

HIDDEN ROOTS

A FRAMEWORK FOR UNDERSTANDING INTERSECTIONS OF WHITE SUPREMACY, CAPITALIST EXPLOITATION, AND PATRIARCHAL OPPRESSION EMBEDDED IN THE U. S. IMMIGRATION SYSTEM

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I—A Historical View of the U. S. Immigration System's Foundations: Principles Built into Laws and Policies

Purpose

From its foundation, the U. S. immigration system has been built on certain founding principles and values defined and implemented to maintain white supremacy. From the times when the settler-colonial power of Anglo-Saxons was established, through all transformations, the implicit or explicit pledge for supporting white supremacy have remained present in immigration law and policy. This commitment to white supremacy began with the genocide of indigenous communities, the theft of indigenous land, and the enslavement of African peoples forcefully brought to the U. S. Principles of exclusion and separation—as the U. S. immigration system is separate and different from all other branches of law, and all immigrants are consistently seen as strangers and aliens—are accompanied with criminalization and punishment, and supported by capitalist exploitation, patriarchal hierarchies, scapegoating, and hate-driven strategies.

In this paper, we will provide a summarized framework for understanding the historical roots, developments, *and intersections of*:

- white supremacy
- capitalist class exploitation
- U. S. imperialism and
- hetero-patriarchal oppression.

We look at these intersections as they are reflected in the foundations of the U. S. immigration system and in numerous laws and policies.

Introductions: Summary of Content

In Chapter I, we start with an overview of milestones in the U. S. immigration history, describing major laws, policies, and examples that illustrate how the system has evolved without changing its essence. Major principles and strategies that are evident in regulating and managing immigration are also summarized in this introductory chapter.

In Chapter II, we present how white supremacy has worked to define differently who is considered a white immigrant deserving power, belonging, and major privileges. Historical development of the concept of whiteness, laws, policies, and dominant strategies used to regulate immigration are presented. Internalization of white supremacist ideology by both white and non-white members of the society is also discussed.

In Chapter III, we discuss how exclusion is sometimes obvious and explicit, and during other times implicit and less known in the mainstream political discourse. We examine the interplay of race, class, gender, sexual orientation, religion, ethnicity, national origin, and political persuasion as major reasons for exclusion. Exclusion, hate-speech and hate-motivated actions, laws, and policies sometimes go to the extreme of criminalizing and detaining entire groups, and during other times stay embedded in immigration laws, mainly known to immigration attorneys and those who have been excluded and discriminated against. This is also discussed in Chapter II.

Chapter IV includes a discussion about what is behind the so-called merit and who defines it. During recent decades, the U. S. has used or proposed to use the concept of “merit” more often than during previous historical times to justify exclusion. We also discuss how employment-based immigration relates to the concept of merit, exclusion, and discrimination.

In Chapter V, we discuss who can become a U. S. citizen based on the criteria changing over time, and how all systems of domination intersect as governing criteria for citizenship. White supremacy has been the most important factor, but it is also intertwined with class privilege, health related issues as perceived disability, political ideology, and gender identity. The attainment of U. S. citizenship is one of major indicators or steppingstones to integration, belonging and greater influence in the society and examining the development of eligibility criteria and exclusionary policies is of special importance.

In Chapter VI we discuss how patriarchal family has also been a cornerstone of immigration law and reflected in the immigration system. Patriarchy works to define the role and acceptance of immigrant women into the systems of domination through the control mechanisms incorporated into immigration laws. We look at how immigrant women and gender non-conforming immigrants have been treated, perceived as dependent, vulnerable to super-exploitation. Also included in this chapter is the analysis of exclusion and discrimination

based on their relationships with male counterparts, and in contrast with cis-gender white males who are also immigrants.

In [Chapter VII](#), we discuss so-called push and pull factors influencing flows of immigration to satisfy capitalism's endless desire for increased profits. Capitalist ruling classes aim for infinite supplies of cheap labor force that is given very few labor and human rights. Immigrant workers can stay susceptible to super-exploitation based on fear, lack of knowledge, limited resources, and social networks. In that sense, immigrants are perceived as useful in multiple ways: as universal scapegoats, those who must work under inhumane working conditions, and those who make all essential industries and services function. They are often allowed to stay for that reason, or forced to return to their homelands, depending on economic, profit-driven needs.

[Chapter VIII](#) examines how have immigration patterns highly depended on U. S. colonial and neocolonial military and economic involvement. They are also connected with domestic policies guided by white supremacy or patriarchal oppression. Global inequalities created by world powers—the U. S. being the greatest—are reflected in the flow of refugees and immigrants who come directly, or after staying in refugee camps from the countries ravaged by U. S. led wars and military occupations. A long list of major U. S. wars is presented to illustrate how U. S. foreign policy has been a major factor influencing immigration flows and domestic immigration policy, for a very long time, and especially during the past two centuries. This chapter also briefly discusses how the flow of cheap labor into the U. S. still contributes to maintenance of global inequalities.

In [Chapter IX](#) we weave together examples of immigrant resilience and resistance, showing how they transform the society on many levels. We discuss how immigrants stay resilient, vigilant, and in many instances even manage to thrive despite harsh conditions and limited space provided.

[Chapter X](#): At the end we summarize all conclusions, reiterate intersections, and map the framework to put immigration issues in a broader, historic, and current contexts.

[A Brief Summary U. S. Immigration History: Milestones and Impacts](#)

The long list of laws, policies, and waves of immigration are listed in the following paragraphs and included in Appendix A to illustrate that the entire U. S. immigration legal system was founded on, and intentionally designed to support white supremacy, capitalist exploitation, and patriarchal power structures. It was also founded as a legal system that has provided for harsher laws and legal ramifications for non-citizens, both in terms of criminal and civil consequences. While the immigration law is not a subset of criminal law, criminalization of immigration has been regular occurrence throughout centuriesⁱ. Additionally, while immigrant labor has been needed to sustain the U. S. economy, super-exploitation and strict control of immigration flows are very useful for the preservation of all systems of oppression. These processes and impacts have been observed on national, state, and local levels as the Chinese,

Japanese, and Latino laborers have built the county's infrastructure and agricultural fields, while being repeatedly detained, criminalized, deported, or put in internment camps.

If we selected only a few of these laws, policies, and events the overwhelming evidence of historical roots and newer developments would be less impactful, and the younger generations would still likely believe that extremism in "regulating immigration," hate crimes against Asian Americans, undocumented immigrants, Muslim, or transgender persons are a relatively recent phenomenon, instead of being consistent throughout the centuries. A more detailed description of these milestones is included in the Appendix A.

Naturalization Act of 1790 required that "any alien, being a free white person, may be admitted to become a citizen of the United States." This means that only free white immigrants could become citizens, and everyone else was excluded.

Alien and Sedition Acts of 1798 required a 14-year residency for citizenship and deportation of "dangerous aliens" or non-citizens from an enemy nation.

1802 Naturalization Law required the entry of all aliens to be recorded and reduced from 14 to 5 years the residency requirement for citizenship.

1819 The Steerage Act required that ship captains must submit manifests with information about immigrants onboard to the Collector of Customs, the secretary of state, and Congress.

1843 The American Republican Party is formed in New York by those opposed to the increased number of immigrants in the U.S. The nativists sought to permit only U. S. -born Americans to run for office and try to raise the residency requirement to 25 years for U. S. citizenship.

1848 The United States acquired California from Mexico through a defeated war and a forced treaty, **Treaty of Guadalupe Hidalgo**, incorporating the land. The Southwestern part of Mexico including parts of present-day Arizona, California, New Mexico, Texas, Colorado, Nevada, and Utah, were then incorporated into the United States.

Gold Rush in California, that started earlier, also attracted large numbers of immigrants from all backgrounds.

1868 Congress passed the Expatriation Act of 1868 that said: "the right of expatriation is a natural and inherent right of all people." The act was intended to protect the rights of naturalized immigrants whose native countries did not recognize expatriation claims.

1870 Revision to 1802 Naturalization Law opens the naturalization process "to persons of African descent."

1877 Chinese laborers moved inland to build tracks across the country, through the Santa Cruz Mountain Range to create the Santa Cruz-Monterey line for the South Pacific Coast Railroad in 1877. Other laborers worked on the San Jose Railroad.

1880 – 1930 Large-scale European immigration. The second wave of European immigration included large numbers of immigrants from Southern and Eastern Europe- many of whom were Jews.

1882 California has played a unique role in the US anti-immigrant legislation. For over 100 years, California anti-immigrant movements culminated in national immigration legislation. During the economic crisis of the 1880's, Chinese immigrants became the targets in California with **the Chinese Exclusion Act**. The Act closed the immigration of unskilled laborers from China for a ten-year period, and in many ways for decades after the passing of the Exclusion Act.

1887 After a **fire burns down Market Street Chinatown in San José**, landowner John Heinlen created "Heinlerville" on Sixth, Seventh, Jackson, and Taylor Street to reestablish the Chinese immigrant community. This community would become the essential San José Chinatown then later modern Japantown in the 1900's.

1890 Japanese immigrants begin migrating to Santa Clara Valley in search of farm work during the 1890's.

1892 The Geary Act extended the 1882 Chinese Exclusion Act, restricting immigration from China for another 10 years.

1892 Ellis Island immigration center opened. Immigrants from Europe were subjected to medical and legal examinations.

1898 Spanish-American War led to the U. S. acquisition of territories in the Caribbean & the Philippines. The U.S. enforced a peace treaty that bound Spain to renounce claims on Cuba, and to cede sovereignty over Guam, Puerto Rico, and the Philippines to the United States. The United States also annexed the independent state of Hawaii after this conflict establishing dominance in the Caribbean region and advancing its economic interests in Asia.

1906 Japanese merchants and businesses emerge in locations next to San José Chinatown.

1907 Gentlemen's Agreement between U.S. and Japan stops new Japanese immigration to the U.S. Immigrants from Japan already residing in the U.S. are allowed to stay and could bring family members to join them.

1910 Angel Island Immigration Station was opened on San Francisco Bay processing immigrants from Asia. The Station began detaining immigrants in cells and held interrogations. Many of these immigrants came from China, Japan, India, Mexico, and the Philippines.

1915 For the first time, **"Mounted Inspectors"** are authorized along the **U.S.-Mexican border** principally to capture Chinese immigrants attempting to cross into the U.S.

1917 Immigration Act created an "Asiatic Barred Zone" restricting immigration from the Asian Pacific region. It also excluded gay and lesbian individuals from immigrating into the U.S. by denying admission to individuals who were called "mentally defective" or who were perceived

to have a “constitutional psychopathic inferiority,” which the Immigration and Naturalization Service (INS at that time) interpreted to include gays and lesbians, in accordance with a U.S. Public Health Service a definition for “homosexual.”

1920 Filipino laborers move to California, most were male migrant laborers known as the Manong generation.

1924 Border Patrol and border stations were established to admit Mexican workers into the United States.

Immigration Act of 1924 restricted the number of immigrants from a given country to 2% of the number of residents from that same country living in the U.S. Eighty-seven percent of permits went to immigrants from Britain, Ireland, Germany, and Scandinavia.

1929 The 1929 - 1936 “Mexican Repatriation” was a mass deportation of Mexicans and Mexican Americans. An estimated 60% of the deported were United States born citizens.

1934 After the Philippine’s independence, **the Tydings-McDuffie Act** changed the status of Filipinos from American citizens to “aliens.”

1942 Following Executive Order 9066, known as Japanese Relocation, 120,000 persons of Japanese descent on the American West Coast were incarcerated in desert camps. Most Japanese placed in these camps were United States citizens.

1940s-1960s Bracero Program: This program began as a response to the needs of the war economy during WW II and lasted until the 1960s. The United States **allowed 5,000,000 Mexican laborers** to come to the U.S. and work for very low wages with slave-like working conditions. Many workers were later deported once the economy grew, and Mexicans were no longer needed.

1943 WWII needs provided the Magnuson Act, which ended the Chinese Exclusion Acts and allowed 105 Chinese to enter the United States per year. This act also permitted some Chinese immigrants, already residing in the country, to become naturalized citizens. Still, the Magnuson Act continued the ban against the ownership of property and businesses by Chinese. In many states, Chinese Americans (including U.S. citizens) were denied property ownership rights until the Magnuson Act was ended in 1965.

1952 Walter-McCarran Immigration and Naturalization Act ended the Asian Exclusion Act of 1924 allowed mostly skilled Asians to immigrate with the right to U.S. citizenship for the first time.

1954 “Operation Wetback:” postwar economic decline combined with anti-communist and antiimmigrant sentiment forced over 1 million Mexican farmworkers to return to Mexico. Hundreds of U.S. Border Patrol agents monitored borderland towns like San Ysidro, California, and Laredo Texas; and to cities like San Francisco and Chicago. They showed up unannounced at cotton and citrus farms, surveyed cattle ranches, factories, and fanned out through train and

bus stations, parks, hotels, and restaurants. Low-flying planes were also used to communicate with Border Patrol agents on the ground. Their goal was simple: to deport as many Mexicans as possible, as quickly as possible, and without due process.

1965 Immigration and Nationality Act (Hart-Celler Act, INA) ended the immigration quota restrictions that was based off of how many people of each ethnicity lived in the United States (Immigration Act of 1924). This act prioritized family reunification. This Act ushered in the birth of America's current legal immigration system. The INA represented a sea change in U.S. immigration policy; it abolished the racially based quota system that defined American immigration policy for four decades and replaced it with a policy whose central purpose was family reunification, with a preference for immigrants with specific skillsets. In the words of former President Lyndon B. Johnson, the INA's passage "correct[ed] a cruel and enduring wrong in the conduct of the American Nation."

INA also created new restrictions on admissibility, specifically for lesbian, gay, bisexual, and transgender, or LGBTQ people. The INA replaced the exclusion for immigrants possessing a so-called psychopathic personality with a ban on "sexual deviation," a "catch-all phrase" to exclude LGBTQ people from entering the United States. The use of this phrase and this exclusion was only lifted in 1990.

1970s-1980s Influx of refugees from Southeast Asia and Central America happened during this time.

1975 Indochina Migration and Refugee Assistance Act allowed allies in the Vietnam War to be admitted as displaced citizens. About 130,000 immigrants from South Vietnam, Laos, and Cambodia were admitted to the United States. Throughout the **late 1970s and early 1980s**, refugees and immigrants from these countries continued to immigrate as a result of the U. S. wars in the region.

1980s: The second wave of Filipino migration starts with the 1980s. Only skilled professionals like nurses and engineers are granted work visas in the United States, known as "Brain Drain."

1986 Immigration Reform and Control Act provided path to citizenship branded as "amnesty" to undocumented immigrants (3 million). Through this act, it became illegal for employers to knowingly employ unauthorized immigrants.

1990 Immigration Act revised and expanded grounds for exclusion and deportation. The act also increased the limits on legal immigration to the U.S.

1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was signed into law. This act instituted 3 and 10-year bars, to adjust status for undocumented entry. Immigrants were deported back to their homeland up to 10 years unless pardoned or given a waiver.

The 1990s also saw an increase of refugees and immigrants coming to the U. S. from all countries where the U. S. waged wars or engaged in various military interventions, such as Yugoslavia, Somalia, Iran, Iraq, Afghanistan, and Somalia.

