ON THE MOVE

THESE CENTRAL AMERICANS CATCHING A PERILOUS RIDE ON A NORTHBOUND FREIGHT TRAIN IN MEXICO ARE SOME OF THE GROWING MILLIONS WHO HAVE LEFT THEIR HOMES IN SEARCH OF A DECENT LIFE.

IN THIS ISSUE

On migration, pages 3-12: Each author examines an aspect of global migration or the current immigration debate in the U.S. Authors discuss the economic forces that cause migration, explain current legislation, analyze arguments for and against immigration reform and share personal reflections.


NEW FROM CUSLAR PRESS

Migrants represent global movement of the poor

by Tim Shenk

Migrants ride on the tops of trains north through Mexico, hundreds at a time. In addition to extreme weather and the dangers of falling from the train, they face increasingly organized networks of criminals – sometimes in collusion with state agencies – who prey on their vulnerability.

Mexican Minister of the Interior Miguel Osorio Chong estimated that 200,000 adults, families and unaccompanied children made the often months-long journey from their homes in Central America through Mexico toward the United States in 2012. In spite of the dangers, this journey is preferable to staying home.

This issue’s cover photo reflects the reality that more and more people are on the move: 214 million people worldwide are living outside of their country of origin, double the figure from 30 years ago, according to United Nations data.

Migration is a global phenomenon that has been greatly accelerated by global economic and humanitarian crises. Shifting economic priorities, technological advances, war, state and gang violence and continued incursion of transnational corporations into rural life have contributed to massive displacement of people. Not just another identity group, migrants represent the global movement of the poor and dispossessed.

CUSLAR is committed to upholding the human rights of all people. Part of that is contributing to effective global responses to situations in which individuals and families find themselves forced to migrate in order to pursue a decent life.

Rev. Dr. Martin Luther King, Jr. wrote that “the prescription for the cure rests with the accurate diagnosis of the disease.” That is, in order to work toward viable solutions, it’s necessary to understand the economic and political elements triggering migration and to be able to critically examine arguments on all sides of the debate. For example, as we see on page 6, not all proponents of U.S. immigration reform have migrants’ interests in mind.

This issue of the CUSLAR Newsletter showcases the work of CUSLAR’s two study/work groups, the Migrations group and the Paulo Freire study group. In concentrating our educational work on migrations and land rights, CUSLAR is attempting to connect issues that are often dealt with separately.

The Migrations group has analyzed the framing of immigration: as a problem of national security (p.3), as a question of assimilation (p.5), as a necessity for U.S. employers (p.6) and as an issue of fundamental human rights (p.9).

The Freire Study Group has focused this year on issues of land, food sovereignty and peasants’ rights in the Southern Cone, especially on the Landless Workers’ Movement of Brazil and on efforts for justice after the 2012 Marina Kue massacre in Paraguay (p.13-15). Read more about the study/work groups on page 16.

Each group is looking at particular ways that people in the Americas are affected by the way the global economy works. Over the past two decades and especially since the 2008 crisis, investors have poured significant capital into buying land to control natural resources and biodiversity and to develop agribusiness. In 2011 the World Bank reported a 12-fold increase in the amount of agricultural land acquired by foreign investors. Development Sociologist Philip McMichael notes that “with rising energy and food prices, land has become the object of speculative investment.”

The globalization of food production and the move from peasant production to agribusiness have caused the displacement of two million people in rural Mexico in the 20 years since NAFTA’s implementation. In Brazil and Paraguay, industrial soy production for export is more profitable than growing food for local markets. Rural workers made superfluous by monocropping and heavy machinery are obliged to join the waves of migrants seeking to make a living in cities or abroad.

Societies throughout history have established codes and laws to provide for everyone, including migrants. The Judeo-Christian texts of Leviticus and Deuteronomy are very clear that the Hebrew people were to save a portion of their harvest for the foreigner, the widow and the orphan so all might have enough.

At CUSLAR we’re asking: With the way the global economy is currently structured, can the rights of the foreigner, the widow and the orphan truly be guaranteed? Can we imagine a world in which migration could be a choice, not a requirement to survive? We’ve heard about the right to adequate food, education and health care.

But what about the right to safe passage? Or as David Bacon suggests, the right to stay home?

CUSLAR is a Cornell University-based organization, founded in 1965, which seeks to promote a greater understanding of Latin America and the Caribbean. CUSLAR members are a diverse group of people united in our concern about the role of the United States in the social, political and economic affairs of the region. CUSLAR supports the right of the people of Latin America to self-determination and control over decisions that affect their lives and communities.

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Immigration: A national security threat?

by Albaro Tutasig

The debate on immigration in the United States has, and continues to be, subject to a great deal of controversy. While mainstream news outlets often report statistics of immigrants being deported every year, they seldom make the clear distinction between the different sides of the immigration debate; not all who lobby against or for undocumented immigration are motivated by the same reasons.

Undocumented immigration resonates more strongly with some as an issue of national security. Opponents of immigration reform claim that “illegal” immigration, especially through the U.S. Mexican border, is a gateway to potential criminal activity and go so far as to connect immigration with terrorism.

It is argued that immigration came to be considered a matter of national security shortly after the terrorist attacks of September 11, 2001. Following the attacks, the George W. Bush administration redefined the role of immigration agencies, including them in a strategy to combat terrorism. The newly created Department of Homeland Security took over jurisdiction of Immigration and Customs Enforcement (ICE), thus establishing immigrants as threats to internal security.

