oppressed" was thereby affirmed. Decades later, U.S. Senator Marco Rubio got ensnared in this same farrago when he was criticized for claiming that his family was part of Florida's "exile community," even though his parents had freely chosen to emigrate from Cuba years before Castro's revolution.

There are two overlapping but distinct sources of confusion here. The first is definitional: who precisely is a refugee and how does a refugee differ from a migrant—or from an immigrant? The second is political and arises as participants in the global debates over these issues adapt their goals and frame their appeals to suit varied and changing contexts, constituencies, and audiences.

The starting point for definitional issues is the 1951 Geneva Convention, which declared a refugee to be "any person who . . . owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." Or, as the United Nations High Commissioner for Refugees (UNHCR) put it in a recent publication: "Refugees are persons fleeing armed conflict or persecution . . . it is too dangerous for them to return home, and they need sanctuary elsewhere."

It is worth emphasizing that the 1951 Convention charged the UNHCR with supervising "application," not enforcement, of its provisions *vis-à-vis* sovereign states. In recent years the Commission has been at pains to distinguish between what it refers to as "refugees" and "migrants," defining the latter as those who "choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some case for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return."

(For our purposes here, migrants who are able safely to return home but choose to settle in another country—and/or are so perceived by the citizens living in that country—will be referred to as *immigrants*. This is the prevailing usage in America.)

The High Commissioner's original mandate pertained exclusively to events in Europe before January 1, 1951 and was set to expire in three years. But with old challenges lingering and new ones emerging, these bounds were extended and eventually eliminated. In time, the UNHCR also came to issue guidelines clarifying gender-based persecution as grounds for refugee status that were deemed implicit in the Convention's original language.

Since then shifting geopolitical realities have raised much more daunting challenges to the Convention's original assumptions and categories. One such has been the emergence of non-state actors, who were not "agents of persecution" as envisioned by the signatories to the Convention in the early 1950s. Potential claimants not anticipated then also include individuals forced to leave their country of residence due to environmental issues—"environmental refugees"—as well as those who have crossed an international border due to a natural disaster such as drought or famine—"forced migrants." Finally, there are "internally displaced persons," so-called

IDPs, who have not crossed an international border but have nevertheless been forced to leave their homes or places of habitual residence as a result of armed conflict, situations of generalized violence, violations of human rights, or natural or man-made disasters.

The response of the UNHCR to such developments has been schizophrenic. On the one hand, while addressing the specific events of the past few years and noting how the terms “refugees” and “migrants” get used interchangeably in the media, the Commission has gone out of its way to assert the absolute imperative of maintaining the clarity of the distinction. As it insists, “Conflating refugees and migrants can have serious consequences for the lives and safety of refugees. Blurring the two terms takes attention away from the specific legal protections refugees require. It can undermine support for refugees and the institution of asylum at a time when more refugees need such protection than ever before.”

Yet in its recent annual reports, the UNHCR engages in just such blurring. It takes pains to present data not only on refugees, properly understood and strictly defined, but also on IDPs as well as persons in “refugee-like situations” and “other groups or persons of concern,” defined as “individuals who do not necessarily fall directly into any of these groups but to whom UNHCR has extended its protection and/or assistance services, based on humanitarian or other special grounds.” These are all then identified as “populations of concern.” Hence, the significance of the vague language in the title of one of the Commission’s reports: *UNHCR Global Trends: Forced Displacement in 2014*.

As the UNHCR acknowledges, “politics has a way of intervening in such debates,” by which the Commission is decidedly *not* referring to its own politics. Apparently, individuals and organizations directly engaged in humanitarian work have a difficult time seeing themselves motivated or influenced by politics. Certainly as far as the Commission is concerned, “politics” is what other actors and organizations engage in. Thus, the UNHCR fails to acknowledge how its treatment of emergent categories such as those described in the paragraph above reflect not merely technical or administrative responses to changing realities, but also political responses.

Changing geopolitical realities have posed related but somewhat different challenges for Americans. These are due in part to the intensity of our ongoing debate over immigration, but also to critical developments in our politics. For instance, refugee advocates readily explain how they have built up alliances with immigrant advocates, and how doing so has afforded them the benefit of the relatively greater political clout of domestic interests supporting immigration. Yet this has undoubtedly been at the expense of the refugee advocates’ relatively greater moral claim on America’s conscience. So however shrewd a political calculation this may be, the indisputable result has been precisely the blurring of the distinction between refugees and migrants that the UNHCR seeks to avoid.