1991 USA Patriot Act was signed into law by President George W. Bush after the attack on the World Trade Center and the Pentagon on 9/11. This act created strict surveillance, immigration, and border protection measures and further triggered increased criminalization of immigration.

As a reaction to 9/11 and a companion of the USA Patriot Act **in 1992 “Special Registration” Program** (component of National Security Entry-Exit Registration System NSEERS) was implemented. It was designed to register and track male “foreign visitors” from 25 Arab and Muslim countries and North Korea. During this period, human rights of immigrants from these 26 countries were routinely suspended, they were abused and detained, regardless of their immigration status. NSEERS ended in 2011, but the surveillance of Arab and Muslim communities has been normalized.

In 2006, “A Day Without Immigrants” created largest human rights protests in U. S. history as millions of immigrants and allies filled the streets of all 50 states. These actions were galvanized by the passing of HR 4437, Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, also known as Sensenbrenner Bill. These protests were held on International Workers' Day on May 1, 2006. We had also experienced the largest turnout of protesters in San José, CA, totaling over 200,000+ individuals.

In January of 2008, President George W. Bush signed a memorandum of understanding (MOU) with Vietnam that all Vietnamese refugees without criminal convictions—as well as anyone who came over prior to July 12, 1995, the date the two countries restored diplomatic relations—would remain in the U.S. The agreement laid the foundation for Hanoi to accept the deportations of those who did not fall in those categories.

In 2011 Santa Clara County was among the first entities to take sanctuary actions and create a Civil Detainer Policy. The policy limits collaboration with ICE and offers ICE strict framework for lawful arrests and is one of the strongest sanctuary policies in the nation.

2012: Through an Executive Order the Obama administration created, **Deferred Action for Childhood Arrivals Persons (DACA)** who came to the U.S. as children and meet several key requirements may request deferred action on their immigration status for a period of two years, subject to renewal, and then would be eligible for work authorization.

2015: California recognizes some human and civil rights of immigrants by passing **AB 60** Driver's License bill that allows undocumented immigrants to apply for a driver's license in California.

2017: California passes SB 54 that limits cooperation between local officers and federal immigration enforcement.

Between 2017 and the end of 2020, the Trump administration passed and implemented over 400+ administrative actions and immigration directives to limit and criminalize immigration, penalize, and terrorize immigrant communities.

This summary of major immigration laws, policies, discriminatory and exclusionary practices, along with waves of immigration and immigrant activism show that, while some periods differed from the others, we could recognize clear patterns throughout the entire history of immigration. As we can trace the beginning of major immigration restrictions to the period between 1882 and 1917, other exclusions and discriminatory policies have persisted during more recent decades. As Roger Daniels noted: “In fact each narrowing of the grounds of admission to the United States made subsequent narrowings easier.”ⁱⁱ All of these restrictions stem from the deep understanding that the U. S. is founded by the Anglo-Saxon settler colonialists and that they are to determine who the “strangers” and “aliens” are. At the very beginning and soon after the country was founded, strangers were white immigrants from Eastern and Southern Europe, but when Asian immigrants started coming in greater numbers, they were also seen as “aliens,” and further dehumanized by similar strategies used by the settlers towards indigenous populations and African slaves. After exclusionary and dehumanizing strategies were applied and perfected, it was not difficult to adjust them so they could be used to target other groups based on their ethnicity, nationality, religion, political persuasion, or party affiliation.

The main principles, values, strategies, and system’s foundations evident in the presented list of major milestones include separation, imposition of binary divisions, exclusion, use of scapegoating as an effective strategy to uphold the status quo of white supremacy, capitalist exploitation, and hetero-patriarchal oppression, and the systemic devaluing of the important role immigrants play in the society.

Here are some examples of these principles. By looking at the entire legal system it is evident that **separation** is a very important concept. We can see that the foundation of the U. S. immigration law is dependent on the separation between U. S.-born population and residents born in another country. Careful analysis also reveals that the immigration law is a separate legal system that regulates the behavior of immigrants in different ways than the behavior of U. S.-born population and that the criteria for practicing immigration law is different from conditions imposed on other branches of law.

Binary divisions can be seen in many foundational categories, laws, and policies. Examples include U. S.-born vs. born in another country; white and non-white residents; citizens and non-citizens; binary definition of gender as male and female; accepted and non-accepted definition of the family; “us” vs. “them/other” thinking, “good immigrant vs. bad immigrant” etc.

It has been clear that open or concealed **exclusion** is a cornerstone of most immigration policies. It has been important to define certain groups of immigrants to be excluded, barred from entering the country, and denied rights, based on different criteria such as their region of

origin. This includes, but is not limited to Chinese, Japanese, and Mexican. Another criterion for exclusion is religion such as Muslim or non-Christian. Political persuasion is also a reason for exclusion and examples include anarchists, socialists, and communists. Other more subtle reasons for exclusions include directions to consular offices overseas to deny visas to pregnant women if officers believe that they would be benefiting from giving birth in the U. S., or to those who they believe would be likely to depend on the U. S. public benefits for sustenance. This is discussed in subsequent chapters.

The use of **scapegoating** as an effective strategy to uphold status quo of white supremacy, capitalist exploitation, and patriarchal oppression is also a consistent element in the U. S. immigration history. There has always been a group of immigrants to blame for social problems and perceived lack of resources. The list is too long to mention even the majority, but they include: Italians, Slavs, Chinese, Japanese, Filipino, Mexican, and other Latino groups, Iranians, Afghans, communists, anarchists, single women, LGBTQ+ individuals and entire communities: all Muslims, all undocumented communities, etc.

The U. S. institutions do their part to maintain **systemic devaluing of the important role immigrants play in the society**. The dominant ideology benefits from the historical amnesia and employs multiple strategies to neglect the deeply interwoven immigrant heritage. It consistently downplays the important role that the immigrants have had in building the country's infrastructure, industrial, agricultural, and technological power, while highlighting stories of social problems that are presented as a direct result of immigration. The data about enormous economic, cultural, intellectual, artistic, scientific, and other contributions of immigrants often remain intentionally hidden from the dominant public discourse. This strategy is very important as it provides foundations for further scapegoating and social divisions, including preventing inter-immigrant and broader social solidarity to shake the foundations of the entire system.

The subsequent chapters will continue to examine how all systems of domination intersect in the foundations of the U. S. immigration system, from white supremacy and capitalist exploitation to imperialism and hetero-patriarchy (patriarchal system that favors and enforces heterosexuality into institutionalized heterosexism).

II—Favoring Anglo-Saxon and other Immigrants Seen as White Throughout the Centuries: Construction of Whiteness or How Things Have Changed, Yet Stayed the Same

From the **Naturalization Act of 1790** that specified "any alien, being a *free white person*, may be admitted to become a citizen of the United States" and excluded everyone else living in the newly formed country, to the current times when in many U. S. states the majority of new immigrants are people of color, white supremacy has been upheld in different ways. While

simultaneously excluding Southern and Eastern European immigrants the immigration system evolved based on racial inequity, class interests and open exclusion. This development continued for decades and centuries as stopping new immigration, detaining, and deporting Chinese and Japanese immigrants laid grounds for subsequent exclusions. Many of Chinese and Japanese immigrants and their children were technically U. S. citizens, but based on the **1882 Chinese Exclusion Act, 1907 Gentlemen's Agreement between U.S. and Japan, the 1917 Immigration Act** created an "Asiatic Barred Zone" restricting immigration from the Asian Pacific region was possible. Later, this same approach was applied to other categories of immigrants. Based on the Bracero Program, the U. S. deported as many as 5,000,000 of the Mexican workers who were no longer needed after the WWII.

This was a solid foundation to impose ideological grounds for internalization of white supremacy and employ divide and conquer strategies. These strategies were aimed to turn poor white immigrants without property against immigrants of color, and immigrants of color against each other, based on different ethnicity, nationality, political persuasion, gender, or their LGBTQ+ identity. Immigrants have been targeted, detained, criminalized, and scapegoated throughout the centuries and justifications have been always found to keep them divided, fighting with each other, and judgmental of groups that the elites designated as the society's current scapegoats. For the majority of residents, the enemy has not been found among the white wealthy elites who accumulated enormous quantities of wealth and who govern the power structures, where most important decisions on immigration policies are made.

Creation of Whiteness

Many scholars argue that the very category of race is racist and that there is only one human "race." In the U. S. the category of "white" race was created in the 1700s to distinguish between the Anglo-Saxon men, who become landowners based on the settler colonial practice of dispossession and genocidal war on indigenous peoples, and the rest of North American residents, especially blacks. A part of that war was also aimed to promote concepts of land "ownership" and rule over natural environment. Another main aspect of this war was the promotion of race hierarchies and, in order to promote them, the Anglo-Saxon conquerors created an ideology that exploits binary concepts and promotes domination. They first wanted to emphasize sharp contrasts between their own power and the enslaved black Africans, and between themselves and the indigenous peoples. In their own eyes black Africans were subhuman and most of the ruling class had no problem of referring to, regulating on, and brutalizing the enslaved population as if they were "things," going beyond "subhuman." Indigenous people's humanity was also openly questioned as they were considered "savages" that needed to be exterminated, converted to Christianity, or enslaved. While black Africans and indigenous people were, of course, not immigrants, the treatment that they received by the Anglo-Saxon conquerors was similar and a product of their need to enforce white supremacy and initial capital accumulation based on the land expropriation as an economic base.

As Roxanne Dunbar-Ortiz put it in simple and clear words, we recognize that the culture of conquest is an important concept to understand race relations, imperial domination, and capitalist quest for infinite resource acquisition by the dominant classes: “Other can imply “not like me” or “not like us.” Many societies, or groups in a society, identify as “Us” or “We” and view people outside their group as “They” or “Them.” This is a typical human response to recognizing differences that can become a problem when more than one group wants or needs the same resources. Then, the groups may begin to emphasize the differences and frame them as a threat. Treating differences as a threat enables one society to dehumanize the other. It allows them to rationalize using violence against the other and destroying their culture. It can create what some anthropologists call a culture of conquest. Sometimes a culture of conquest moves against people within its own society, and sometimes it moves against other nations or groups on other continents.”ⁱⁱⁱ A few older examples include the English conquest of Ireland when the Irish population was dehumanized and stripped out of its culture, and the Christian missionary conquest of North, Central, and South America. A more recent example would be the U. S. occupation of Puerto Rico as its colony.

White Supremacy: Strategies and Challenges

Early on, when the category of white race was created, a significant challenge arose. It was important to develop strategies to respond to poor whites who did not own land. This was an unfortunate situation for white men who already accumulated a lot of property and material wealth and were not eager to allow property and power sharing with white men who did not manage to accumulate power and with white immigrants who arrived later in the late 1800s and the early 1900s. The ruling class had given poor working class whites crumbs of power as patriarchal heads of households with prospects of carrying arms to support the elite’s hunts of runaway slaves and brutal attacks on indigenous people, including killing of entire tribes. Additionally, poor whites could enter certain social spaces that were not available to people of color. Based on that, many of them internalized the ideology of white supremacy, believing that they, too, benefited enough from the system. This was also considered so-called psychological wage, as the benefits given to poor, working class whites were often minimal and more psychological than material.^{iv} The same strategy is used when discussing the use of public benefits by low-income people in the U. S. While it is evident that hardly anyone can survive on such aid alone, and that the majority of those community members who use them are also employed and therefore contributing into the system, most discussions that dominate the highly publicized public discourse disregard such facts.

Additional challenge was evident when so called new immigrants started coming to the U. S. in greater numbers in the late 1800s and the early 1900s. Between 1886 and 1925, 13 million immigrants came from southern, eastern, and central Europe. Until that time, the vast majority of white population came from England, the Netherlands, Ireland, Germany and Scandinavian countries. Italians, Greeks, Poles, Hungarians, Slavs, and other Central and Southern European groups were not initially seen as white, but as something “in between” the Anglo-Saxons and

people of color. Anglo-Saxon whites saw these immigrants as the *other*, as foreigners who could impose their “inferior biology, peculiar religious practices, and substandard ways of living onto this country, lowering an elevated civilization.”^v Many Anglo-Saxon elites thought that these newcomers were not white, and others believed that they were simply “culturally inferior.” As we often observe in recent times that many immigrants who are people of color are labeled as “dirty, less intelligent, prone to criminal behavior” — the same attributes were regularly used to describe new immigrants from Eastern, Central, and Southern Europe in the late 1800s and the early 1900s. The caveat was that most Anglo-Saxons allowed a possibility that they could assimilate into the white society over time if they “learned how to behave” and changed their cultural and religious practices.

These groups of “new immigrants” predominantly worked as manual laborers and, understanding their situation, they attempted to prove with their behavior that they were worthy of being considered white. They were hoping to overcome subordination and integrate into the dominant social institutions. This meant that their behavior had to reflect their commitment to uphold and advance white supremacy. Among the most important methods they used to integrate and contribute to strengthening white supremacy was the goal of achieving home ownership in (predominantly) white neighborhoods, intentionally supporting residential segregation. This created complex dynamics and often divided whole immigrant groups who saw groups outside their own as the “*other*” and as competitors on the racial hierarchy, where it was not so easy to gradually climb to the top.

Even if immigrant workers developed labor solidarity, the goal of being accepted as “white” often presented challenges to their class consciousness, weakened their collective actions, and spoiled relationships with other workers. It has been an ancient tactic of all settler colonialists, to impose a requirement on the conquered people that they demonstrate their loyalty to them if they wanted to survive and participate in the society. They have also required that the conquered populations accept the dominant ideology, and be ready to go a step further in their commitment to their rulers’ agendas. They were expected to show their commitment by all means—including severe cruelty. Based on a common saying from the region of my birth country, during the times of the Ottoman empire and its occupation of the Balkan people, it was expected from us to be “greater Turks than the Turks themselves.”^{vi} For that reason, new immigrants often feel compelled to promote and invest in white supremacy even more than Anglo-Saxons in order to prove their loyalty and worth, to be accepted and feel that they, too, belonged to the U. S. society, their new homeland. This also explains how some non-white immigrants are not unlikely to internalize the dominant ideology and willingly self-identify either as “white,” especially if they have lighter skin complexions, or to promote white supremacy by siding with powerful white men and blaming non-white immigrants for many social problems.

In this chapter, we discussed the genesis of white supremacy and how it has been used in the U. S. immigration system to define who can immigrate, incorporate racial hierarchies, and

promote the dominant ideology. We also presented how the concept of whiteness evolved as the country was established and became redefined as new European immigrants started coming in the second part of the 19th and early 20th century. Finally, we analyzed how the white supremacist ideology has been imposed and internalized in hopes to achieve privileged status and receive benefits. In the U. S. the concept of belonging is also tightly connected with the identification with white supremacy and readiness to advance its goals. In Chapter I we discussed major milestones in the U. S. immigration history and a careful analysis also illustrated how white supremacy became a cornerstone of most laws and policies that regulate immigration.

III—Open and Conceived Exclusion Based on the Interplay of Race, Class, Gender, Religion, Ethnicity, National Origin, and Political Persuasion: From Typical Exclusion Acts with Open Bans, to Subtle Marginalization and Discrimination

From openly exclusionary acts that clearly target certain groups, to more subtle exclusion and discrimination, the history of the U. S. immigration system is full of examples how race, ethnicity, nationality, gender identity, and political persuasion play a role in justifying such bans and discriminatory practices.