The current Senate bipartisan immigration bill, s.744, calls for an upgrade to border security. These upgrades include an increase in Border Patrol agents stationed along the U.S. Mexico border, doubling its size to at least 38,000 agents, and an investment in new security measures and technologies, such as surveillance towers, camera systems, ground sensors, drones, and other vehicles.

James A. Lyons, former commander in chief of the U.S. Pacific Fleet and senior U.S. military representative to the United Nations, wrote an article for The Washington Times condemning the lenient security along the southern border of the United States under the Obama administration. Lyons claims that this lack of security has facilitated the entry of illegal “aliens” of different terrorist organizations. He wrote, “The threat posed by Hezbollah and al Qaeda terrorist cells in South and Central America cannot be dismissed…” He backs his claim by referencing the 2013 Boston Marathon bombing—a bold statement, as the two men accused of the bombings had no affiliation with any terrorist group.

Lyons concludes his article by stressing the importance of increased border-security measures as part of any immigration bill, labeling such measures as a “key” national security element for protecting the United States and its citizens.

The argument that undocumented immigration is a threat to the security of the United States is also supported by the criminal activities that accompany the increasing number of people immigrating to the United States—in particular the rising numbers of individuals crossing the U.S.-Mexican border.

According to a Congressional Research Service report released in August 2012, revealed that over a 33-month period, about 159,000 undocumented immigrants were arrested by local authorities, but released shortly after. The report also showed that nearly one-sixth of previous detainees were arrested for crimes, mostly drunk-driving offenses, drug-crimes and felonies.

In 2012, Republican Rep. Lamar Smith of Texas, then chairman of the House judiciary committee, criticized of what detractors have called a “catch and release” immigration policy: “Rather than protect the American people he was elected to serve, President Obama has imposed a policy that allows thousands of illegal immigrants to be released into our communities.” ICE claimed the policy was aimed at focusing limited resources on apprehending dangerous criminals.

Others claim that the connection between immigration and terrorism is a constructed and perceived threat rather than a real, objective danger. John Mueller, author of Is There Still a Terrorist Threat?: The Myth of the Omnipresent Enemy, argues that the absence of terrorist attacks in the United States is not a result of increased border control and stricter immigration policies, and that the threat of immigrants as terrorists has been exaggerated.

Daniel Griswold of the Cato Institute argues that terrorist attacks by foreigners are not a result of liberal immigration policies, but are a result of failure to keep out the small number of foreigners who do pose a threat. In his analysis Linking Immigrants and Terrorists: The Use of Immigration as an Anti-Terror Policy, Alexander Spencer argues that there is rarely a clear distinction between an “immigrant” and a “foreigner,” noting that those responsible for the September 11 attacks were not immigrants, but rather people who entered the United States with temporary visas.
by Hazel Guardado

Much of the popular and academic literature around immigration focuses on how to manage immigrants once they have arrived in receiving countries. However, one lingering question remains: “why do so many leave their homes in the first place?”

Most migrants cite the search for a better life as a primary reason for migrating. With alarming poverty levels around the world and increasing inequalities, this is surely a reference to the economic forces that are key factors for migration today.

The relationship between poor economic circumstances and migration has proven to be increasingly strong: according to the International Labour Organization’s page on Labour migration, the number of migrants looking for employment is expected to increase rapidly in the coming decades due to globalization’s failure to provide adequate economic opportunities.

Father Alejandro Solalinde, priest and human rights leader from southern Mexico, describes migration as “the movement of the poor, with 200 million people on the move in the world today, forced from their homes by economic and political systems that don’t allow them to provide for their families in their countries of origin.”

Globalization and its discontents

Though globalization is typically associated with better technology, higher GDP, and a more integrated world, these effects are mostly felt by those who are better off to begin with. Globalization has not only failed to create “adequate economic opportunities,” but it has also increased the gap between rich and poor.

In Latin America and Global Capitalism, William Robinson argues that globalization has created the perfect conditions for mass labor migrations, especially through the expansion of capitalism into new areas and the industrialization of areas already brought into the global economy.

According to Robinson, migration is driven by capitalist dynamics because the current economic system needs a global labor force that it finds through migrants, a form of highly exploitable labor. For Robinson, the dynamics in Latin America manifest themselves as the shift from nationally oriented economies focused on domestic markets to transnationally oriented economies that increasingly serve a global elite. These elites are pressured by the economic system, which by its nature generates winners and losers, to seek economic dominance or become dominated. They thus push self-serving policies such as trade integration, regional liberalization, and privatization, and create conditions that force poor people out of their countries of origin.

In this frame, Robinson argues that most of today’s migrants are “coerced” by globalization.

NAFTA’s latent effects

One landmark policy of the globalization era is the North American Free Trade Agreement (NAFTA), ratified by Canada, the United States, and Mexico in 1994. A report from the Center for Economic and Policy Research entitled, “Did NAFTA Help Mexico? An Assessment After 20 Years,” paints a bleak picture of Mexico’s economic performance: “It ranks 18th out of 20 Latin American countries in growth of real GDP per person.... Its poverty rate in 2012 was almost identical to the poverty rate of 1994; real wages were almost the same in 2012 as in 1994, and unemployment has increased significantly.”