Another critical development in American politics is highlighted by Philip Schrag, a seasoned refugee advocate and professor of law at Georgetown. Schrag has written probingly of the challenges raised by the contemporary American expectation that politically inert segments of the population who in the past would have been overlooked or ignored should now be represented. As he explains, public-interest advocates seeking to represent such groups typically work through large, informal coalitions that encounter difficulties both coordinating among themselves and communicating their negotiating positions to adversaries. Moreover, such advocates do not easily agree on compromise or fallback positions on behalf of the groups they purport to represent. For while mindful of those groups’ interests, the advocates are not really accountable to them. As Schrag puts it, “public interest advocates are often concerned about legitimacy,” and consequently “perpetually doubt their right to take less than an absolutist position.”²

In addition to blurring the distinction between refugees and immigrants, Americans have long misapprehended the motives of immigrants. Again, this can be traced back to the Statue of Liberty and Lazarus’s sonnet, from which generations of Americans have learned of “your tired, your poor, your huddled masses,” of “the wretched refuse,” and of “the homeless, tempest-tost” being

welcomed by a lamp lighting the way to “the golden door.” This is yet another iteration of “the revival of the myth of America as a refuge for the oppressed” underscored by Higham.

In fact, most immigrants to North America have *not* typically been the poorest of the poor. As economic historians Jeffrey Williamson and Timothy Hatton have persuasively argued, throughout the 19th and into the 20th century, it was seldom the poorest strata of sending societies that migrated to the United States. Rather it was those with the cultural capacities and financial means to plan and pay for Transatlantic travel. Even among those who might today be considered refugees or even forced migrants—Jews escaping Czarist pogroms or Irish peasants fleeing famine—it was those with relatively greater resources who were most likely to pick up and leave.

Another widely ignored dynamic is that “immigrants” to America have not always intended to stay. Indeed, as the costs of Transatlantic travel declined over the 19th and into the 20th century due to development of the steamship, ever more “birds of passage” arrived planning to make enough money to allow them to return home and pursue some agenda back there. Such “target earners” explain why as many as half of those who arrived here from Italy and other southern and east European countries in the years leading up to World War I eventually returned home.

Whatever their original intentions, immigrants have typically experienced ambivalence, hesitation, and profound misgivings about leaving their birth countries for America. This emotional reality is well captured in the recent film *Brooklyn*, about a young Irish woman who in the early 1950s reluctantly leaves her widowed mother and spinster sister behind and arrives in Brooklyn, not really intending to stay. But she eventually meets and then secretly marries the son of Italian immigrants, a hardworking plumber. Then, suddenly, her sister back in Ireland dies. Our heroine returns home to help her bereft mother and quickly gets drawn into marriage schemes that her family, friends, and neighbors have concocted for her. She gets involved with a well-situated young man from her town and feels tempted to abandon her secret husband back in the United States, only to change her mind when she discovers she is pregnant with the latter’s child.

It is no coincidence that this film is a British-Canadian-Irish coproduction, for we Americans seem unable or unwilling to acknowledge the ambivalence that has so often characterized the experiences of migrants to these shores. Typically, we want to simplify these complex stories and above all flatter ourselves that anybody in their right mind would want to come here and become an American. Hence, the enduring if mostly misunderstood appeal of Lazarus’s sonnet.

Such varied and complex motives are similarly to be found among today’s undocumented immigrants—though once again, we Americans are largely oblivious to such subtleties. Indeed, we remain almost willfully ignorant of the intentions of those residing here illegally. We mostly lack any semblance of curiosity about why they come here. Yet not unlike those “birds of passage” who migrated from Europe a century or more ago, many undocumented arrive here not intending to remain, but rather to work hard, often at more than one job, to economize on living expenses, and then to return home, either having sent money back to their families or having saved enough to buy land, start a business, or the like. To maximize their savings, they crowd into substandard living conditions. Almost invariably, too, these are family-made decisions and strategies at work, not those of “pioneer” individuals.