The list of openly exclusionary laws and policies that targeted Chinese and other Asian immigrants, provided a foundation for punishing and deporting Mexican immigrants and banning entry to Muslim immigrants. It would be difficult to argue that so much happened accidentally or unintentionally, as it remains consistent throughout the history of immigration with more recent examples of exclusions based on nationality, religion, gender identity, sexual orientation, political persuasion, and perceived dependence of government aid stemming from the previous exclusions. Ideological restrictions on attainment of a legally approved immigration status and on naturalization, such as exclusions imposed on those who joined communist parties, anarchist groups, or environmental activism are also not a rare occurrence.

From the founding of the U.S., there have been ideological restrictions on naturalization, and they have continued into the present.^{vii} Nativism—the belief that the native populations (with the exception of the indigenous natives) deserve more rights than those who were born in other countries, anti-anarchism at the turn of the 20th century, the red scare in the 1920s, and further fears of communist revolutions in the 1950s, each shaped the United States' naturalization law. Though ideological exclusions on entry were largely eliminated in 1990, ideological bars arising from each of these time periods still exist in the American naturalization law. This long history has resulted in a naturalization statute that requires naturalization applicants to be "attached to the principles of the Constitution of the United States," that are interpreted as incompatible with certain types of political beliefs and activism. This is a

requirement that has existed since the earliest U.S. immigration laws, but it has been used to justify exclusions based on political persuasion, as there is much room for interpretation and discretionary determination of what is compatible and what is not. Immigration law has been used to prohibit following several more specific ideological principles and values, such as anarchism or membership in a communist party. These political views have been presented as totalitarian or, in some instances, even as terrorist. Understandably, the U. S. government can and has changed its views of which ideologies, groups, or parties, are designated as terrorist. For example, the Kosovo Liberation Army was on the list of terrorist organizations in the 1980s, but in the 1990s, when the U. S. government saw an opportunity to revive its NATO alliance and assert more control over the Balkan region and central Europe, it presented such an organization as freedom fighters and made them U. S. allies. They, in turn, helped with the building of the largest U. S. military base in Europe. When the U. S. government needed Iraq as an ally during the Iran-Iraq war of the 1980s, it had a different take on Iraqi immigrants than during the most recent war and occupation of Iraq, when primarily those Iraqi citizens who worked for the American government were granted the right to immigrate.

Religious Exclusion

Religion has also played a role in regulating U. S. immigration policy. One of the ways to assert the power of Christianity over other religions, divide immigrants, discriminate against entire populations based on their religious views, was to impose entry bans. The most blatant case of religious discrimination is the long-standing aversion towards Islam that has resulted in several rounds of explicit bans, exclusions, travel restrictions, detention, family separations, and deportations. The most recent example of the Muslim Ban was later revised to claim that it was not about immigrants' religion, as the Trump administration added additional countries where Islam was not a predominant religion, to the ban. The same strategy of adding North Korea to the list was employed by the administration of George W. Bush when imposing the Special Registration Law in 2002. This allowed both administrations to withstand legal challenges and still pursue their religious exclusions. On January 27, 2017, President Trump signed an executive order that banned travel to the United States for 90 days from seven predominantly Muslim countries—Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen—and suspended the resettlement of all Syrian refugees. In 2020, the Trump administration expanded visa restrictions on six more countries—Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania—citing screening and national security concerns in those countries.

Yet if we look at more examples from recent history and focus on the year 2002, it becomes evident that entire countries and Muslim immigrants have been consistently labeled as terrorist and have had their rights stripped away. The Special Registration Program of 2002 required male immigrants from 24 Muslim countries and North Korea to register with immigration authorities. Registrations included meetings with immigration officials where the interviewees were fingerprinted, photographed, and asked a series of questions under oath. Many were interrogated, tortured, detained, and deported, especially in 2002 and 2003. ^{viii} This program

was not officially ended until 2011.^{ix} Along with the Special Registration Program, the FBI and other law enforcement agencies have closely monitored Muslim Americans, and especially Muslim immigrants, with very little regard to their human and civil rights^x.

Long before the Trump Bans and the Special Registration Program, Islamophobia was interwoven into the very fabric of the society and into its immigration laws. The U.S. courts painted Islam as more than merely a foreign religion, but rather as a rival ideology and an “enemy race,” based on several court cases. In a notable 1891 case, the Supreme Court highlighted “the intense hostility of the people of Moslem faith to all other sects, and particularly to Christians.”^{xi}

Many Muslim immigrants were turned away at U.S. ports of entry in the late 19th and early 20th centuries and denied citizenship. Some court cases, such as a South Carolina 1913 case of a Lebanese immigrant and the 1942 case of a Yemeni immigrant, illustrate this point. Ahmed Hassan — a native of Yemen and the first Arab Muslim to apply for citizenship — was denied naturalization in 1942, because a court said: “It cannot be expected that as a class they [meaning Arabs, a term used synonymously with Muslims at the time] would readily intermarry with our population and be assimilated into our civilization.”^{xii}

Excluding Based on a National or Ethnic Origin

In addition to banning entry, discriminating against, and excluding immigrants from specific predominantly Muslim countries, the U. S. government and immigration law have banned entry of specific ethnic and national groups based on specific U. S. foreign policy goals. After the Iranian hostage crisis, Executive Order 12172 issued by President Jimmy Carter on November 26, 1979, invoked the Immigration and Nationality Act of 1952 and “called for the Secretary of State and the Attorney General to exercise in respect of Iranians holding nonimmigrant visas, the authority conferred upon the President by section 215(a) of the Act of June 27, 1952 (8 USC 1185), to prescribe limitations and exceptions on the rules and regulations governing the entry of aliens into the United States.” President Jimmy Carter also utilized The McCarran-Walter Act in 1979 to keep Iranians out of the United States. President Carter made all Iranian students that were already within our country check in and he then deported seven thousand students found to be in violation of their visas. Altogether, a total of 15,000 Iranian Americans were forced to leave the United States in 1979.

The Chinese Exclusion Act of 1882, the Gentlemen’s Agreement with Japan, and the World War II Japanese interment were discussed in previous chapters. These laws and policies were used as a foundation for exclusions of Chinese, Japanese immigrants, and other Asian immigrants. Both nationality and ethnicity were used to justify these bans, blatant discrimination, detention, and severe abuse in concentration camp-like conditions.

Cuban immigrants are also a special case. While the Cuban Adjustment Act of 1966 allowed Cuban immigrants to come to the U. S., *if they were not communists*, the majority of the Cuban

population is still not allowed to immigrate. The 1966 Act also allowed Cubans already living in the United States for at least two years to apply for lawful permanent resident status.

Social Class

Implicitly or explicitly, the U. S. immigration law favors immigration of wealthier immigrants. The very fact that the cost of an intercontinental trip has been a major expense for most immigrants over the centuries, already determines to a degree who can arrive at U. S. ports of entry from overseas. The U. S. Customs and Immigration Enforcement has also required that immigrants show that they have enough funds to not become a so-called public charge, meaning that they are not likely to become dependent on the use of public benefits. They can demonstrate this by showing that they have enough of their own savings, or by obtaining U. S. sponsors who sign affidavits of support declaring that they would be responsible for supporting immigrant applicants. This needs to be demonstrated to consular offices before immigrants are approved to come to the U. S. on most of visas.

Additionally, Immigration Act of 1882 was the first to create a "head tax" that would be imposed upon certain immigrants entering the country. The Act stated that "There shall be levied, collected and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States." This money would be paid into the United States Treasury and "shall constitute a fund called the immigration fund." These funds would be used to "defray the expense of regulating immigration under this act." Scholar Roger Daniels commented on this, adding that the head tax eventually "would rise, in stages, to eight dollars by 1917. In most years, the government collected more in head taxes than it spent on administration."^{xiii} It wouldn't be surprising that this is still the case, but we do not have data regarding US CIS' budget spending.

The Investor Visa also favors rich immigrants who immediately have a path to citizenship if they invest millions of dollars into the U. S. economy, regardless of their other characteristics. This will be discussed more in the following chapters, but it is mentioned here as it shows an easy path for upper class immigrants, while immigrants who can barely afford travel and moving expenses may never get a path to citizenship. These immigrants are also needed by the U. S. economy and entire society as they are channeled into low-income occupations and super-exploited in order to sustain the U. S. food, hospitality, manufacturing and other essential industries.

Ideological Restrictions: Immigration Laws Banning Anarchists, Communists, LGBTQ Individuals and Groups Based on Their Health Condition

Origins of Discrimination Based on Political Persuasion

Beginning in the 1790s, immigrants were seen as dangerous based on their political persuasion. **The 1798 Alien Act** empowered the President to "expel aliens judge[d] dangerous to the peace and safety of the United States" or suspected of "treasonable or secret machinations." Though

this power was never exercised before the Act's expiration, the Act established the foundations for later exclusions of immigrants on an ideological basis.

The Haymarket riot of 1886 increased nativist fears of immigrants who were seen as dangerous and “alien”, and this ultimately led to ideological restrictions on immigration.

In the early to mid-1800s, anti-immigrant sentiment was not so prevalent, but it reemerged in the late 1800s, intensifying even more as the United States faced an era of economic turmoil. The white supremacists feared for their power and attributed their fear of a radical change to the influence of immigrants who have been continuously seen as foreigners and “dangerous elements.” This was especially the case of new immigrants from southern and eastern Europe, who were automatically seen as radicals.

The Early 1900s

When President William McKinley was assassinated in 1901 by an American anarchist whose name did not sound Anglo-Saxon, a new wave of xenophobia was unleashed. Many demanded exclusions of anarchists from immigrating to the U. S., and Theodore Roosevelt's first Congressional address urged the exclusion of those who were even espoused to anarchist beliefs. At least nine anti-anarchist bills were introduced in the first session of the 57th Congress, and even *several Constitutional amendments* were proposed. If passed, they would have permitted the crack-down on anarchism. This culminated with the Immigration Act of 1903, the first act barring immigration solely based on political belief.

Immigration Act of 1903

Immigration Act of 1903 identified anarchists as targets for exclusion and made provision for their removal if detained after entry. This law codified earlier immigration restrictions, such as prohibitions against immigration by those deemed likely to become public charge, leveling fees on arrivals to help pay for immigration services, and strengthening the government's powers to pursue, round up, and deport anarchists found within the United States. It also banned entry to “people with epilepsy, beggars, and importers of prostitutes.” While we cannot focus in detail on exclusions based on disability, it should be noted that epilepsy and disability resulting from the HIV positive status are examples of *health restrictions and discrimination based on perceived disability*.

Between 1903 and 1921, 38 anarchists were barred from immigrating. In 1908, the Department of Commerce and the Department of Labor undertook a national survey of police chiefs, attempting to identify radicals who might be targeted for deportation. The primary effect of the Act was perhaps not so satisfying for the proponents of this ban, but it was important as it marked the beginnings of a consistent and crucial federal policy.

The Immigration Act of 1918, the Dillingham Hardwick Act, deported people under a broader definition of anarchism. **The McCarran-Walter Act of 1952** dealt with refugees who came to the United States after World War II. Any person thought to belong to an organization that advocated communism was labeled as someone supporting the overthrow of the U.S.

government and was denied entry. Even foreign intellectuals were denied the ability to come as visiting scholars. Immigrant residents could be deported if they were or previously had been a member of a communist organization.

The outbreak of World War I was a fertile ground for another surge of anti-immigrant sentiment. German immigrants were primarily targeted. Pushed by the strong anti-immigrant sentiment, Congress passed even more restrictive immigration statutes in 1917 and 1920. These statutes barred more groups based on their political ideology. Even teaching about anarchism, socialism, and communism became grounds for exclusion or deportation. The same was true for “writing, publishing, circulating, distributing, printing, ... displaying [or possessing for the purpose of distribution] written materials advocating forbidden doctrines had become grounds for exclusion or deportation....”^{xiv}

The 1920 Act was passed as a response to the First Red Scare after the Soviet revolution that started in 1917. As the U. S. entered the Great Depression in the early 1930s, immigrant radicals—now members of communist parties rather than anarchists—were targeted again. Various proposals were introduced in Congress to ban immigrants who had anything to do with communist parties. World War II intensified anti-immigrant sentiment even more, and the **Smith Act** was passed in 1940. It banned present and former belief, advocacy, and membership in socialist organizations and communist parties. In 1941, Congress directed consular officers to deny visas to any persons the officers had a reason to believe would “engage in activities which will endanger the public safety” and extended the power of the president to deport or bar entry to immigrants who were seen as “radicals”—whose ideology was seen as opposing to the interests of the United States. Then came the Cold War in the late 1940s and early 1950s, so anti-immigrant sentiment gained additional strength and anti-immigrant policies multiplied.

In 1950, amidst hysteria and fear of communists, the **Internal Security Act** was passed into law. It expressly excluded communists, those labeled as totalitarians, and fascists from the U. S. for the first time. This Act barred *thousands of immigrants* from entering the U.S., at least temporarily. When immigration laws were reformed by the **1952 McCarran-Walter Act**, these exclusions were recodified. But, on the other hand, the McCarran-Walter Act also **explicitly allowed deportation of naturalized citizens** who engaged in activities seen as subversive by the government.

In addition to prospective immigrants, ideological exclusion has been applied to those who might come to the U. S. on non-immigrant, or even on visitor visas. According to the American Civil Liberties Union: “Ideological exclusion” is the name of a government policy that keeps Americans from meeting with foreign authors and speakers whose opinions the government dislikes. It has long been discredited, but still occasionally persists. It was used as a political tool during the Cold War, when the U.S. State Department sought to deny visas to some of the world’s leading writers and artists who, the government thought, might be sympathetic to communism or other “subversive” viewpoints. The list of those excluded during the Cold War includes Nobel laureates such as Gabriel García Márquez and Pablo Neruda. Although Congress

eventually rejected ideological exclusion, the government has occasionally still tried to censor speech by keeping disfavored foreign speakers out. Republican and Democratic administrations alike have denied visas to critics of their policies, often asserting that the foreign speaker is being excluded because he or she poses risks to our national security.”^{xv}

Gender Identity and LGBTQ+ Status as a Basis for Exclusion

Historically, U.S. immigration law has discriminated against gays, lesbians, transgender, and gender non-conforming individuals for a long time. These individuals have only been able to lawfully immigrate to the United States *for the last 25 years*.

The Immigration Act of 1917 excluded gay and lesbian individuals from immigrating into the U.S. by denying admission to individuals who were called “mentally defective” or who were perceived to have a “constitutional psychopathic inferiority,” which the Immigration and Naturalization Service (INS at that time) interpreted to include gays and lesbians, in accordance with a U.S. Public Health Service a definition for “homosexual.” Even the Immigration and Nationality Act (INA) of 1952, many years later, continued this exclusion by denying admission to “aliens afflicted with a psychopathic personality, epilepsy, or a mental defect,” which the U.S. Supreme Court interpreted to include gays and lesbians as well. At that time, the transgender concept did not exist.