In a Nation article titled “How the US Policies Fueled Mexico’s Great Migration,” David Bacon describes how the opening up of Mexican markets to pork imports from major US companies and the subsequent drop in prices devastated small-scale butchers.

Roberto Ortega, a butcher from Veracruz, Mexico, explains that he would do whatever he could to make money, but that he “could never make enough...to survive.” Ortega migrated to the U.S. in 1999 to work for the world’s largest pork slaughterhouse in Tar Heel, North Carolina to make ends meet.

Such cases are plentiful, and they highlight what Robinson calls the distinction between citizen labor and migrant labor. Migrants are extraordinarily exploitable because of their undocumented status and because their families in countries of origin require less money to be maintained.

Philippines: Labor export as policy

The Philippines is also worth mentioning, as its government has reacted to economic crisis by becoming a major labor exporter. In “The Philippines Culture of Migration,” Maruja Asis from the Migration Policy Institute talks about a convergence of supply and demand factors in the 1970s: the already strong “push” factors for migration were “made worse by the oil crisis in 1973,” while “the oil-rich Gulf countries needed workers to realize their ambitious infrastructure projects.”

According to Asis, dictator Ferdinand Marcos saw an opportunity, and the system where the Philippine government provides labor through regulated channels continues today. The government works with countries in need of labor to secure a smooth flow of labor migration but to prevent permanent immigration. Asis notes that eight percent of the country’s population currently resides abroad, and “from 1990 to 2001, official remittances alone averaged 20.3 percent of export earnings and 5.2 percent of GNP....”

This kind of state-controlled migration strategy also proves problematic, as it attempts to avoid the question of national development by shipping excess labor abroad. In addition, poor employment prospects in the Philippines obligate many to leave their homes in order to feed their families. Despite its drawbacks for migrants, the Filipino model may be studied by Latin American governments as a way of generating more taxable income and blunting potential popular protests caused by lack of economic opportunities domestically.

In an era where competition and interconnectedness prevail, migration is more attractive, necessary, and feasible than ever before. The question, “why are so many people leaving their homes in the first place?” becomes more important in understanding that migration is not an unwarranted or temporary phenomenon but rather a reaction to larger global forces.

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Huntington goes on to say that “the single most serious challenge to America’s Traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico.”

Huntington is a student of U.S. history. His bold claim, as outlandish and even racist as it may seem, is not new and as such may be frighteningly effective. Similar arguments to his have been used throughout American history to promote anti-immigrant sentiment and divide the poor along racial or ethnic lines.

Today, the newest, poorest non-assimilating immigrants are Latino and tend to be mostly Catholic. Our intent is not to paint Huntington’s argument as anti-Catholic, but rather to indicate that he is using an argument that has historically worked to sow distrust and even violent hatred between native-born Americans and new waves of immigrants.

Lusiné Mehrabyan is a 2014 graduate of Cornell University with a degree in Biology and Society.
Immigration reform for the benefit of U.S. employers

by Lizette Acosta

With immigration reform at the forefront of political debate in the United States, it is important to understand the motives of the would-be reformers. Immigrant-rights groups would do well to analyze the arguments not only of the opponents of immigration reform, but also their assumed allies.

One significant sector made up of business leaders lobbies in favor of reform because their industries depend on migrant labor, not because of a commitment to migrants’ rights. An example of this sector is the Partnership for a New American Economy. This organization aims to create awareness about the importance of migrant labor has in the United States economy.

The Partnership for a New American Economy has brought together more than 500 Republican, Democrat and Independent mayors and business leaders who make an economic case for streamlining, modernizing and rationalizing the U.S. immigration system. Many of their principles are fundamentally based on migrant labor and its role in the American economy.

Their arguments generally mirror the proposals of S.744, the immigration reform bill now awaiting a vote in the House of Representatives. The Partnership seeks to: secure borders, develop a secure system for employers to verify employment eligibility, attract bright immigrants who will strengthen the economy, create a streamlined process by which employers can obtain the employees they need accordingly, establish a path to legal status with requirements, and strengthen federal, state, local, and employer-sponsored programs that offer educational opportunities to immigrants.

The Partnership accepts the role that migrants have in the American economy and the way that their labor benefits American businesses. The Partnership argues, “When immigrant workers fill the gaps left by Americans, jobs are created and we are able to keep businesses in the U.S rather than seeing them move overseas.” Their research claims that for 1,000 immigrants who live in a county, 46 U.S manufacturing jobs are created or preserved.

Their emphasis is not only on manufacturing labor, but also the importance of migrant workers in the agricultural sector. The Partnership argues that the agricultural sector has not been able to keep up with the U.S. population’s demand for fresh produce. As a result, the U.S has not been able to benefit from the substantial economic growth that this would have created. Stephen Bronars, a senior economist at Welch Consulting, determined that the biggest problem was labor, and that the lack of labor in the agricultural sector is what caused the U.S to lose economic benefits.

In these ways, The Partnership for a New American Economy appears on the surface to be an ally in the struggle for comprehensive immigration reform. However, if we examine history, we will find other moments in which pro-immigration business leaders utilized migrant laborers only as long as this labor benefited them.