Despite such intentions, many of the undocumented end up staying. But that is typically a difficult and drawn-out decision, involving movement back and forth between the United States and the homeland, especially if that homeland is Mexico or in Central America. Referring to the immigrant parents of his students, the principal of a barrio parochial school in Chicago explained one outcome to sociologists William Julius Wilson and Richard Taub: “Mexicans don’t think they’re going to be living here a long time. That makes them not invest that much in their neighborhood.”³

Activist lawyer Jennifer Gordon, armed with a MacArthur genius award, came up against similar realities when she attempted—unsuccessfully—to organize

undocumented Central American day laborers in suburban Long Island. Explaining why her efforts foundered, she describes these individuals as “settlers in fact but sojourners in attitude,” and notes that they were “ambivalent about settling in the United States, their hope of maximizing their earnings in the short term and returning home a persistent counterweight to the increasing stake they held in their life here as the years piled up behind them.”⁴ Since these findings were reported, it has undoubtedly become more difficult to go back and forth across the border, as many such “immigrants” had grown accustomed to doing. But even in the face of these facts on the ground, dreams of returning home die hard.

Such findings further highlight the fact that migration is not necessarily a straightforward, one-time event, but often a protracted and convoluted process marked by ambivalence, indecision, and psychological, as well as physical, movement back and forth. Contrary to the prevailing image of such individuals, whether migrants or refugees, as victims of global forces beyond their control, they can also be understood as free agents making rational choices, however difficult or even tragic those choices might be. Yet among my students and certainly my academic colleagues, it is virtually impossible to acknowledge that among the big winners from migration are not merely “employers” or “capitalists” but many immigrants themselves.

Still, it is not enough to acknowledge the agency of undocumented immigrants. After all, many of them make forced, ill-informed, or unwise choices. Some are merely marginal winners, others not winners at all. And even the shrewdest and most clever are almost inevitably vulnerable to exploitation. This, too, seems to be part of the migration process. It is certainly what gets the most attention from our academic, media, and political elites.

Among these elites, the nearly universal assumption is that the exploiters are non-immigrant whites. Though often true, what invariably gets ignored is how immigrants exploit other immigrants. Indeed, given the language and cultural differences between newcomers and non-immigrant Americans, there has always been a need for middlemen and interlocutors who have typically arrived earlier, settled in, and know enough English to negotiate some aspect of the unfamiliar terrain. Not infrequently, it has been just such intermediaries who take advantage of their recently arrived compadres.

In the agricultural sector, for example, Spanish-speaking labor contractors mediate between recently arrived field hands and Anglo bosses. They also serve as subcontractors who are the actual employers of undocumented workers, thereby shielding growers from potential legal problems for directly hiring undocumented workers. In urban barrios, such intermediaries fill other needs and find other opportunities to exploit—for example, so-called *notarios* who prey on their fellow Spanish-speakers by falsely claiming expertise in immigration law. And in a multicultural variant of the same story, Iranian Jewish entrepreneurs entrenched in the profitable Los Angeles car wash trade are notoriously unfair to their Latino laborers.

What, then, is driving the current arrival of Central American women, children, and youth at our southern border in such dramatic numbers? By now, the litany of factors routinely cited by journalists and commentators is familiar: poverty, unemployment, the drug trade, and gang violence. And because the gangs were spawned here and then “repatriated” to the region by the U.S. government, and since the drugs are destined for the American market, the clear implication is that the United States bears considerable responsibility for the drivers of this influx. Another factor frequently emphasized is American involvement in the region’s civil wars during the 1970s and 1980s.

However many times this litany is repeated, there are only a few serious efforts to evaluate the relative importance of the various factors in the current crisis. No doubt some of those arriving at the border are fleeing death threats from ruthless gangs. Others, surely, either seek reunification with loved ones or simply better employment opportunities. Yet in light of the 1951 Geneva Convention, how are we to differentiate, as the UNHRC would presumably insist, among such claims? Or are Americans to conclude that we bear complete responsibility for the civil disorder and chaos in the region? If so, should we play the role of a responsible imperial power and intervene massively and

directly? Should Guatemala, Honduras, and El Salvador become the 51st, 52nd, and 53rd states in the Union? Clearly, this is not what Americans—whether saddened or alarmed by this influx, whether on the Left or on the Right—have in mind.