Between 1993 and 2010, the Department of Health and Human Services (HHS) also designated HIV as a “communicable disease of public health significance” that made a person inadmissible to the U.S. under the health-related grounds of inadmissibility. The so-called “HIV ban” prevented many gay men from visiting or immigrating to the U.S. during the years when it was in effect. Before the ban was lifted, LGBTQ advocates raised the concern that the HIV ban discouraged some LGBTQ foreign nationals already living in the United States from seeking testing and medical care in connection with HIV, because of possible risks related to their immigration status, in addition to the stigma that the ban promoted. *In 2010, under President Obama, HHS finally removed HIV from the list of inadmissible communicable diseases, following the enactment in 2008 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.*

Finally, same-sex couples were *denied immigration benefits based on marriage until 2013*, when the Supreme Court declared unconstitutional the Defense of Marriage Act (DOMA) in the case of *United States v. Windsor*, 133 S.Ct. 2675 (2013), and, until 2012, transgender immigrants were required to prove that they had undergone sex reassignment surgery in order for the U.S. Citizenship and Immigration Services (U.S.C.I.S.) to recognize their gender transition by reflecting their correct gender identity/marker on official documents.

Immigration and Nationality Act of 1965 (INA) created new restrictions on admissibility, specifically for lesbian, gay, bisexual, and transgender, or LGBTQ people. The INA replaced the exclusion for immigrants possessing a so-called psychopathic personality with a ban on “sexual deviation,” a “catch-all phrase” to exclude LGBTQ people from entering the United States.

Although the American Psychiatric Association removed homosexuality from its list of medical conditions in 1973, the *INA entry restriction remained in place until “sexual deviation” was removed by the Immigration Act of 1990*. Until then, Sodomy and Public Morality Offenses Under U.S. Immigration Law were Penalizing Lesbian and Gay Identity.^{xvi} Protection of the strict gender binary and tenets of patriarchal marriage and family—seen as formed by one cis-gender man (same sex as assigned at birth) and one cis-gender female—have been very important in the U. S., and that was very evident in immigration laws, at least until the 1990s.

Despite this reform, there remained many restrictions on LGBTQ immigrants who wished to lawfully enter and remain in the United States. Many LGBTQ immigrants were still denied admission to the United States, since the ban on people with HIV entering the country was not lifted until 2010. Although the United States has recognized persecution based on sexual orientation as grounds for asylum since 1994, Congress passed the Defense of Marriage Act or DOMA in 1996 and discriminated against same-sex married couples by denying them access to marriage-based federal benefits, including sponsorship of a spouse for an immigrant visa. *It was not until 2013*—when the Supreme Court found Section 3 of DOMA unconstitutional. That was the time when married binational same-sex couples received equal treatment under U.S. immigration law and could live without fear of being separated by deportation.

Unlike some other statutes, the INA does not define a spouse as either a husband or a wife, so the repeal of DOMA allowed for the recognition of same sex married couples for immigration purposes without further amendments. Unfortunately, the INA’s focus on legally recognized family ties and *definitions regarding parent-child relationships exclude LGBTQ families whose relationships were not recognized in their home countries*.

According to the Williams Institute, approximately *113,300 foreign-born individuals* were part of a community of people who lived in same-sex couple households in 2013. Before 2013, these couples were denied access to benefits based on marriage, as defined by immigration laws, due to the federal Defense of Marriage Act (DOMA). This law was enacted in 1996 and required a marriage to be between one man and one woman to be recognized under federal law. Even after DOMA was declared unconstitutional, not all states granted the right to marry to two people with the same sex assigned at birth. LGBTQ couples and the immigration advocates representing them needed to navigate whole sets of different laws related to marriage, divorce, and gender identity that were inconsistent among U.S. states, as well as among countries around the world, in order to fight for equal treatment with heterosexual couples.

This all means that the situation of LGBTQ couples could still be complicated and the immigration process quite long. If LGBTQ individuals come to the U. S. as singles, they can apply for asylum based on LGBTQ persecution in their homelands. This means that they need to prove that they cannot live freely in their countries of origin due to sexual orientation or gender identity, and/or HIV positive status. Many have faced excruciating challenges to escape their homelands and travel to the United States. While there are organizations such as The LGBTQ Asylum Project of San Francisco and Oasis Legal Services of Berkeley, to name a few Bay Area

resources, this is often a years-long and complicated legal struggle to prove persecution. There are many parts of the U. S. that lack resources for legal help, and under such circumstances, LGBTQ immigrants might be caught up in the U. S. detention or enforcement systems. If they ended up in detention centers, the level of discrimination, abuse, or even torture they get exposed to is quite striking. According to the National Immigrant Justice Center, one in four substantiated incidents of sexual abuse in immigration detention involved a transgender individual over a four-year period. Furthermore, LGBTQ immigrants pursuing claims to protection that are related to their sexual orientation or gender identity often face discriminatory attitudes in the immigration court system and that has led to denials of immigration protection and longer periods of detention.^{xvii}

Based on this analysis we can conclude that race, class, gender, religion, ethnicity, national origin, and political persuasion are all factors used in the U. S. immigration system to exclude, discriminate against, and deny rights. Sometimes the sources of exclusion and discrimination multiply as they intersect in the case of non-white immigrants who might also fall into different other categories based on their gender identity and sexual orientation. These characteristics have triggered exclusion, denial of entry, detention, deportation, or prolonged oppression. The employed in regulating immigration are ultimately serving to uphold white supremacy, capitalist class domination, the U. S. global control and ideological supremacy, and the main tenets of patriarchal society. These tenets favor oppressive gender roles and heteronormativity reflected in the laws and practices that have allowed discrimination against the LGBTQ community until very recently.

IV—Defining “Merit”: Skills, Privilege, Class Status, and Valued Formal Education

Based on the timeline and milestones of U. S. immigration history presented in Chapter I, it was clear that while the term merit was not explicitly used in early days and until mid-twentieth century, white race was favored as important “qualification” for immigrating. Beginning with the John F. Kennedy and Lyndon B. Johnson administrations, a definition of “merit” emerges that includes not only professional skills and experience but also the employment needs of U.S. employers. Important public debates continue to shape and define the term “merit” and ensure that the entire immigration system shifts to a basis in merit. Prior to that time, immigration quotas and family reunification strategies were cornerstones that ensured new immigrants would be primarily coming from Northern and Western Europe, therefore minimizing immigration from Eastern and Southern Europe. Relatives and family members of those who were already in the country had priority or were given priority.

It should be added that the 1952 Immigration and Nationality Act incorporated both immigration pathways that exist today: family-based and employment-based categories. This law kept intact the national-origin quotas established in 1921.

According to the Migration Policy Institute: “In subsequent decades, however, relative prosperity in Europe resulted in diminished interest among Europeans in migrating to the United States. At the same time, educated nationals of newly independent and emerging countries of Africa, Latin America, and Asia increasingly sought opportunities in the United States. These new immigrants were then able to sponsor their family members for admission, thus shifting the pattern of immigration flows. For comparison, the top three nationalities of the U.S. foreign-born population in 1960 were Italian, German, and Canadian. By 2017, they were Mexican, Indian, and Chinese.”^{xviii}

This demographic shift threatens white supremacy, but capitalist elites also see the benefits of working with immigrants who possess extraordinary skills and experiences, as they can advance their goals of global market domination. These capitalist elites pay immigrants with special skills much less than the U. S. born workers with similar expertise. This tension between preservation of white supremacy and consistent need for cheap labor, including cheap supply of those who possess specialized skills acquired in other countries—countries that invested in their education—has been evident for many decades. On the one hand, capitalist ruling classes have often cared less who works for them if they can claim global leadership and enormous profits. On the other hand, when demographic shifts are discussed, and white supremacists perceive that they are threatened, they capitalize on anti-immigrant sentiment. Yet some compromises are often reached, the employers also use strategies to ensure fragmentation of the working class.

After engaging in such public debates, the Immigration and Nationality Act of 1965 continued to prioritize family reunification. Calls for broadening immigration criteria, including ideas to base the entire system on ability and skill, were quickly silenced based on the fears of how this could change the demographic composition of U. S. cities and entire states. These ideas presented a threat to white supremacy. Others also argued that a just approach must ensure that families are not separated. They foresaw that if those with special skills and professional experience were given priority in immigrating, family members of those (primarily white individuals from Northern and Western Europe) who have been in the U. S. for generations would have to wait for a long time to immigrate. As discussed above, unexpected outcomes were observed after the quota system was reformed, as Eastern Europeans were more likely to immigrate, and those from Northern and Western Europe had enough job opportunities in their homelands or other European countries. Additionally, greater numbers of immigrants from Latin America and Asia started coming when strict quotas were lifted after 1965. In the San Francisco Bay Area, for example, in the City of San Jose, its population was composed of white a majority in the 1970s, but by the end of the 1990s people of color comprised the majority as a composite group. As many areas in the U. S. experienced similar trends, the calls to stop basing immigration criteria on family reunification became louder. Capitalist quest for cheap labor often guides employers to close their eyes to the fact that most immigrants who come in recent decades are non-white. When they perceive that white supremacy is seriously threatened by this phenomenon, the urge to restrict new immigration intensifies. But when the capitalist class realizes that these

groups of immigrants are the ones that accept lower wages and offered working conditions, the fine balancing act between profits and immigration restrictions aimed at preservation of white supremacy continues.

The employment-based immigration system does not ensure clear pathways to a permanent status, but it already operates with the concept of “merit.” Merit has been defined by legislators, elite companies, and special educational boards who evaluate diplomas, education and professional experience that is acquired abroad. While these boards often recognize the importance and high level of expertise developed in other countries, in most cases U. S. companies that employ such immigrants make sure they are paid less than U. S. born employees with the same background and that they primarily work in industries that are not unionized. It should also be noted that their so-called non-immigrant work visas keep these immigrants who possess specialized knowledge and expertise in a dependent position in relation to their employers.

Employment-based immigration

But beyond employment-based/employer sponsored immigration, any merit or point based system would also be more complex, demand additional efforts to administer highly defined criteria, and is potentially capable of more significantly reducing the numbers of immigrants who can come to the U. S. based on family ties. When a whole system is organized around “merit” and specifically designed scoring systems, legislative authorities would define and award points based on factors such as education level, wealth, connection with the host country (the U. S.), language fluency, potential or existing job offers. As the American Immigration Council emphasized “At its core, the allocation of points is not a neutral act, but instead reflects a political view regarding the “desired immigrant.”^{xix} Although some have argued for flexibility and put forward legislative proposals to include both so-called high skilled immigration and low-skilled immigration in a point-based system that would be highly dependent on economic trends, proponents of merit-based systems primarily talk about immigrants with special expertise and high levels of formal education.

The claim that is usually presented by politicians and the U. S. capitalist class that employ immigrants in great numbers, includes arguments that many unfilled gaps in U. S. economy are created when immigration is primarily based on family reunification. Yet when looking at the U. S. economic patterns, job creation and expansion, it becomes evident that the intent of moving certain industries, companies, and subsidiaries overseas has very little to do with worker shortages. This phenomenon has much more to do with creating larger profit margins achieved by hiring even cheaper labor than the labor of immigrants who work in the U. S. Such increases in profits are achieved by lowering labor standards and environmental laws when employing immigrants in comparison to U. S.-born workers, or even more, when U. S. companies are operating in other parts of the world. In most instances, the availability of cheap labor and the erosion of labor and environmental standards are consequences of historical or current colonial

domination that has devalued human and natural resources, as well as currencies in other countries and whole regions.

Additionally, the COVID-19 crisis has shown that tens of thousands of immigrants who have degrees in health-related professions are either unemployed while studying to obtain U. S. certification of their medical degrees (a process that lasts at least 5 years on average for medical doctors) or working as cleaners and technicians, despite their high levels of expertise. While the demand has been great in the medical field between March 2020 and March 2021, very little has been done to ease certification criteria for medical degrees and fill those gaps with an immigrant workforce, except at the lowest levels of job hierarchies.

When it comes to so-called skilled immigration, an important question is sometimes raised: all workers and all human beings possess many skills, so why are only those with higher levels of formal education called “skilled immigrants?” What skills are valued by the society and why? Agricultural or food production skills are also essential for every society and to truly accumulate relevant experience on how to responsibly tend the agricultural fields usually takes decades. Yet immigrants or migrants that work in agriculture are often seen as low-skilled workers by most of the U. S. politicians, educators, media representatives, and policy makers. It is evident that most immigrants who come to the U. S. through employment-based immigration pathways have been either from upper classes, or with resources that are not available to the majority of their counterparts. These immigrants tend to be privileged because of their origin, education, expertise, or experience. They also must have enough financial resources to move to the U. S., even temporarily, as these visas are classified as non-immigrant. With employment-based immigration and or/point/merit-based systems, privileged countries, such as the U. S., Canada, Australia, U. K. ensure that they control the flows, numbers, and criteria, and that they do not award permanent status immediately, but keep these immigrants dependent and present on a temporary basis. At the same time, they ensure that global inequalities persist: the sending countries lose competitive power as their greatest human resources leave. They experience brain drain, even though they invested great resources in educating this cadre. As levels of brain waste increase, these countries lose more potential to effectively compete in the global technological markets and other types of innovation.

Immigrants who come through employment-based channels are at the same time privileged in comparison with those immigrants whose skills are labeled as “lower,” and dependent on their employers as well. If, and when, employers do not need them any longer, they lose the ability to stay in the U. S. Their situation is also specific and dependent on the fact that there is no automatic or clear path to a permanent status. Immigrants who come on a work-visa (usually H1B) are supposed to be in the U. S. temporarily unless a permanent need for their labor has been demonstrated. This conditional situation opens a whole range of possibilities for exploitation and labor standard violations for employers. But some immigrants and their employers also might also have a clear path to prove special need based on unique and

specialized skills. When this is proven, it is relatively easy to achieve permanent resident status for the privileged few.

Many immigrant rights advocates have argued for a continuation of the family-based immigration system, and some have argued that the best solution would be a combination of the two criteria, including employment. However, it is less clear whether employment-based immigration must be connected to merit or special skills, and if so, who defines them. In the current global market, the U. S. still asserts domination, and it has been difficult even for immigrant rights advocates to imagine a just and comprehensive solution beyond family-based immigration.

V—Who Can Become a U. S. Citizen and How All Systems of Domination Intersect?

A historical overview of white supremacy governing criteria for citizenship, along with class privilege, perceived disability, political ideology, and gender identity

As discussed in the previous chapters, exclusions, discrimination against people of color, non-Christian religions, anarchists, members of communist parties, and LGBTQ individuals were a regular occurrence and major pillars in the U. S. immigration system. Privileges have been given to white, rich, cis-gender immigrants who fit into the gender binary. Such values are placed on whiteness, material wealth, and patriarchal family structures, and they are seen as foundation of the society. This is especially true when we review criteria for naturalization and exclusions included in naturalization laws from the earliest days to the current times.

Naturalization Act of 1790 contained a provision that "any alien, being a free white person, may be admitted to become a citizen of the United States."^{xx} However, Mostly Anglo-Saxon immigrants were coming to the U. S. at that time.

For a long time, persons of no other race could obtain U. S. citizenship.

Not surprisingly, and not until **1870 Revision of 1802 Naturalization Law** could African Americans be considered U. S. citizens in any part of the country. This law opened the naturalization process "to persons of African descent."