One example is the Bracero Program, first introduced to the U.S. informally during World War I and then formally during World War II. This was an agreement between the United States and Mexico that gave Mexican laborers temporary visas to work in the U.S. During World War I, Mexican migrants were accepted because they filled jobs the war had left available in the fields and factories. They were regarded as efficient and hardworking laborers. However, in 1924 the U.S. Border Patrol was created and the term “illegal alien” was coined. Undocumented workers were no longer accepted with open arms but rather labeled as fugitives.

PBS notes that the “Mexican work force was critical in developing the economy and prosperity of the United States.” However, during the Great Depression, the U.S. government prevented migrants from coming into the country legally by denying working visas to those who could not prove that they had a secure job.

During World War II, the U.S. reopened its doors to Mexican laborers. According to Ronald Mize and Alicia Swords in Consuming Mexican Labor, between 1942 and 1964, more than 2 million Mexicans were imported into the U.S. as braceros, or temporary workers. Many of these braceros left their own lands and businesses in order to pursue the rumored economic boom that was promised them in the United States. Although these workers made these sacrifices and came to the aid of the U.S. labor force, they were later ousted from their jobs and sent unceremoniously back to Mexico. Mize and Swords note that “The Bracero Program was highly successful in creating a readily exploitable workforce but rarely protected the paltry rights accorded to workers.”

When new labor programs are presented, it is important to question what will become of the migrants when their labor is no longer in high demand. The proposal of The Partnership for a New American Economy might seem promising, but its emphasis on the needs of employers begs comparisons to the Bracero Program.

Lizette Acosta is a sophomore at Cornell University studying Government.

The photos used in this article are courtesy of the Coalition of Immokalee Workers. The CIW is a worker-based human rights organization internationally recognized for its achievements in the fields of corporate social responsibility, community organizing and sustainable food. See cfw-online.org for more information on their current campaigns to win living wages for tomato pickers.
Pro-immigration rhetoric can confuse

As a footnote to Acosta’s article on the facing page, here are three more examples of rhetoric common in the current debates around comprehensive immigration reform. They seem to be pro-immigrant, yet focus not on the rights of the people themselves, but rather highlight the benefits immigrants offer to business interests through their labor.

“Immigration makes America stronger. Immigration makes us more prosperous. And immigration positions America to lead in the 21st century.”

These words from Barack Obama at a naturalization ceremony on July 4, 2012 position the U.S. President as a progressive in the immigration debate at the same time as he has overseen record numbers of deportations. Instead of welcoming the “tired, poor and huddled masses,” he has made it clear that under his watch, only those immigrants who will make the U.S. “more prosperous” are to be made citizens.

“Accommodate these people who just want a chance to work.”

Saskia Sassen makes this seemingly humanitarian call for a more just immigration system in her 2002 article, “Is This The Way To Go?” Sassen, an authoritative voice on migration and author of The Global City, reveals a certain bias in her argument. Many who support immigration reform “so that immigrants can work” are in favor of using immigrants’ remittances to stabilize highly impoverished countries without having to implement structural changes that might decrease the need for emigration.

“First, there should be legislation that reforms the legal immigration system so that it operates more efficiently, responds more accurately to labor market needs, and enhances U.S. competitiveness.

“Second, the integrity of the system needs to be restored through an enforcement regime that strongly discourages employers and employees from operating outside that legal system.

“Finally, there must be a humane and orderly way to allow many of the roughly twelve million migrants currently living illegally in the United States to earn the right to remain here legally.”

These recommendations come from a 2009 Task Force on Immigration report published by the Council on Foreign Relations. The document is oriented toward the needs of the labor market and the need to operate within the rule of law. The Task Force also mentions wanting to promote immigration reform to 1) open doors to the brightest scholars and innovators to maintain U.S. competitiveness, 2) invite members of the elite classes of other countries to visit, study and invest in the U.S. and 3) use immigrants to bolster the U.S. armed forces. The CFR Task Force may be in favor of immigration reform, but its orientation favors elites and business leaders, not immigrants themselves. -Ed.
A chance at real reform? Unpacking s.744

by Kailin Koch

S.744 is a Senate bill introduced by the bipartisan “gang of eight” and passed in June 2013. Similar legislation is under consideration in the House of Representatives, which needs to pass there in order to become law.

What s.744 says

The changes in the legislation include a “trigger” system, an amnesty program for many undocumented immigrants currently in the US, a shift from family to employment based visas, as well as judicial changes.

The trigger system refers to the agreement that as part of the bipartisan compromise, before any amnesty program would be established, certain border security measures must be implemented. These include updates on the border fence and doubling the size of the border patrol to more than 38,000 agents.

Additionally, the trigger system would make the national e-verify system mandatory for all businesses within five years. E-verify allows employers to check the immigration status of all potential employees. Most famously, the Registered Provision Immigrant (RPI) status allows amnesty procedure for certain individuals, provided they’ve been in the US for a certain period of time, have not committed any crimes and can pay back taxes and a penalty fee.

In a period of about 9 years, the RPI status could lead to citizenship status, although this process could be accelerated for those also covered under the DREAM Act or Agjobs, a provision to provide short term visas for much needed farm workers.

Judicially, the legislation allows for legal representation for asylum seekers, more discretion for judges in deportation cases, and stricter penalties for immigrants with a previous record.