What many commentators do seem to have in mind is opening our borders to as many of those fleeing the chaos in Central America as our laws and public opinion will tolerate—and then some. Yet down this path lies not only heightened domestic political strife, but continued self-serving intellectual and moral confusion about the drivers of such migrant streams.

One effort to grapple with this phenomenon is a forthcoming study by Jonathan Hiskey of Vanderbilt. Relying on fine-grained survey data from Honduras, El Salvador, and Guatemala, Hiskey and his colleagues conclude that crime victimization and violence are much more significant drivers of migration out of the first two countries than out of Guatemala, where economic factors are clearly dominant.⁵ Another relevant resource is the research of Middlebury College anthropologist David Stoll, who has spent the past 20 years engaged in field work in Guatemala.

Stoll also emphasizes the continuing importance of economic factors in this crisis. Focusing primarily on Guatemala, his analysis defies just about all of our assumptions. To be sure, his basic perspective rings familiar: The present influx from Central America is the result of powerful, complex social and economic forces unleashed by America's economic and political involvement in the region since at least the civil wars of the 1970s. Similarly, Stoll acknowledges the civil strife and violence pushing women and children out of Central America and toward the U.S. border. Yet he definitely de-emphasizes these factors, pointing out, for example, that the violence such migrants encounter traveling through Mexico is as bad or worse than what they leave behind. As for gang violence, he argues that those leaving rural areas will likely face worse in U.S. cities.

Stoll's particular virtue is his almost microscopic analysis of the incentives pushing and pulling the human traffic between Central America and the United States. Consistent with what we know from other migratory streams, but at variance with virtually all recent media stories, he reminds us that those departing the region are not the poorest of the poor. On the contrary, they are likely to be from families who have benefitted from the increased resources that have flowed into the region from earlier trips north.

But as Stoll emphasizes, the dynamic here is far from simple. Small property owners have grown dependent on income from the United States to pay off debts incurred to buy land, build houses, or pay off loans to micro-lenders. Meanwhile, the money that continues to arrive from the United States has inflated the price of land and the cost of living. Another factor is that young people in Central America start having children in their mid-teens, and, as Stoll puts it, "at an early age, girls start producing armfuls of children who will not be able to support themselves by farming." So families who may have previously benefitted from the trek north now turn to this generation's males to undertake another such journey. But this may require, especially these days, the services of a smuggler, which almost certainly means going into more debt.

So those who leave the women and children behind are target earners. They are expected to send home as much of their earnings as possible, and then return home themselves. Yet they may not find work, or perhaps not enough for a surplus to send home. Then, too, many of these young men and boys (including teenagers with families to support) get caught up in their new lives up north, get drawn into alcohol or drugs, start second families, and generally renege on their obligations back home. One result, as Stoll reports, is village leaders in Guatemala asking him to help abandoned wives to get their husbands deported from the United States!

As for the women, they often feel compelled to journey north with children to find their men and reunite their families. This likely increases the need for a smuggler, hence more debt. If and when families are reunited in the United States, the comparative advantage of the lower cost of living in Central America is lost, and family members must work even harder to sustain the household.

As Stoll emphasizes, integral to this dynamic is how these networks depend on earlier, more seasoned migrants—as contact people, drivers, lookouts, guards, and smugglers—to function. Not only do such individuals literally know the terrain, they have their own debts to pay off. As far as Stoll is concerned, this confirms his basic perspective: We are confronted here by a pyramid scheme that has built up over several decades and become entrenched since the Great Recession of 2008. As he observes: “The mistaken premise of a migration pyramid is that gainful employment in the United States is available to all. Once people have been recruited into the pyramid and invested in it, the only way they can recoup their loss is by recruiting more people into it.”⁶

What this argument shows, to the extent that it is accurate, is that seeing the Central Americans arriving at our southern border as simply passive victims of forces beyond their control is mistaken. On the contrary, they have and are exercising agency. Yet Stoll’s is no simplistic libertarian perspective. He understands and acknowledges the powerful economic and political forces arrayed against such individuals, while at the same time identifying them as “agents of their own destruction.”