After the acquisition of Mexican lands, and following the imposed **Treaty of Guadalupe in 1848**, much of the Mexican population that resided in all newly formed states was absorbed as U. S. citizens, but expected or forced to denounce their culture, language, and customs. Some U. S. born Mexican Americans were also deported and many were terrorized.

Following the **1934** Philippine's independence, **the Tydings-McDuffie Act** changed the status of Filipinos from American citizens to "aliens."

Other Asian Americans could not become U. S. citizens **until 1952. The Walter-McCarran Immigration and Naturalization Act of 1952** got rid of the Asian Exclusion Act of 1924 and allowed **mostly skilled Asians** to immigrate with the right to U.S. citizenship for the first time.

Exclusions directed towards Muslims, LGBTQ individuals, those perceived as disabled and mentally ill, HIV positive and those who hold incompatible ideological views with those favored by the U. S. government, were discussed in Chapter III. Here we will expand on most of those exclusions to describe how they relate to acquisition of U. S. citizenship.

History of ideological qualifications for naturalization

Most of the earliest immigrants who came to the American colonies were English Protestants. A greater diversity of immigrants began to arrive in the 1680s and prior colonists were intolerant of newcomers whose origins and cultures they did not understand or approve of. As a result, some colonies instituted oaths of allegiance and sometimes forced out persons with any unpopular views.

The 1798 Alien Act was a product of fears Americans developed towards immigrants who were radicals, and their "infiltration into the new nation." This Act empowered the president to expel any such immigrants and paved the ground for all future ideological exclusions. Individuals who embraced any ideological view deemed "radical" were obviously not eligible for U. S. citizenship.

It was discussed in Chapter III how much of the anti-immigrant sentiment was based on this fear of radical immigrants (primarily coming from Southern and Eastern Europe) in the mid-1800s, and how anarchists were barred, excluded, and deported starting in 1903. They also were also deemed inadmissible for the purposes of acquiring U. S. citizenship.

Throughout the 1900s various anti-socialist/anti-communist waves have imposed additional exclusions related to immigration and citizenship.

In 1987, the passage of section 901 of the Foreign Relations Authorization Act temporarily stopped many deportations based on speech or association, namely those with "any past, current or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States."

Current ideological qualifications for naturalization

Several ideological requirements for naturalization remain under U.S. law. **First** is the requirement that the applicant be "attached to the principles of the Constitution of the United States." The statutory requirement is elaborated in the Code of Federal Regulations specifying that: "Attachment implies a depth of conviction which would lead to active support of the Constitution. Attachment and favorable disposition relate to mental attitude and contemplate the exclusion from citizenship of applicants who are hostile to the basic form of government of the United States, or who disbelieve in the principles of the Constitution." It is not specified

what Constitutional principles are being referenced to and there is a lot of space for different interpretations.

Some court cases dealt with this issue. In *Schneiderman v. United States* (regarding deportation of a California state party leader William Schneiderman), the court evaluated the circumstances of a young man whose naturalization was allegedly fraudulent for his failure to satisfy the attachment requirement. The man had been a member of two communist organizations at the time of his naturalization. After questioning, he stated that he "subscribed 'to the philosophy and principles of Socialism as manifested in the writings of Lenin'" but "denied that he ... advocated the overthrow of the Government of the United States by force" and "considered membership in the Party compatible with the obligations of American citizenship, believing that "socialism could be achieved here by democratic processes."

Second, membership in specific organizations and forbidden views also constitute exclusions from naturalization. These exclusions can still affect anarchists, communists, and any organization deemed totalitarian. The bars apply only to applicants who advocated forbidden views or were members of forbidden groups in the 10 years prior to applying for naturalization. Any immigrant who went through the naturalization process or immigration attorney familiar with citizenship interviews could testify that immigration officers are awarded lots of discretion to interpret any of the categories that could constitute bars for naturalization in their own ways.

While there is some guidance on membership-related bars to constitute a "meaningful association," many questions remain open and dependent on court cases.

Good Moral Character

Even though some disagreement might exist, most would agree that the concept of "good moral character" seems ambiguous and open to interpretation. Yet it is one of the major requirements for naturalization. The intersection of the U. S. criminal law and the immigration law results in different provisions and consequences for U. S. citizens and non-citizen immigrants—some acts that constitute misdemeanors if committed by the U. S. citizens are deemed aggravated felonies if committed by immigrants who are then subjects to deportation. Still, many, if not most Americans would agree that those who are found guilty of serious crimes should not be provided an opportunity to naturalize. They often do not realize that even a minor offense could make immigrants not only ineligible for naturalization, but also deportable.

At the same time, many U. S.-born Americans would not pass the good moral character test, especially given the fact that immigration officers have a broad scope of discretion and space for interpretation. Examples that would damage someone's good moral character and constitute exclusion from naturalization include habitual drinking, practicing polygamy (that is legally allowed and justified as religious freedom in the State of Utah), willfully failing or refusing to support dependents, giving false testimony under oath in order to receive benefits

under the Immigration and Nationality Act, providing false information in documents, falsely claiming U.S. citizenship, and failing to register for Selective Service. Even accumulation of traffic citations and shoplifting of an item of extra small value could be interpreted by immigration officers as lack of good moral character, disqualify a person from obtaining U. S. citizenship, or put them in deportation proceedings.

Public Charge

The so-called Public Charge rule is another class-based means of controlling immigration. It originated in 1882. The Immigration Act of 1882 found immigrants who were "unable to take care of himself or herself without becoming a public charge" unsuitable for American citizenship and therefore denied their entry. Up to the present day, when immigrants and visitors are entering the country, they must prove that they have enough financial means to cover any possible expenses, or present affidavits of support provided by U. S. permanent residents or citizens who pledge to cover such expenses by sponsoring immigrants.

Basically, this concept means that that an immigrant can be perceived as public charge if there are accumulated factors pointing out that she/he/they may become dependent on public benefits for sustenance. It is not even necessary to prove that the person is truly dependent on public benefits, but that there is likelihood that they may become reliant on them. If immigration officers apply the public charge test and determine that this may be the case, such an immigrant will be deemed inadmissible or barred from obtaining a legal permanent resident status if the person is already in the U. S. During the Trump era, this rule was taken to the extreme, as his administration represented forces who were aggressive in their anti-immigrant sentiment and their classist attitudes. While the Biden administration has reverted to the pre-Trump era rule that governs public charge, and this rule applies to only a small fraction of immigrants, immigration and consular officers still have a lot of discretion to determine who can be considered "public charge." Coupled with a plan to raise fees for all immigration applications to previously unseen levels, this was supposed to severely limit access to permanent immigration for people who have limited financial means.

Investor Visas

On the other hand, so-called investor visas give wealthy individuals a straightforward, expeditious, and easy way to become U. S. citizens. This visa has existed since 1990 and to become a United States citizen through investment, a foreign national will first need to apply for the investor program visa. Previously, the EB-5 immigrant visa was granted to foreign investors who are ready and able to invest \$500,000 or \$1 million in the U.S. economy. However, based on the 2019 EB-5 Rule, prospective EB-5 applicants must invest at least \$900,000 or \$1.8 million beginning on November 21, 2019. There has been very little, if any, discussion in the public discourse about this type of immigration and very little resistance towards admitting rich individuals to the country. They have been perceived as individuals who "naturally" belong to this society, based on accumulated wealth and a desire to expand their profit margins by coming to the U. S.

This analysis demonstrated how white supremacy has governed criteria for citizenship, along with class privilege, perceived ability, “correct” behavior, and approved political ideology. Questions about ideological qualifications for naturalization, “good moral character,” public charge and investor visas with clear pathways to citizenship are also explored in this chapter. Naturalization requirements based on and gender, gender identity and sexual orientation are discussed in the following chapter that focuses on immigrant women and gender non-conforming individuals.

VI—Gender and Immigration: How Has the Immigration Law Perceived Immigrant Women and Gender Non-conforming Immigrants?

Gendered Patterns of Immigration

Immigrant women were rarely arriving alone during the early days of immigration and until the end of 18th and 19th centuries. It was too risky and often socially unacceptable to embark on an intercontinental trip alone. However, in the 19th century the U. S. had witnessed some increase in female immigration, especially from countries like Ireland. ^{xxi}

Immigrants who entered the United States between 1830 and 1930 consisted of two distinctive migrations. From 1830 to 1890 most immigrant families came from Northern and Western Europe and British Canada. They went to farming districts and to work in other rapidly expanding regions of the United States. The second wave consisted mainly of men who often came alone from Europe’s southern and eastern regions, and from Asia, and Mexico, along with many families coming from French Canada. This wave started in the 1830s but intensified with rapid industrialization after 1880. In the mid-nineteen century, men immigrated alone rather than with families in hope of working hard and either returning to their homelands with money, or settling in the U. S. to later bring their family members to the U. S. They also knew that manual labor was very intensive, with long workhours and initial pay that would not be able to support entire families. Many also had to frequently move in search for jobs and that lifestyle would pose serious challenges to family stability. “Before about 1880, there were no obvious “experts” who studied immigrant women, or who claimed much expertise on their lives or problems. Thus, the years around the turn of the century remain the best for comparing immigrant women, their problems, and the experts who study them with their present counterparts.”^{xxii}

“In 1900, a significant problem associated with immigrant women was the “white slave trade,” which we today call “trafficking in women,” concluded the authors of the 2002 conference report that focused on immigrant women and added: “With limited evidence, female reformers believed foreign procurers preyed on women during migration; with even less evidence, they insisted (wrongly) that foreign-born women predominated among urban prostitutes. With men far outnumbering women among migrants, the experts’ fears were not completely irrational.

Women experts demanded protection for women while they were in transit and at immigrant processing stations, and they wanted native women included among immigration inspectors.”^{xxiii}

Women and Naturalization

Researchers who do not look closely at patriarchal structures and how patriarchy works are often surprised by the fact that women were not equally represented among the naturalized immigrants, according to the nation's early naturalization records. Prior to 1906 these records were not consistent, but there were certain legal and social provisions that determined, if, and when women had to go to court to naturalize. When they examined the records, it was evident that Immigrant women had the right to become U.S. citizens if their husbands obtained that right even during the previous centuries, but not every court honored that interpretation of immigration laws. During the mid-nineteenth century certain laws worked to keep some women out of naturalization records, either by granting them derivative citizenship, or by barring them from naturalization.

While immigration acts of 1790, 1795, and 1802 limited naturalization eligibility to "free white persons," they did not implicitly limit eligibility by gender. By 1804, the right to naturalize was reserved for married white women. Since that date, and until 1934, when an immigrant man filed a declaration of intention to become a citizen, but died prior to the date of his naturalization, his widow and minor children were "considered citizens of the United States" if they/she appeared in court and took the oath of allegiance. New laws of the mid-1800s opened an era when a woman's ability to naturalize became dependent upon her marital status. However, this only applied to white women.

Just as immigrant women gained U.S. citizenship by marriage, U.S.-born women often lost their U. S. citizenship and gained foreign nationality by marrying immigrant men. For many years there was disagreement over whether a woman lost her U.S. citizenship simply by virtue of the marriage, or whether she had to leave the United States and move abroad to live with her husband to be stripped of American citizenship. Eventually, it was decided that between 1866 and 1907 that no woman lost her U. S. citizenship by marriage to an immigrant, unless she left the United States.

Yet until the 20th century, unless a woman was single or widowed, she had very few reasons to naturalize. *U. S.-born and immigrant women could not vote, even if they were white, prior to 1920. Until the mid-nineteenth century, women typically did not own any property or appear as "persons" before the law.*

After women gained suffrage with the Nineteenth Amendment in 1920, Congress passed a law to restore citizenship to U.S.-born women who had married non-U. S. citizen husbands. For immigrant women, it was recognized that they could have their own independent reasons for becoming U. S. citizens. If immigrant women were eligible for citizenship and completed all requirements, they could now naturalize independently. *However, it should not be forgotten that this only applied to immigrant women who were white.*

Additionally, to ensure preservation and continued strength of white supremacy, anti-miscegenation laws existed until 1967, when the U.S. Supreme Court ruled that they were unconstitutional in *Loving v. Virginia*. This also provided additional conditions for white women to be on top of female gender hierarchies, as even white immigrant women had some rights not awarded to other women of color (if they were married to white men, or single after 1922).

Gender Bias in Immigration Policy: Creating Conditions for Domination and Greater Exploitation

In recent times, organizations such as Legal Momentum argue that gender bias is obvious in immigration policy. “Whether they are victims of extended backlogs or a system that precludes their employment while in the United States, immigrant women are left with no choice but to work in the underground economy without legal work authorization, increasing their vulnerability to exploitation from employers – who know that their employees will not report crimes against them – and dependency on their spouses, placing them at greater risk for domestic violence and sexual assault within the family.”^{xxiv}

When it comes to gender gap in wages—one of the most straight-forward and evident indicator of how capitalism and patriarchy work together intersectionally— we should emphasize that immigrant women are additionally disadvantaged as their wage gap is much wider than that of U. S.-born women. While the average gender wage gap for all women is in the range of 80 cents per \$1 made by the white men, for immigrant women that is only 58.4 cents.^{xxv} When we also take white supremacy into account, Latina women, and especially Latina immigrant women, make the least and the gender wage gap is the widest for them at 42 cents per \$1.

One additional indicator of the synergy that exists between patriarchy and capitalist exploitation could be seen in employment-based immigration. The way educational systems work in most countries is to channel female students away from STEM (science, technology, engineering, mathematics majors) and highly paid professions. Consequently, the greatest numbers of H1B visa holders in the U. S. are men, as they are hired by U. S. companies to live and work here temporarily. If they have spouses and children, they can also come but on derivative--H4 visas. The U. S. immigration system considers visas for spouses dependent. The legitimate question remains: if the majority of those who are hired by U. S. companies to perform work that is considered highly specialized, based on special expertise non-existent in the U. S. were female, would H4—spouse visa--still be dependent on the primary visa holder? For the past several decades, female spouses have often reported complete dependence on their husbands, and when there is abuse in the family or when relationships end, they find themselves with very few resources. They are required by law to immediately return to their homelands if they divorce.

On January 24, 2020, the Trump Administration issued a rule that regulated issues of temporary visitors and directed U. S. consulates around the world to assess whether women were pregnant at the time of their interviews. If consular officers perceived or obtained a statement

for female visa interviewees affirming that they were pregnant and were convinced that these females intended to come to the U. S. with the purpose to give birth on American soil, they had full discretion to deny their visitor visas. Consular officers were also directed to deny visas for such individuals if there was “no legitimate medical reason” for their visits. As we know, most consular officers are not medical doctors by training, and this is a blatant example of gender discrimination as these officers are given authority to make decisions about conditions that they cannot evaluate because of their lack of expertise. Trump himself and his close associates talked about so called “birth-tourism” and this rule corresponds to their political views and intentions of stigmatizing women to assert control over their lives.

Immigration laws also address specific issues of women who are survivors of intimate-partner violence and other types of gender-based violence. Yet it remains challenging for many immigrant women to learn about Violence Against Women Act and go through the self-petitioning process. Patriarchal structures often keep immigrant women and children isolated and newcomers often have less developed social networks of people who can support them.