Vigilante Legislation: Unconstitutionality at the state and local levels

In light of criticism that U.S. federal immigration policy is not doing enough, many state and local governments have implemented much tougher legislation, much of which violates due process and other individual protections under the Bill of Rights. Most famously, the Supreme Court struck down the most extreme portions of Arizona’s SB 1070 as unconstitutional, as it allowed for detaining of those suspected of being undocumented, leading to concerns over racial profiling. Similar legislation has been adopted in Alabama, Georgia, South Carolina, Indiana and Utah.

TITLE I: Border Security

S.744 envisions big increases in border security. These include more expenditure, from $3.5 to $46.3 billion, 38,405 new border patrol agents, 700 miles of fence, improvement in technology and increase in prosecutions and judicial resources, including a mandated 90 percent closure rate for overstayed visa cases. These changes must be put into effect before any changes to legal status would take place.

TITLE II: Immigrant Visas

Most famously, s.744 creates new rules concerning undocumented immigrants in the United States and future legal immigration. Current undocumented immigrants can apply for Registered Provision Immigrant status if they have been in US since December 31, 2001, have no felonies, fewer than three misdemeanors, have paid assessed taxes, pass background check, pay application fees and $1,000 penalty, and not in ineligible/excluded category under current law. Children and spouses are also eligible, although no people covered under RPI status would be covered under federal services like Medicaid and Social Security. The RPI status is good for six years and eligible for a six-year renewal pending continuous employment or being a certain amount above the poverty line. Additionally, they could be eligible for a green card after 10 years, or after five if also DREAMer or Agjobs employee.

Immigration caps also face serious changes, including prioritizing higher education and excluding STEM fields from the worldwide cap. This bill also includes no country-specific caps. It prioritizes educational and professional qualifications over family relationships. Lastly, the federal government would provide more resources for new citizens.

TITLE III: Interior Enforcement

In addition to increasing border security, the bill also further intensifies interior security measures, while simultaneously providing more protection for vulnerable populations. Mandated use of E-verify after five years, would be used to check immigration status of new employees, although it could not be used for discriminatory purposes. There would also be increased protections for asylum seekers, decreased use of detention, but increased penalties for immigrants with criminal records.

TITLE IV: Nonimmigrant Skilled Worker Visas

Providing increased visas for high-skilled labor, W visas introduced for less-skilled workers, as well as creating investor visas for wealthy immigrants.

TITLE V: Jobs for Youth

A fund for low-income youth employment would be created from a surcharge on new employment and nonimmigrant visas.

PITFALLS

These recent legislative efforts of 2013 make enormous strides for ensuring protections and equality for undocumented immigrants. Some remaining concerns include the long timeline for receiving citizenship, increasingly stringent penalties on those who come after the relatively arbitrary set deadline, and the exclusion of those making under 25 percent of income or who have been unemployed.

On the enforcement end, many have raised concerns about the viability of the border adjustment, with many concerned that improving the quantity of protections won’t necessarily constructively improve the quality. The National Border Patrol Council itself has questioned the effectiveness of adding more patrolmen, saying that the investment could lead to less training and supply shortages.

Lastly, many activists agree that the legislation is a step in the right direction, yet most concur that tangible change for immigrants will take place with grassroots activism, not Washington politics and laws.

NEXT STEPS

Democratic House members recently submitted a discharge petition, in an effort to get a vote on some bills still stuck in committee, including the immigration reform bill. Although they do not have enough votes to actually get the discharge petition passed, the move publicized Republican inaction on the issue and was intended to sway public opinion, which could in turn change Republican strategy.

Kailin Koch is a junior Government major at Cornell University with a particular focus on Latin America and Chinese domestic politics.

LEARN MORE!

For a list of immigration reform resources and to read the extended version of this article online including “Common Misconceptions about Immigration to the U.S.,” visit CUSLAR’s website at cuslar.org/2014/04/25/unpacking-s-744-web-edition/
Immigrants have inherent human rights

by Kimberly Cardenas

Human migration is a global issue in today’s world. As such, many argue that it should be dealt with as an issue of human rights – rights that all people, including migrants, inherently have. The human rights framework re-centers the immigration debate around the wellbeing of migrants themselves.

The United Nations, a central proponent of the human rights framework, states: “International human rights instruments and standards provide a broad framework for the protection of fundamental human rights and freedoms of all human beings, including migrants.”

In addition to the UN, organizations such as Amnesty International and the Platform for International Cooperation on Undocumented Migrants, or PICUM, argue that migrants have rights regardless of the national laws that affect them in their respective countries.

Documents such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families concern undocumented workers and the rights they have in the workplace and in more generally in the country where they reside.

The United Nations High Commissioner for Human Rights Navi Pillay has specifically stated that “the protection of migrants is an urgent and growing human rights challenge: “Governments have obligations to ensure that xenophobic violence, racism and related intolerance against migrants and their communities have no place in their societies.”

Other mechanisms at the UN include the special rapporteur on the human rights of migrants, who receives cases regarding violations and contacts governments to address such issues, and the Committee on Migrant Workers. Both “have been clear in stating that although countries have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect, protect and fulfill the human rights of all individuals under their jurisdiction.”

PICUM’s mission is to promote awareness of undocumented migrants’ rights and to ensure that national legislation is in accordance with international human rights law.