Nor does Stoll’s analysis hinge on some vapid communitarian fantasy. These families vie with one another in their Central American villages and neighborhoods for land, housing, and status, based on American consumption patterns. And the families themselves are riven by the egoistic drives of their individual members, especially the young men. Even when motivated by more rational or even other-directed goals, individuals caught up in this dynamic are often compelled by circumstances to exploit one another, sooner or later. Such is the logic of raw, unregulated capitalism, Stoll argues, and it shapes all who live within it.

Stoll’s analysis is not cynical, but it does penetrate the gauzy sentimentality and heavy-handed moralism that have pervaded the dominant discourse about immigration to this country. This is no minor service, especially since the nasty, resentful reaction to this discourse is precisely what Donald Trump has capitalized on. Stoll helps us more closely examine and evaluate our own motives and interests in this complicated morality play. After all, it’s a short but perhaps awkward step from understanding how migrants get caught up in a complex web of self-interested relationships that sustain the migration stream to facing up to how many Americans are complicit in it. Just as Central Valley growers rely on Latino labor contractors not only to “speak the language” of laborers but to provide a buffer against the immigration authorities, suburban homeowners pay landscaping contractors and others to serve as middlemen who absorb the costs and risks of employing undocumented laborers.

In the ongoing debate, the interests of businesses in a continuing stream of immigrant workers are typically taken for granted and accepted as legitimate, even by progressives. Yet seldom acknowledged are the specific interests of affluent Americans who can afford to hire unskilled immigrants—whether directly in their homes as *au pairs*, nannies, house cleaners, and so forth or indirectly at restaurants, hotels, resorts, and the like. Meanwhile, the blame in this drama gets assigned to less-affluent whites who do not see themselves benefitting from prevailing policies and who express their disaffection in harsh terms that make it easy to dismiss them as “racist.” Arguably, such anger is directed as much at the champions of immigrants as at the immigrants themselves.

Thus, those who either sympathize with or benefit from immigrants tend to exaggerate the dire circumstances that are presumptively compelling the latter to flee their homes. Such conditions certainly exist. But other factors and motivations are also at work—factors that place many of us near the top of the migration pyramid, where we benefit from the aspirations, the greed, the human frailties, and the yearnings for family life that are all fueling the crisis at our southern border.

Viewed from this perspective, it is suddenly not so clear that migration from Central America is an unqualified good, much less that many of those seeking entry should be admitted. At what point do we begin to ask if our demand for low-skilled immigrant labor is not only causing problems for us here at home, but also for the societies that are sending us their workers and families? At

what point do we consider the impact of continued unskilled immigration not only on Americans, but on the wages and working conditions of earlier arrivals here who may still not be sure they want to be Americans? At what point do we begin to consider the extent to which our well-intended rationales to admit those seeking entry here may be tainted not only by our own self-interested need for their labor but by our need to flatter our moral vanity? It is hard to know, because we don't seem to be near any such point yet.

1John Higham, "The Transformation of the Statue of Liberty," in John Higham, *Send These To Me: Jews and Other Immigrants in Urban America* (New York: Atheneum, 1975), 78-87.

2Philip G. Schrag, *A Well-Founded Fear: The Congressional Battle to Save Political Asylum in America*(New York: Routledge, 2000), 251.

3William Julius Wilson and Richard P. Taub, *There Goes the Neighborhood: Racial, Ethnic, and Class Tensions in Four Chicago Neighborhoods and Their Meaning for America* (New York: Knopf, 2006), 105

4Jennifer Gordon, *Suburban Sweatshops: The Fight for Immigrant Rights* (Cambridge: Harvard, 2005), 36, 70-71.

5Jonathan Hiskey et al., "Leaving the Devil You Know: Crime Victimization, U.S. Deterrence Policy, and the Emigration Decision in Central America," *Latin American Research Review* (vol. 53, no. 3; 2018; forthcoming). Findings consistent with Hiskey's are presented in Ben Raderstorf et al., *Beneath the Violence: How Insecurity Shapes Daily Life and Emigration in Central America: A Report of the Latin American Public Opinion Project and the Inter-American Dialogue* (October 2017).

6David Stoll, *El Norte or Bust! How Migration Fever and Microcredit Produced a Financial Crash in a Latin American Town* (Lanham: Rowman and Littlefield, 2013), 204.

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