Human trafficking is an immigrant, and especially immigrant women’s issue as it affects immigrant women more than any other group. In 2019, Polaris--an organization that analyzes human trafficking trends--provided statistics on survivors of human trafficking by nationality. *Such figures confirm that the number of immigrant survivors is more than three times greater than the U. S. born individuals affected by human trafficking.* ^{xxvi}

Immigrants are also very vulnerable to labor trafficking. They are brought to the U. S. by employers who often take their documents, make them captive, and require work under slave-like conditions. According to Polaris Project, the expert organization that collects trafficking data, in 2019, we had 2,364 cases of labor trafficking related to migration and relocation. ^{xxvii}

While T visa does exist, immigration backlog has created numerous challenges for immigrant women who are trafficking survivors to rebuild their lives and heal the severe trauma associated with such inhumane conditions. It should be also noted that it is not easy to prove hardships and trauma experienced by survivors of patriarchal violence and global imperial rings of human trafficking. Many survivors are re-traumatized in the process outlined by immigration law. While they wait and deal with administrative backlogs, they remain in limbos, with very few resources.

Exclusion and discrimination experienced by **gender non-conforming and transgender individuals**, as well as those members of society who defy ideals of heteronormativity by resisting strict social control of sexuality are described in Chapter III.

Based on the discussion presented in Chapter III and in this section, we can say that the U. S. immigration system has embedded patriarchal definitions of gender, marriage, family, and heteronormativity. The concept of gender is very important in regulating immigration. At the earliest times after the establishment of the U. S., women were not seen as “persons” before the law. Their citizenship was not needed as they had no rights to property or voting rights until

1920 when only white women were granted such rights. In the early 1900s, women's citizenship was derived from their husbands, or lost if they married non-citizen immigrant men. There are multiple ways for immigrant women to be channeled into dependency, trafficking networks, or low-wage, sub-standard labor conditions. When it comes to wages, immigrant women are paid less than any other group of workers and their wage gap, compared to white men is the largest. Immigrant women of color are at the bottom of wage hierarchies as white supremacy and patriarchy reinforce each other and multiply sources of oppression. While class plays a role as well and formally educated immigrant women have advantages, they are also likely to be placed into dependent legal categories by immigration law. If they come to the U. S. to accompany their husbands, their visas are derived from primary visa holders and therefore dependent. That's just one more example how gender matters, either explicitly or implicitly, in regulating immigration. Overall, most of the immigration solutions and categories are geared towards white, cis-gender, male applicants or immigrants who are already present in the U. S. These categories and legal solutions are also using patriarchal marriage and family as models, and marginalizing, penalizing, or imposing hardships for LGBTQ individuals and binational couples.

VII—Capitalism: "Push and Pull" Factors Determining Immigration Flows to Satisfy Unlimited Desire for Increased Profits

For centuries, the U. S. has had a great need for immigrant labor. From the times of building infrastructure and intensive industrialization in the 18th and 19th centuries, to expanded needs for agricultural labor or appeals to armies of engineers and scientists in the 20th century, immigrants have been the backbone of the society and igniters of the production engine. In the most recent times, the service economy is probably the greatest employer of immigrants and largely dependent on immigrant labor. This also means that immigrants have been super exploited by their employers, sometimes even more than two or three times the rate of exploitation that is directed towards U. S.-born workers.

Even white immigrants who came from central and eastern parts of Europe in the early mid-1900s reported slave-like wages and working conditions, as they toiled in the fields, factories, steel mills, ironworks, gold, and silver mines. The labor power of American slaves was provided for free while enslaved Africans were seen as sub-human or even non-human by those who established and run the system. The stories of Chinese and Japanese laborers (among many others) of the 19th century and Latino/ex laborers who were brought through the Bracero program and during more recent times are full of countless examples of super-exploitation, dehumanization, and lack of decent labor standards. American version of capitalism has been built on the foundations created by free and cheap labor that generated enormous wealth accumulated in the hands of the few. When employers hire cheap labor of immigrants and do not have to pay for their labor protections; when they require workers to work under sub-

standard conditions; when they do not have to invest in safe work environments; when they give workers no time off to rest; when they are not obligated to provide paid sick days; when they pay extremely low wages and deny overtime pay; or when they engage in wage theft with impunity--they continue to accumulate enormous profits.

We discussed wage gaps for immigrant women in the previous chapter. Wage gaps for all immigrant workers vary based on their race, ethnicity, gender, English language acquisition, immigrant generation/recency of immigration, and immigration status. Yet wage gaps are most evident when compared to U. S.-born workers. These labor rights abuses: wage gaps, likelihood to deny workers' rights, tend to increase during the times of recession, as do broader social struggles. ^{xxviii}

As Prof. Richard D. Wolff states: "Every immigrant group coming to America found itself used by employers against workers already here. Dividing workers this way depressed wages and blocked workers' solidarity against employers. This is how capitalism "manages" immigration."^{xxix} Professor Wolff [explains in simple terms](#) how immigration is *a subsidy* for the employers—capitalist class.

This is also an international issue, and the widening of the gap is a prevalent trend. Migrant workers in the world's richest economies are earning 12.6% less than national workers, and the gap continues to widen, according to the International Labor Organization.^{xxx}

In the previous chapters we discussed how capitalism operates in synergy with patriarchy that defines gender. Almost all workplaces in the U. S., except for workers' cooperatives, are extremely undemocratic and their internal structures resemble patriarchal hierarchies. Bosses, CEOs, supervisors, and other members of upper management structures often approach their teams and entire companies as if these were their families. Many of them manage and rule like a *pater familias*^{xxxi}. This is even more evident in companies that are founded and managed by family members as they see them to reflect their own legacy. For the large multi-national corporations, the management circles embodied by boards of directors are often hidden from the public eye and workers rarely know who their real bosses are. But nonetheless, these structures are very likely to implement strict hierarchical rules and be hardly responsible for any workers' rights abuses, exposure to toxic materials, workers injuries on the job, or their deaths. They still resemble a prototypical patriarchal family in the sense that the ruling structure is authoritarian, closed, strictly hierarchical, tightly knit by common interests and family-like secrets or privacy rules. Those who own such enterprises (means of production) are reserving the rights to make all important decisions for other members, in this case—employees.

Professor Richard D. Wolff explains in plain language how capitalism perpetuates immigration and how the ruling class repeatedly and successfully applies divide and conquer tactics to create conflicts among the working people who then do not rebel against those who have most power and wealth. These strategies have worked since ancient times. They have worked in the British empire against the Irish workers, and they have worked well in the U. S.

Wolff compares the U. K. and the U. S. because of striking similarities. In his words: “British capitalists recognized a useful side effect of importing lower-wage workers. It differentiated employees by national origin, religion, and sometimes also ethnicity. Some English workers resented downward pressures on wages and working conditions, overcrowded housing and neighborhoods, and overused and inadequate public services. They often overlooked capitalists' profit-driven organization of immigration, and instead blamed immigrants themselves. British politicians reinforced such ways of thinking as they sought financing from those capitalists and votes from English workers. Likewise, profit-driven media companies, the journalists they hired, and compliant academics often promoted notions that immigrants represented net economic costs and difficult social adjustments imposed on the existing population. Such notions deflected workers' resentments about their economic situations onto scapegoating immigration and immigrants. In short, immigration made a divide-and-rule strategy of capital against labor all the easier to pursue.”^{xxxii}

The same patterns have persisted in the U. S. When white immigrants from Southern and Eastern Europe started coming to the U. S. in greater numbers, as described in Chapter II, they were immediately labeled as “strange foreigners” and blamed for lowering wages and downgrading working conditions for the rest of (white) immigrant workers.

We discussed at length the Chinese Exclusion Act and the subsequent backlash against all Asian immigrants. When a group of immigrants is targeted and stigmatized it becomes even easier to economically exploit the entire group and even other immigrants who are perceived to possibly belong to that same group. Employers, politicians, the dominant media, and even other working people find it easy to justify exclusion or blatant discrimination—at work and in other social spheres—based on the national or ethnic origin. In turn, this creates enormous profits for employers when they do not have to provide protections on the job and pay only minimal wages.

Capitalist Labor Needs

Capitalism also ensures that there is adequate supply of cheap labor by colonizing other countries and creating sharp differences in standards of living so that groundswells of people see no other viable solution but to leave their homes and immigrate to so-called developed countries—typically those same colonial powers that occupied their homelands or imposed economic domination in the regions of their origin.

Professor Wolff used the examples of Puerto Rico, Mexico, and Central America to further explain how inequalities and so-called uneven development perpetuate immigration and create enormous concentration of wealth for the few. “The US repeatedly undermined basic living conditions in its de facto colony, Puerto Rico, driving millions to move to the US mainland. There, they repeatedly encountered all manner of discriminations, abuse, and scapegoating. The US economic dominance of Mexico and Central America as informal colonies -- intensified by the North American Free Trade Agreement (NAFTA) -- produced the same result, but on a

much larger scale. US capitalists used Latin American immigrants as means to exert downward pressures on wages and working conditions, with the usual anti-immigrant results."^{xxxiii}

It has been quite surprising that so many do not recognize an obvious fact that capitalism has always necessitated migrations of capital and labor. While Sonia Shah is right when emphasizing that human, animal, and plant migration has been a consistent occurring phenomenon throughout recorded history^{xxxiv} and we cannot see international migration only as a result of capitalist development, migrations have been reshaped in many ways by the capitalist drive for infinite supply of natural and human resources. This drive has been so destructive that we have created serious climate disruption and endangered long-term human existence on Earth. We now also have climate refugees. Entire islands disappear under water and extreme famines occur as results of disrupted climate patterns^{xxxv}. While the UN organization for refugees does not explicitly recognize climate refugees, it implicitly refers to this phenomenon by saying: "UNHCR is providing protection and assistance to many refugees and other people displaced by the effects of climate change, as well as helping them increase their resilience to future disasters."^{xxxvi}

Wars, military occupations, and colonization have consistently driven people from their homes and often forced them to emigrate to other countries and continents. The U. S. economy, its need for cheap labor and its ideological self-promotion that projects images of a country that embraces people from all over the world only if they are willing to work hard, have consistently serves as a pull factor.

Waves of immigration are also directly related to developments in U. S. economy—such as large waves of immigration during the industrial revolution and during the blossoming of the computer industry. Other factors that drive immigration are directly related to the U. S. foreign policy. Right after the conclusion of the long-lasting war with Vietnam, the greatest numbers of Vietnamese refugees immigrated to the U. S. and in the 1990s the largest numbers of Yugoslavs also immigrated because of the U. S. and NATO involvement in what was perceived as a civil war. These are only a few examples to illustrate how large waves of immigration become direct results of economic and foreign policy. In the following chapter we will discuss how the U. S. imperial/global domination and military actions create world inequalities and force waves of immigrants and refugees from almost every region of the globe to eventually end up in the U. S.

In his book entitled *Live, Work, Work, Work, Die*, Corry Pein^{xxxvii} describes the miseries and cruelties of the high-tech industry of Silicon Valley. The journalist author shadowed numerous entrepreneurs and tech enthusiasts who were dreaming of making billions in Silicon Valley with their own startups in 2015. In addition to working around the clock and having no time for anything else in life but work, many of the wannabe millionaires and billionaires often slept in groups on living room floors and spaces as small as pantries, dreaming that they too could become the next Steve Jobs. In reality, 99.9% of these entrepreneurs cannot achieve this kind of goal, but they have bought into the capitalist ideology of possibility and startup frenzy. Pein described the most powerful tech oligarchs who are role models to many working in the tech

industry and beyond as the people who wanted unlimited power. They even talked about endless lifespans, superhuman powers, and personal hyper-speed transport in front of the author. Many of the Silicon Valley's prospective and established high tech company owners and workers who also bought into this myth of fast-track to reaching billions by employing innovation and creativity are, of course, immigrants.

In Santa Clara Valley there are close to 70,000 H1B visa holders who live and work within the county's borders. A small fraction of them have achieved their goals of accumulating millions or reaching billions of dollars, but most of them are very far from that reality and closer to the reality of working around the clock with very little time for living life. This industry has never been unionized and employers can impose endless hours of work to accomplish their goals of being the first to release a particular technology or scientific product. This is especially true for immigrant workers as they are dependent on their employers in every way, and especially if their goal is to adjust their status to receive green cards—they cannot refuse unlimited workhours. This kind of immigrant exploitation and abuse is rarely discussed and instead the entire industry, and groups of engineers and scientists' ingenuity are idealized or glorified.

Prison-Industrial Complex, ICE Enforcement, and Immigrant Detention

It is no secret that immigrant detention, including holding immigrants who end up serving sentences in prisons and jails across the nation, is a very profitable business. Immigrant enforcement actions are a frequent occurrence in many states. They terrorize entire communities, create long-term trauma for children, and separate families. According to Immigration and Customs Enforcement's (ICE) own data, in FY 2020 alone, 103,603 administrative arrests were made across the country.^{xxxviii} Tens of thousands of immigrants are detained in 200 immigrant prisons and jails across the U. S. ^{xxxix} It is not widely known, but the first privately run prison in the nation was established centuries ago in California, in 1850. Because it was plagued with corruption, mismanagement, escapes, and other problems, it was transferred back to the state in 1860. While this was not an immigrant only detention facility, it demonstrates that the privatization of American prisons is a phenomenon with a long history.^{xl} The first dedicated immigrant detention facility in the world was created in 1892 in New Jersey, Ellis Island. Undoubtedly, immigrant detention is an aspect of the prison-industrial complex. This symbiosis of industrial and incarceration interests has been a very profitable solution for private contractors, state, and local economies. Private contractors sign favorable contracts, and sell their products, including prison beds. The super-exploitation that is achieved by providing free labor in detention is of special importance for accumulation of profits that go into the pockets of everyone involved in this sector. An example includes immigrants and non-immigrants who are trained as fire fighters in the prison system and sent out to fight ever-expanding California fires *for \$1 a day*. When these prisoners are released from prisons, they are not allowed to use their training or skills and have no easy way of practicing the profession if they wanted, even though they possess necessary training and experience.

According to [Freedom for Immigrants](#) federal government data from April 2019 showed that the top 5 states with largest numbers of detained immigrants were: Texas (14,481), Louisiana (4,415), Arizona (4,405), California (4,353), and Georgia (3,719).

Even prior to the Trump Era, the U. S. detained 477,000 immigrants in 2013 at a cost of \$2 billion. ^{xli} While immigrant detention, including the bail system, create devastating economic impacts on immigrant families (that often include U. S. citizens as many families are mixed, especially in California), the profits amounted by the prison industrial complex are significant. Even in 2009, authors and editors of the book *Prison Profiteers: Who Makes Money from Mass Incarceration* documented that: “From investment banks, guard unions, and the makers of Taser stun guns to health care providers, telephone companies, and the U.S. military (which relies heavily on prison labor), this network of perversely motivated interests has turned the imprisonment of one out of every 135 Americans into a lucrative business.”^{xlii}

In the article entitled *Legality and Exploitation: Immigrant Enforcement and U. S. Migrant Labor System*, Marcel Paret pointed out that “Recent scholarship has pointed to the significance of migrant “illegality” and its association with a growing emphasis on immigration enforcement. But only rarely have scholars sought to understand the productive effects of “illegality” in terms of reproducing cheap and flexible labor.”^{xliii} Paret documents how the migrants from Mexico and Central America have been used since 1942 to provide cheap and flexible labor. When the labor is inexpensive and adjustable to the needs of U. S. employers, the employers amass enormous profits. Paret also discusses how the framework and stigmatization that the category of “illegality” brings and serves, ensures that these employers keep this type of labor cheap and flexible.