Amnesty International USA, another organization that fights for human rights in the US at both the state and federal level, claims that the United States is falling behind on advocating, and even providing, essential human rights for migrants.

Amnesty’s 2012 report, “Hostile Terrain: Human rights violations in immigration enforcement in the US Southwest,” delineates numerous human rights violations to undocumented immigrants, including: undocumented immigrants being forced into using dangerous border-crossing routes due to recent immigration policy, increased racial profiling, denial of education and health services, and vulnerability to human trafficking and domestic violence.

Still, there is precedent in U.S. courts in which immigrants’ rights have been protected, regardless of legal status. The 14th Amendment has been a source for such human rights protections and is demonstrated in the 1982 case of Plyler v. Doe. The case illustrated that undocumented immigrants have certain rights that cannot be denied by the state, such as education. The Supreme Court struck down a Texas law that prohibited undocumented students from attending public school. The Court’s decision was that undocumented students could appeal to the 14th Amendment: “no State shall deny to any person within its jurisdiction the equal protection of the laws.”

In 2004, Argentina passed Law 25.871, which states that migration is a human right. The law gives constitutional and human rights protections to all immigrants within the country, and “guarantees the rights to equal treatment, non discrimination, and access to educational, medical, and social services.” Nonetheless, the federal government has yet to provide regulations that ensure that Law 25.871 is upheld and fully implemented.

Human rights apply to all people no matter where they are on the planet, yet it is an ongoing struggle to ensure governments guarantee and protect these rights. International advocacy organizations and many migrants themselves have been adamant and active in vocalizing concerns that governments simply are not doing enough to ensure that undocumented immigrants are being treated in accordance with their rights. It remains vital to the future of our humanity to treat the immigration issue in the United States under a framework of human rights. After all, we are all inherently equal as human beings, regardless of immigration status.
In 2012, statistics show that in some states like California, slightly more than half of the children have at least one foreign-born parent.

I asked some young adults from immigrant families studying at Cornell University in Ithaca, New York about their opinions on immigration and growing up in a multicultural environment.

SHANTI KUMAR

Her father is Indian from New Delhi, and her mother is Jewish from New York City. She has been living in the same apartment in the Bronx her whole life.

I think the US benefits from immigration a lot, especially from a cultural standpoint, but also economically. The people who can be hurt by immigration are the people in the countries that the immigrants are from. Doctors and teachers leave those areas and come to the US. Immigration helps in the sense that unskilled workers, who could be working in their country, come here for opportunity and then send back remittances, which fuel their home country’s economies. About all of the Indian doctors coming over here: India needs doctors way more than America does right now! But overall I think immigration is a good, good thing! I think more Americans should go live abroad as well.

NICK MILETI

Both of his parents are Bulgarian. He has been living in South Africa for the past ten years, and he was born in Los Angeles, California

America prides itself in being a land of immigrants. If it wants to have a socially global culture, which it claims to be, the country should support immigration. You’ve cooked before, right? When you have a dish and add all these different flavors the dish in itself become different. It has a little different flavor.

by Kimberly Blacutt

“Today, migration affects nearly every country in the world, either as a point of origin, transit, or destination and often, all three at once,” according to a 2014 United Nations Population Fund report. “In 2010, some 214 million people – 3 percent of the world’s population – lived outside their country of origin,” the report continues.

Currently, the fifth largest country in the world is Brazil, at around 200 million people, and as writer Pico Iyer, points out, that means that these 214 million people together are the world’s fifth largest nation. This means that our world is becoming increasingly diverse, and the phenomenon is especially visible in the United States, where, according to United States Census Bureau, “the foreign-born population nears 37 million, and more than one in five people in the U.S. are first or second generation.”

So how is this phenomenon changing our country? It’s affecting our country’s future because it’s affecting our children. According to a 2009 article by the Migration Policy Institute, 23.8 percent of children age 17 and under in the United States had at least one immigrant parent. The percentage of children with at least one immigrant parent has significantly increased in the past two decades.

In 2012, statistics show that in some states like California, slightly more than half of the children have at least one foreign-born parent.

I asked some young adults from immigrant families studying at Cornell University in Ithaca, New York about their opinions on immigration and growing up in a multicultural environment.

SHANTI KUMAR

Her father is Indian from New Delhi, and her mother is Jewish from New York City. She has been living in the same apartment in the Bronx her whole life.

I think the US benefits from immigration a lot, especially from a cultural standpoint, but also economically. The people who can be hurt by immigration are the people in the countries that the immigrants are from. Doctors and teachers leave those areas and come to the US. Immigration helps in the sense that unskilled workers, who could be working in their country, come here for opportunity and then send back remittances, which fuel their home country’s economies. About all of the Indian doctors coming over here: India needs doctors way more than America does right now! But overall I think immigration is a good, good thing! I think more Americans should go live abroad as well.

NICK MILETI

Both of his parents are Bulgarian. He has been living in South Africa for the past ten years, and he was born in Los Angeles, California

America prides itself in being a land of immigrants. If it wants to have a socially global culture, which it claims to be, the country should support immigration. You’ve cooked before, right? When you have a dish and add all these different flavors the dish in itself become different. It has a little different flavor.

by Kimberly Blacutt

“Today, migration affects nearly every country in the world, either as a point of origin, transit, or destination and often, all three at once,” according to a 2014 United Nations Population Fund report. “In 2010, some 214 million people – 3 percent of the world’s population – lived outside their country of origin,” the report continues.

Currently, the fifth largest country in the world is Brazil, at around 200 million people, and as writer Pico Iyer, points out, that means that these 214 million people together are the world’s fifth largest nation. This means that our world is becoming increasingly diverse, and the phenomenon is especially visible in the United States, where, according to United States Census Bureau, “the foreign-born population nears 37 million, and more than one in five people in the U.S. are first or second generation.”

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NEEL GUPTA  

Both of his parents are Indian, but he has lived in Carbondale, Illinois and Ithaca, New York most of his life.

Being Indian-American gives me a different perspective on things. I see things from two different cultures, whereas other people may see things only from one. For example, I think people take things too much for granted in the US. Like clean water, just having space, just how quiet it is here. If you live in India, none of those things are guaranteed. In other ways, I think it has definitely affected how people see me in the US. People have different expectations when they see me.

DANIEL VILLEGAS

Both of his parents are Colombian. He was born in Colombia but has been living in Miami, Florida for the past ten years.

Immigrants are people, and people have their own ideas. The blocking of ideas is censorship, and it doesn’t promote growth. You need the free transfer of ideas and intermingling of cultures for a stronger human ecosystem of sorts, so I definitely think that free migration of cultures, ideas, and people is necessary for a stronger world. And I think that not just the United States, but also the entire world can benefit from this free transfer of information. Multiculturalism comes with difficulties, but it is something we must learn to embrace, because it’s on track, and it’s not stopping.

LIZETTE ACOSTA

Both of her parents are Mexican. She was born in California and has been living there her whole life.

I love having parents that are migrants because, culturally, it’s beneficial. There are more experiences to be found. You feel a balance of both and you get the best of both worlds. My parents stressed the importance of not only being Mexican, but American and what that meant. Overall, being a migrant child gives you a different sense of push where you feel like you have to prove yourself for your parents, because most of the time they came here for you. You learn what hard work really is, because your parents weren’t handed anything, they had to work hard.

Kimberly Blacutt is a freshman in the College of Engineering at Cornell University.
Recent laws and initiatives (see p.8) have continued to target undocumented Latinos, criminalizing them and naming them “illegal aliens.” Fear of deportation pushes undocumented immigrants away from becoming visible and active in their communities. Despite this widespread fear in the Latino community, youth have increasingly “come out” as Undocumented and Unafraid, wagering that public support will keep them safe from deportation.

DREAMers and other immigrant rights activists also struggle against language that attempts to divide undocumented immigrants into two categories. “Good immigrants,” according to the divisive language, are mostly young people and star students, while “bad immigrants” tend to be their parents, so-called “law-breakers.” Many DREAMers have rejected the “good immigrant” label, refusing to let their families be divided and saying all have equal rights.

The passage of the DREAM Act would also have strong influence for the immigrant labor movement. According to David Bacon’s article in the Spring 2014 NACLA Report on the Americas, “Workers need basic rights, regardless of immigration status. The path toward legalization set forth in the DREAM Act would thus represent a big step towards resolving problems associated with non-legal status.

As Cornell University President David Skorton wrote in an article published on The Huffington Post, “we must, therefore, keep our nation accessible to the world by developing comprehensive immigration reform that deals with our physical and economic security, the realities of our growing immigrant population, and our national workforce needs.”

Jessica Barragan is a junior at Cornell University studying Government and Sociology.

Progressive immigrant rights advocates call for devoting more resources to enforcing labor standards for all workers, instead of penalizing undocumented workers for working, and employers for hiring them.”
WHAT HAPPENED IN MARINA KUE?
The ongoing struggle for justice and human rights in Paraguay

by Diana T. Folla

On June 15, 2012, over 300 police officers clad in riot gear arrived in Marina Kue in the Curuguaty district of northeastern Paraguay. With horses, rifles and teargas, they came to evict the close to 50 peasants who had been occupying the land. The operation turned into a violent confrontation, in which eleven peasants and six policemen were killed and an undetermined number of people were wounded.

Human rights violations continued after the confrontation; wounded peasants were denied medical attention, others abused and tortured in detention, and several bodies of the deceased were abandoned. The Marina Kue case eventually became a catalyst for the political turmoil that resulted in the removal of President Fernando Lugo.

What happened in Marina Kue?
A tainted investigation

Despite public outcry and resulting political cleavages, there has not been an impartial investigation and fair trial of what took place in Marina Kue.

According to the Paraguayan Committee on Human Rights (CODEHUPY)’s report, the investigation has been mired with evidence tampering, omitted autopsies, and the absence of an independent pre-judicial commission.

The trial has been delayed multiple times and the police are enjoying considerable impunity. Two years later, the judiciary investigation has yet to address the murder of the peasants. No police officers have been charged, perpetuating Paraguay’s history of peasant persecution in the interests of elite.

Peasants and Paraguayans resist

The flagrant injustices and police impunity have not gone unchallenged in Paraguay. Five of the imprisoned peasants initiated a 58-day-long hunger strike in early 2014, demanding a fair trial and to be transferred to house arrest. The state’s poor treatment of the ailing prisoners further stoked the flames of public ire and was met with demonstrations and clamors for justice. Religious leaders have also organized vigils and peaceful marches, drawing over a thousand participants in support of freeing the prisoners.