[Immigrant Contributions to the Economy and Society](#)

Immigrant economic contributions are enormous. According to the American Immigration Council, if we only looked at taxes paid by immigrant-led households, they contributed \$223.6 billion in federal taxes and \$104.6 billion in combined states and local taxes in 2014. ^{xliv}

According to California Immigrant Policy Center: “Immigrant workers are important to the California economy. They contribute about 32 percent of California’s GDP. This amounts to around \$715 billion, a figure well over the total revenue of Wal-Mart in 2016. Undocumented immigrants in California alone contribute about \$181 billion of California’s GDP – a figure just about equal to the 2015 GDP for the entire state of Oklahoma. Additionally, immigrant households make up 28 percent of the total household income in California, and thus represent a substantial share of all spending power in the state. Immigrant-owned businesses also contribute to the economy. A 2012 study found that one in three small business owners in California are immigrants. Meanwhile, another study found that from 2007 to 2011, immigrants in the state founded around 45 percent of all new businesses, while 36.6 percent of the state’s business owners in 2011 were immigrants.” ^{xlv}

In Santa Clara County, immigrants account to nearly half of the labor force, contribute 44% to the region's GDP, and, according to the California Immigrant Data Portal, in 2018 they alone contributed roughly \$32 billion to the county's economy through tax contributions and spending power ^{xlvi}.

The flow of cheap immigrant labor to the U. S. also contributes to the preservation of global inequalities. These workers leave their homelands, producing a gap in their economies to provide cheap labor in the U. S. This is a dominant feature in the neocolonial world, but because of such global disparities in living standards and currency values, even the low wages in the U. S. mean a lot when immigrants send money to their families and relatives who remained in their homelands. Immigrants sacrifice a lot to send remittances when they hardly have enough to meet their basic needs because of low wages. Yet in every immigrant group most immigrants do that for their families, unless everyone is already living in the U. S.

The above provided analysis explains how capitalism and its drive for the ever-increasing profits depend on immigrant labor. We also included data about immigrant economic contributions and discussed strategies used by employers to ensure the supply of cheap immigrant labor in the many industries that drive the economic engine of the U. S. Immigrant workers, whether they are providing manual or intellectual labor are vulnerable because of their immigration status (whether undocumented or temporary) and employers use this factor to avoid providing benefits and safe working environment—and this creates enormous savings and increased profits. Even when immigrants become more established and obtain a permanent legal status, they are less likely to be knowledgeable about their labor and civil rights, have limited access to resources and networks. Additionally, the capitalist class finds numerous ways to divide the workers and turn U. S.-born workforce against immigrants and different immigrant groups against each other. Divided, immigrant workers cannot create a significant block to advocate for higher wages and better working conditions, especially if they are also struggling with their immigration status that keeps them in a dependent position.

*VIII—Imperial Domination, Foreign Policy, and Immigrant Human Rights:
How Are Global Inequalities Reflected Back?*

The main thesis that Roxanne Dunbar-Ortiz presents in her forthcoming book is that U. S. is not a country of immigrants. Rather, it has always been a country ruled by the settle-colonialists and their descendants who generally make up the wealthy ruling class that emerged from the colonial days. If we say that the U. S. is a nation of immigrants, we risk to overlook the settle-colonial roots and their implications.

“Not ‘a Nation of Immigrants’ challenges to the core one of the most dominant narratives about the United States, as a country founded by and being welcoming for immigrants. Dunbar-Ortiz’s captivating and accessible historical account forces a reckoning with the various layers of the US imperialist project, from territorial control to economic and political influence at the expense of Black populations, migrants, and Indigenous peoples. This myth-shattering book addresses one of the most pressing challenges of our time by demonstrating the implications of White supremacy across time, across groups and spaces, and the connections between them. If there is hope for transformation, it is through the careful, systematic work that this book exemplifies by examining the roots of racism and structural inequality and bringing forward alternative narratives and movements.” says Alexandra Délano, Chair and associate professor of global studies, at The New School in her editorial review.

Dunbar-Ortiz has already written on the culture of conquest in her book that presents indigenous peoples’ history for young adults. She explained in the most accessible way how the European conquerors facilitated profound change when the land transformed from commons (available to everyone) to private property with their arrival. While most of the Europeans who initially came to what they called “The New World,” starting in 1492, experienced this kind of dispossession and religious crusades in their homelands, when they arrived, they believed that by the virtue of being white, they were superior to the people they encountered.^{xlvii} This culture of conquest, armed by the creation of institutions based on white supremacy, has persisted throughout the centuries, reinforcing the same narratives and labeling all non-white people—immigrants or not—as strangers, outsiders, foreigners, aliens, savages—to name a few most common and striking labels.

The same narrative has been also used as the U. S. started expanding its reach to other countries and continents. The justification has always been similar when the U. S. occupied additional lands and waged wars on its own or other countries’ population. The U. S. government and its allies have continued to use the same narrative and similar labels when they talk about populations and lands that they have occupied. Those populations have been regularly labeled as strangers, outsiders, foreigners, aliens, savages, totalitarians, etc. The culture of war and armed conquest have never disappeared after the formation of the U. S. On the contrary—it has evolved significantly throughout the U. S. colonial and neocolonial subjugations.

The addiction to firearms and other weapons is not a recent phenomenon in the U. S. It has a long and consistent history defined by the Anglo-Saxon settlers and has continued to the present days. In the U. S. colonies, and in the late 1700s, white population was expected and often forced to bear arms in order to help slave owners retain their slaves and cleanse different territories from the indigenous populations. As Roxanne Dunbar-Ortiz writes: “The United States is a militarized culture. We see it all around us and in the media. But, as military historian John Grenier notes, the cultural aspects of militarization are not new; they have deep historical roots, reaching into the nation’s racist settler past and continuing through unrelenting wars of

conquest and ethnic cleansing over three centuries. Gernier writes, “Beyond its sheer military utility, Americans also found a use for the first way of war in the construction of American identity.”^{xlviii} In order to prove their whiteness in the American colonies and later in the “Indian Wars” waged from 1607 to 1890, white population was expected to bear arms and help in attacking the fields and other food supply, killing women, the elderly and children. They also participated in a lucrative commercial practice from the early 18th century—scalp hunting for a reward money. This large-scale privatization of war, coupled with assistance in finding and brutalizing runaway slaves are embedded in the American identity.^{xlix} This explains much of the U. S. war tactics, domestic gun violence, creation of militia and counterinsurgency units, as well as—vigilantes placed and organized long the Southern U. S. border to stop, harm, and kill immigrants coming from Latin American countries.

The long list of U. S. wars that have happened on the soils of other countries is purposefully included in this chapter in its entirety. Otherwise, if we only provided a shorter summary and a sample of U. S. military involvements, it would be difficult to illustrate the U. S. global imperial domination and the fact that much of the immigration flows depend on economic, environmental, political, and social devastation in these countries and regions, caused by those military actions. While in many instances the U. S. did not engage in those wars alone, in many other instances it did. This also helps to explain that those who argue that the U. S. has always had good intentions and had to intervene on behalf of vulnerable populations, cannot explain then how the U.S. evolved to use the majority of world’s resources.

Only when we look at this long list, can we understand that there are hardly any gaps when the U. S. had breaks in its overseas military involvements and it becomes clear that war has been a constant feature of U. S. foreign policy, aimed at global domination. Additionally, the U. S. officials and a handful of the most powerful countries have used terminology that illustrates their true intentions and goals quite clearly reflect global economic, political, and cultural domination. After the two world wars and during so-called peace conferences, these countries openly used the terminology “spheres of influences,” and emphasized that the winner countries got to decide how to divide world regions and countries to advance their own interests.

As a country, the U. S. is using 24% of the world’s energy supplies and close to 50% of all global resources, while its population constitutes less than 5% of the total global population. This kind of inequality and exploitation of world resources has not happened by coincidence, and is very much connected to wars, political coercion, domination within and via international institutions, and economic strategies that are applied after forceful or political overtake of other countries’ resources.

Additionally, most of the billionaires who own more material wealth than all women in the entire continent of Africa combined, and more than 40 countries combined, are those who live in the U. S. The accumulation of that much wealth and power and the use of resources from other continents and other countries has not happened in a vacuum or accidentally. Those regions and countries, often called “underdeveloped,” “Third World” or “developing”, or

“Global South” have not lost much of their own economic, natural, and human resources, only because of their own problems. In many instances, those internal conflicts were instigated from abroad by the U. S. and other most powerful countries. Moreover, in most cases the local population of many countries did not let foreign powers use their resources without showing any resistance. When their countries experienced war devastation, environmental and economic degradation, they often had very few choices but to emigrate. And many of them came to the U. S. to provide cheap labor and fill the gaps created by the U. S. economic growth.

For the reasons examined above we present a list of major U. S. military interventions since the 19th Century.

Major U. S. Wars and Military Actions in the 19th Century

1846–1848 Mexican-American War

Location: Texas, New Mexico, California and Mexico

1856–1859 Second Opium War

Part of the Opium Wars, Location: China

1859–1861 First and Second Cortina War

Location: Texas and Mexico

1875: Las Cuevas War

Location: Texas and Mexico

1879–1881 Victorio's War

Part of the American Indian Wars

Location: Mexico

1898–1899 Second Samoan Civil War

Location: Samoa

1898 Spanish–American War

Location: Cuba, Puerto Rico, Philippines, and Guam

1899–1902 Philippine–American War

Location: Philippines

Major U. S. Wars and Military Interventions in the 20th Century

1910–1919 Border War

Part of the Mexican Revolution

Location: Mexico–United States border

1912 “Negro Rebellion”
Part of the Banana Wars
Location: Cuba

1912–1933 Occupation of Nicaragua
Part of the Banana Wars
Location: Nicaragua

1914 Occupation of Veracruz
Part of the Mexican Revolution
Location: Mexico

1915–1934 Occupation of Haiti
Part of the Banana Wars
Location: Haiti

1916–1924 Occupation of the Dominican Republic
Part of the Banana Wars
Location: Dominican Republic

1914–1918 World War I
Location: Europe, Africa, Asia, Middle East, the Pacific Islands, and coast of North and South America

1918–1920 Russian Civil War
Location: Russia, Mongolia, and Iran

1939–1945 World War II
Location: Europe, Pacific Ocean, Atlantic Ocean, Southeast Asia, East Asia, Middle East, Mediterranean, North Africa, Oceania, North and South America

1945–1949 Operation Beleaguer, China
Location: Hopeh and Shantung Provinces, China

1950s, 1960s, 1970s, 1980s Latin America

In the 1950s, the United States shifted from an earlier tradition of direct military intervention to covert and proxy interventions in the cases of Guatemala (1954), Cuba (1961), Guyana (1961–64), Chile (1970–73), and Nicaragua (1981–90)

1950–1953 Korean War

Part of the Cold War

Location: Korea

1953–1975 Laotian Civil War

Part of the Indochina Wars and Cold War

Location: Laos

1951 First Taiwan Straits Crisis

Location: Strait of Taiwan

1958 Lebanon Crisis

Location: Lebanon

1961 Bay of Pigs Invasion

Part of the Cold War

Location: Cuba

1964 Simba rebellion, Operation Dragon Rouge

Part of the Congo Crisis and the Cold War

Location: Congo

1965-1983 Communist insurgency in Thailand

Part of the Cold War

Location: Thailand

1966–1969 Korean DMZ Conflict

Part of the Korean conflict and the Cold War

Location: Korean Demilitarized Zone

1965–1966 Dominican Civil War

Location: Dominican Republic

1966–1967 Insurgency in Bolivia

Part of the Cold War

Location: Bolivia

1967–1975 Cambodian Civil War

Part of the Cold War

Location: Cambodia

1974–1975 Vietnam War (also 1955–1964, 1965–1973)

Part of the Cold War and Indochina Wars

Location: Vietnam, Cambodia, and Laos

1978 War in South Zaire

Part of the Cold War

Location: Zaire

1982–1984 Multinational Intervention in Lebanon

Location: Lebanon

1983 Invasion of Grenada

Part of the Cold War

Location: Grenada

1986 Bombing of Libya

Location: Libya

1987–1988 Tanker War

Location: Persian Gulf

1989–1990 Invasion of Panama

Location: Panama

1990–1991 Gulf War

Location: Iraq, Kuwait, Saudi Arabia, and Israel

1992–1995 U.S. Intervention in the Somali Civil War

Part of the Somali civil war

Location: Somalia

1991–1995 U.S. Intervention in the Breakup of Yugoslavia

Part of Yugoslav wars

Location: Croatia, Bosnia-Herzegovina; and covert operations in other former Yugoslav republics

1994–1995 Intervention in Haiti

Location: Haiti

Kosovo War 1998–1999

Part of the Yugoslav Wars; U. S. & allies bombed Serbia for 78 consequent days

Location: Serbia

Major U. S. Wars and Military Interventions in the 21st Century

2001–present, 2021 War in Afghanistan

Part of the War on Terror and the War in Afghanistan (1978–present)

Location: Afghanistan

2003–2011 invasion of Iraq and Iraq War

Part of the War on Terror

Location: Iraq

2004–2017 Drone strikes in Pakistan

Part of the War in North-West Pakistan

Location: Pakistan

2007–present Second U.S. Intervention in the Somali Civil War

Part of the Somali Civil War (1991–present) and the War on Terror

Location: Somalia and Northeastern Kenya

2011 International intervention in Libya

Part of the Libyan Crisis and the First Libyan Civil War

Location: Libya

2011–2017 Operation Observant Compass

Part of the War on Terror

Location: Uganda

2014–present American-led intervention in Syria

Part of Operation Inherent Resolve, the Syrian Civil War, the War on Terror and the International ISIS campaign

Location: Syria

2015—present Yemeni Civil War

Part of the War on Terror and the International ISIS Campaign

Location: Yemen

Flows of immigration are often closely connected to the U. S. military involvement in immigrants' home countries. From the most recent arrivals of Syrian refugees, some of whom ended up in Santa Clara

Valley, to the influx of Somali, Iraqi, Afghani, and Yugoslav refugees in the 1990s, Iranians in the 1980s after the Gulf War, Vietnamese, Cambodian and Laotian refugees in the 1970s—we can see examples of how U. S. wars and military interventions create the influx of refugees and immigrants who desperately need to leave their homelands in order to find stability and economic opportunity to survive.

The city of San Jose, California hosts the largest Vietnamese population outside of Vietnam. The same is true with Orange County. This is no coincidence—as the Vietnam War remains one of the longest and most intense U. S. involvements in the recent history. Additionally, before the U. S. war and occupation of Afghanistan—the longest U. S. war in recent history, Santa Clara County hardly had any Afghan population. Understandably, the influx of refugees and immigrants after specific military involvements is also dependent on deliberate policies and laws passed in Congress to plan for the arrival or to limit it. After the Vietnam War, the U. S. created a geographical dispersal policy to relieve local governments from the pressure of resettling large numbers of refugees in one place, and even more, to break the existing networks and solidarity of Vietnamese refugees for easier assimilation¹. At that time, the term “assimilation” was openly used.

U. S. government and military leaders often speak about the U. S. global planetary and space domination. To ensure that such domination is intact, the U. S. has established and maintained over 800 military bases in more than 70 countries. These military facilities further influence environmental degradation as they tend to be large in space, often require deforestation, destruction of complete ecosystems, and intense use of toxic materials.

Some of such militarized presence is also evident in border communities that experience criminalization of migration and environmental degradation. This phenomenon is especially present on the U. S. Southern border with Mexico. The arrival of U. S. companies in those border communities also often damages the local economy that cannot compete with such large corporations and further makes the local population vulnerable to unemployment, exploitation, and abuse. This in turn creates more immigration as local populations face additional difficulties to find jobs and live healthy lives. If they cannot provide for their families, there are very few options but to migrate or embark on crossing international borders, with or without authorization.

Once counties experience military assaults, sometimes combined with internal conflicts that are labeled as civil wars, and when political, military, economic, or cultural domination is established, the dominant power—in most instances this is the U. S.—can also impose its ideological views. Colonizing minds has been one of the most effective strategies to impose hierarchies and make exploitation more bearable. Many immigrants reported thinking about the U. S., especially California, as a version of heaven where everyone shares lots of wealth and power, before coming to the U. S. Most of them have faced harsh realities soon upon arrival, or during the first five years of living and working in the new society, by realizing that there are sharp inequalities and that only a small fraction of the population lives comfortably.

In this chapter we examined how U. S. foreign policy furthers its goals toward global domination, creates instability, economic, environmental and political devastation that often forces local populations to immigrate. We also examined the long list of U. S. wars waged overseas and provided examples that illustrate how those wars relate to the influx of refugees and immigrants that the U. S. then resettles by specific planning and implementation of policy changes.

IX—How Immigrants Still Manage to Stay Resilient, Vigilant, and Thrive (historical and current examples; how it challenges dominant structures?)

Immigrant resilience is a known phenomenon, but only recently have some academic studies focusing on this topic started to surface. Many call immigrant and refugee experience the immigrant paradox, noting that in the face of challenges and adversity they still rebuild their lives, manage to survive, and even thrive (Hernandez, Denton, Macartney, & Blanchard, 2012). When we talk about resilience, we usually refer to the process or to outcomes of positive development in the context of adverse circumstances (Luthar & Cicchetti, 2000; Masten, Burt, & Coatsworth, 2006).

Immigrant and refugee families and broader communities are central in this process. Within families, Walsh (2006) perceives resilience as the capacity to recover and grow from challenging experiences, building strength and resources. Based on this viewpoint, several important elements of resilience are finding some meaning in adversity and building supportive relationships to counter hardships. While many immigrants and refugees face multiple hardships, discrimination, targeting, loneliness, and isolation in a new country, they also build new networks and support groups (Campbell, 2008; Narchal, 2012). The majority of immigrants do not belong to financially privileged groups and therefore face many economic challenges (Fuligni, 2012; Parra-Cardona, Cordova, Holtrop, Villaruel, & Wieling, 2006). With economic hardships and discrimination come limited educational opportunities (Crosnoe, 2012) that further limit access to better paying jobs and working conditions. In the previous chapters we discussed many discriminatory, exclusionary, and unjust policies directed to almost every immigrant group at some point in the U. S. immigration history.

Refugees also often face even greater challenges of coping with multiple exposures to traumatic events, as do immigrants who have crossed the U. S.—Mexico border after traveling through other countries and before arriving in Mexico. Very often, they flee from their homelands to escape violence and life-threatening circumstances, but Latin American immigrants are not considered refugees and, most commonly, called “migrants.” The international law that governs these rules is also politicized and there are examples from other countries whose population is also fleeing violence, repression, and wars, but not given a refugee status. Nevertheless, these groups face many hardships that accumulate, adding to displacement, resettlement stressors and different ways of processing trauma (Shannon, Wieling, Simmelink, & Becher, 2014; Weine et al., 2004).

Yet when we start from a standpoint of resilience and apply a resilience framework, this approach allows us to observe the strengths and protective factors that allow immigrant families to overcome adversity. Many, if not most, immigrant and refugee groups come from

societies that are not individualistic but built on collective values and common good as a guiding ideal. They have experience in building networks, focusing on solidarity, and communal sharing of resources, so that community members find satisfaction in sharing even modest resources, knowing that no community members are left with nothing. This approach has been essential for immigrant survival and ability to rebuild strength, resources, and networks.

Some authors emphasize that many immigrants continue to thrive under very unfavorable circumstances. They see it as a contradiction and emphasize that the immigrant paradox is defined as the tendency for first and second-generation immigrants to do better in many areas than United States-born individuals (Hernandez et al., 2012). They have highlighted trends in physical health, mental health, and education. Fuligni (2012) writes about two considerations that tend to increase immigrants' abilities to thrive in their integration into a society. He, and other authors emphasize that immigrant families tend to be highly motivated, and to value work and education even more than the U. S.-born population. These authors also highlight that children of immigrants—whether they are born in the U. S. or in other countries—are protected by family connections and dedication.

It should be noted that most immigrants also come to the U. S. with higher levels of formal education than the average U. S. population. This is especially true when looking at those who have obtained graduate degrees and at specific groups of immigrants. Equipped with that experience and raised in many cultures that favor communal values, they are already predisposed for finding creative solutions to connect with others, even if they do not look like, speak, and think in the same way, but live in the same neighborhoods. Collective values also often include collective or participatory activities—such as making arts and crafts, preservation of traditional foods, collective sports, and community gardens—all known to have therapeutic effects. Immigration experience is never easy, but it becomes often empowering as immigrant individuals and families witness their own strengths, ingenuity, and resilience.

Coming mostly from cultures that primarily focus on collective values and common good, immigrants often continue to create multi-ethnic networks in the U. S. In Santa Clara county, 62% of all children have at least one immigrant parent and distinctions between immigrants and U. S. born population are not always easy to make in mixed-status families. Immigrants are not “them” and somewhere “there,” but in every fabric of our society. When a particular immigration policy is enacted and laws enforced, there is hardly anyone who is not at least indirectly affected. It might be a neighbor who developed close relationships with children of immigrant parents, or a teacher of an immigrant child, or friends and relatives, but when immigrant communities are attacked, that is felt at a deep level in the community at large. Because of this and the tradition of progressive activism, solidarity with immigrants is often expressed in impressive ways. In recent times, large numbers of social justice activists have realized that immigration policy relies on making immigrants “universal scapegoats for all social problems,” and that it is deeply rooted in white supremacy, capitalist exploitation and patriarchal oppression.

Immigrant Activism and Solidarity

Not surprisingly, immigrant protests in 2006 have been the largest in size of all human and civil rights demonstrations, including comparison with the many actions during the civil rights movement. The Day Without Immigrants in 2006 was supported by millions of immigrants and U. S. born individuals who took to the streets to voice their opposition to targeting immigrants and their supporters. While many immigrant organizations—founded by immigrants themselves and their allies were main organizers, numerous other segments of the society participated also, loudly adding their voice to the protest: their opposition, anger, and frustration with consistent attempts to target and criminalize the immigrant population was seen and heard. In addition to solidarity actions when immigrants and U. S. born residents collectively engage in, immigrants also often express their solidarity when other immigrant groups are targeted, and when any group of residents is stigmatized or attacked. In the times of great need and natural and public health emergency, many immigrant groups develop and run mutual aid networks and engage U. S.-born residents. In our region and across the country, many have established rapid response networks to monitor and address immigration enforcement actions and support those who are targeted by ICE. Whenever it is possible, immigrants and their allies participate in street protests, address policy makers, propose solutions and engage in many other political actions.

Centuries have passed, and the essence of immigration law and policy has hardly changed at all. While many previous immigrants (especially white groups) internalized dominant ideologies and started thinking that their own past suffering gave them the entitlement to impose similar anguish to new groups of immigrants, failing to empathize with them, most have not adopted such ideological standpoints. History of immigrant activism that attracts broad-based coalitions has shown that solidarity and pan-immigrant agendas have been a paramount of immigrant rights movement.

“Once I Was You,” says journalist Maria Hinojosa in her book with the same title. With her personal story and broader social issues that are interconnected with immigration, Hinojosa inspires empathy and deep understanding of our collective historical roots. She dissects concealed rhetoric about immigration and makes it easier to see the naked ideology that covers up exploitation and oppression, while encouraging inter-group fighting.

X—Conclusion

In this paper, we have described historical roots and main tenets of the current immigration system in the U. S. There are multiple reasons we entitled this paper *Hidden Roots*. While it is widely known that white supremacy has played a role in regulating immigration, very few authors have examined complex intersections with other systems of domination, so the historical roots stay partially hidden. These roots that are not so readily visible often become intertwined underground as they create foundations for the

system to exist and grow. We have discussed how white supremacy, capitalism and imperialism as its external form, along with hetero-patriarchal oppression intersect. All of these systems of domination are both reflected in legal categories and guiding immigration policy solutions.

Immigrant rights advocates often repeat that the U. S. immigration system is broken. But the system is not “broken”—it works perfectly well for the ruling class and serves all systems of domination that intersect and reinforce each other. The system has deep and strong, intertwined, roots that are often not visible if we only look at what has happened in immigration policy and legal regulations in the most recent decades. Such a system does not work in the interest of immigrants and their families, but from the standpoint of those who create and control immigration policy, it is not broken at all. It can be shaken periodically by immigrant activism and broader solidarity actions, or by incredible resilience that immigrant families exhibit. Yet the main goal of regulating immigration is to ensure that it works for those who govern, not for those who are newcomers. Newly arrived immigrants and refugees are often dehumanized by that system and dehumanization generally works well for the interests of capitalist employers and the preservation of white supremacy. The historical roots of white supremacy and capitalist exploitation of cheap labor have been discussed in several chapters, along with current solutions that still favor white immigrants who tend to come to the U. S. from so called “developed” countries.

We started this paper with a close examination of major milestones, laws, and policies that have defined the U. S. immigration system. Such an overview already revealed a plethora of values and guiding principles used for exclusion, discrimination, stigmatization, scapegoating, detention, and deportation of large groups of immigrants. It also revealed how consistent strategies have been used to ensure the preservation of white supremacy, capitalist need for cheap labor, preservation of the patriarchal family and U. S. global domination. The development of the concept of whiteness is then further discussed along with strategies to impose the ideology of white supremacy and inter-group competition for a (more) privileged status. Reasons for exclusion were also discussed at length including race, class, gender, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and political persuasion. The concept and definition of merit that is closely connected with class privilege—as those with class privilege get more opportunities for education and accumulation of work experience, was also explored as a way to exclude certain groups and control who comes to the U. S. We also looked at eligibility for U. S. citizenship and how it evolved over time as defined by white supremacy, class privilege, perceived disability or health conditions, political ideology, gender identity and sexual orientation. One whole chapter explored how social construction of gender is intertwined with immigration policy and determining the status of LGBTQ immigrants, including binational couples. The presented analysis demonstrated how patriarchal family was protected as a category and how gender bias in immigration surfaced in many legal solutions and immigration policies.

Based on the discussion included in this paper, we have shown that capitalism plays a major role in determining different ways to shape the U. S. immigration policy and ensure the needed supply of cheap immigrant labor. Based on the exploitation of immigrants, and the expansion of detention and deportation, enormous profits are collected by the capitalist class. In the chapter that explores the immigrant role in the preservation of those goals, we also discussed how immigrant labor force is divided and kept dependent based on their vulnerable status.

We also demonstrated the important role that the U. S. foreign policy, military actions, and imperial goals of global domination play in causing reasons for immigration. Direct connections between wars conducted overseas and the influx of refugees and immigrants have been easily observed. This question was also briefly analyzed in connection with creation and maintenance of global inequalities, economic and environmental degradation, that also cause migration.

At the end of this paper, we discussed questions related to immigrant resilience, solidarity, significant contributions, and mutual aid. Immigrants have initiated, organized and supported largest human and civil rights protests in recent history and continue to serve as a model for creative activism. The roots of their strength, innovation and potential for renewal are also often hidden from the public eye.

We hope that this paper can provide a framework for deeper understanding of the U. S. immigration system and its tenets. All major systems of domination: capitalism, hetero-patriarchy and white supremacy that is internationally reflected in imperial policies, always intersect, and work together to sustain the roots of existing hierarchies. These systems are reflected in the ways immigrants are perceived and their statuses regulated, in exclusionary practices, criminalization, and detention strategies. By exploring the genesis of dominant perceptions and solutions related to immigration, major laws, policies, and strategies utilized to regulate immigration while addressing the tension between the tendency to control entrance and to satisfy the need for cheap immigrant labor, we attempted to provide enough material to readers interested in a complex analysis that sheds more light on the current context. After reading this paper, we hope that the younger generations will have a framework for greater understanding of the current issues, such as stigmatization and detention of undocumented immigrants and hate crimes directed towards Asian Americans. Without a doubt, immigration will continue to shape our social realities and remain an important topic in the public discourse. But without a solid framework, our understanding can be easily swayed in different ways that serve certain political objectives and interests.

ⁱ Chacon, Jennifer M. 2012. *Overcriminalization of Immigration*. Journal of Criminal Law and Criminology, Volume 102, Article 5; Issue 3, pp. 641-642

Entire bibliography of multi-media and scholarly resources available at <https://www.freedomforimmigrants.org/on-history> Freedom for Immigrants provides curriculum for understanding the history of the U.S. immigration detention system including the era of Chinese exclusion, Japanese internment, Great Depression deportations and Operation Wetback, the War on Drugs, 9/11, and the War on Terror.

ⁱⁱ Daniels, Roger. 2004. *Guarding the Golden Door*. American Immigration Policy and Immigrants since 1882. New York: Hill and Wang, p. 3

ⁱⁱⁱ Dumbar-Ortiz, Roxanne. 2019. *An Indigenous Peoples' History of the United States for Young People*. Boston: beacon Press, p. 33

^{iv} Omi, Michael and Howard Winant. *Racial Formations*. In: *Race, Class and Gender in the U. States*, edited by Paula S. Rothenberg and Kelly S. Mayhew. 2014. New York, NY: Worth Publishers. Pp. 13-22

^v Starkey, Brando Simeo. 2017. Who Exactly is White? <https://theundefeated.com/features/white-immigrants-werent-always-considered-white-and-acceptable/>

^{vi} A common saying in countries that were occupied by the Ottoman Empire, such as Serbia that was ruled by the Ottomans for 500 years.

^{vii} https://en.wikipedia.org/wiki/Ideological_restrictions_on_naturalization_in_U.S._law

^{viii} Bazian, Hatem. 2014. National Entry-Exit Registration System: Arabs, Muslims, and Southeast Asians and Post-9/11 "Security Measures" in *Islamophobia Studies Journal*. Vol. 2, No. 1 (Spring 2014), pp. 82-98

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- ^{ix} The Migration Policy Institute. May 17, 2011 Policy Brief. DHS Announces End to Controversial Post-9/11 Immigrant Registration and Tracking Program.
- ^x The American Civil Liberties Union's records about the surveillance of the Bay Area Muslim population described on Democracy Now! April 4, 2012
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