On March 26th 2014, Paraguay witnessed the largest mass protest it has had in twenty years. The broad spectrum of demands included the repeal of the Public Private Partnership Law (APP), which enables the transfer of state resources to private companies. In direct relation to the law, the Marina Kue case was a focal grievance supported by the diverse cross-section of protesters.

International solidarity

The international community has also responded to the hunger strike. Various European organizations have expressed their support for dropping the charges against the peasants; it is expected that others in Europe and beyond will follow suit.

Important Latin American figures have also shown their solidarity with the detained peasants and victims of the Curuguaty massacres. Argentine Nobel Peace Prize recipient Adolfo Pérez Esquivel and Colombian activist Piedad Córdoba have written letters of support and visited the country.

A starting point for structural change

The public reaction and solidarity have deep implications for changing the course of human rights in Paraguay. José Tomás Sánchez, former Minister of Public Function in Paraguay, described how the movement around the Marina Kue massacre represents the potential for societal shifts in Paraguay.
Defending Justice: One lawyer’s perspective

by Eric Krasnow

For the past two years, RRVO, whose name is withheld for legal reasons, has sat in a jail cell without due process in Paraguay’s capital, Asunción. Torn away from her three-month-old son when she herself was still a teenager, RRVO’s incarceration has been characterized by unjust criminal proceedings and human rights violations. RRVO, along with eleven other peasant farmers, have been charged with crimes in connection to the massacre of peasants and policemen at Marina Kue on June 15, 2012.

Though the charges against the peasants are devised from tampered evidence and dubious land rights laws, a lack of due process have kept them behind bars for nearly two years. Furthermore even though eleven peasants died in the massacre, some via execution style murder and others due to denied medical attention, none of the police officers are under investigation for the human rights violations that were committed. In order to understand the arduous battle RRVO is fighting, CUSLAR met with her defense counsel and human rights activist Mirta Moragas Mereles.

CUSLAR: Who is RRVO and how did you come to defend her rights?

Mirta Moragas: RRVO is an adolescent girl who was imprisoned two years ago at the age of seventeen. RRVO was visiting the father of her three-month-old son, a leader of the peasant occupied territory of Marina Kue in the Curuguaty district Paraguay, the same day over 300 policemen arrived to evict the peasants from the contested land. Though she was just a visitor to Marina Kue, after the violence of that day RRVO found her imprisoned alongside the peasants who were occupying the land.

At first RRVO was given two public defenders. Unfortunately, these defenders did not have the girl’s interests in mind and actively persecuted her for her connection with the peasant occupation leader. RRVO, a shy girl who only speaks Guarani, knew she was not being fairly represented and needed a change in defense. Through the coordinator of human rights in Paraguay my college Maria José Durán and I came to know her and become her defense counsel.

Can you describe the charges against RRVO and the other peasant prisoners? What, if any, human rights have been violated?

All of the imprisoned peasants have been accused of three crimes; invasion of private property, criminal association, and attempted homicide. In most cases, they have now been imprisoned for two years without due process, even though the accusations against them are fraught with issues.

An important consideration for the charge invasion of private property is that it can only be brought against the prisoners if the land is, in fact, private. The main issue with this charge is that the “private owner” of Marina Kue, a wealthy and well-connected businessman by the name of Eric Krasnow

For updates on the Marina Kue case, visit Quepasoencuruguaty.org
Like “¿Qué pasó en Curuguaty?” on Facebook

The struggle for justice and human rights in Paraguay, cont.

“We are engaged with the transformation of society, not only in the sense that we need better public policies but we need to think deeper about what society we need in Paraguay.”

José Tomás Sánchez

As the case unfolds, it is bringing to surface critical inequities in Paraguay. Bringing justice to the victims of the massacre and to the detained peasants will set an important precedent of holding Paraguay’s political and criminal justice system accountable and advancing the fight for land reform.

"We are engaged with the transformation of society, not only in the sense that we need better public policies but we need to think deeper about what society we need in Paraguay."

José Tomás Sánchez
on the failed criminal justice system in Paraguay

Blas N. Riquelme, acquired it through illegal means. There are three pieces of evidence that demonstrate the land has been and remains public to this day. First, Riquelme has never proven that he has the title for the land. Second, the Navy effectively occupied the land for decades, which implies state ownership. And third, the former president of Paraguay previously designated the land for agrarian reform.

While there are four pending cases that contest this illegal acquisition, the Supreme Court of Paraguay is facing pressure from the state government to delay their verdict on these cases. The reason for this delay is unclear: if the land is proven to be state owned, all invasion of private property charges must be dropped.

The attempted homicide charge also comes from inconclusive evidence that fails to take the details of the case into account. According to the state prosecutor, the twelve imprisoned peasants are facing charges of attempted homicide, as opposed to homicide, because it is impossible to tell which peasants actually killed the police officers.

One puzzling aspect to this charge is that, of the twelve peasants facing this charge, nearly half were not even holding weapons during the massacre at Marina Kue, so it would have been impossible for them to murder or attempt to murder the police officers.

Additionally, many of the peasants who were armed in the conflict were holding firearms that did not function. However, these peasants have been unable to prove their innocence because the state prosecutor assigned to the case has omitted, tampered with or destroyed the evidence that sheds light on who actually shot the police officers.

In the most clear example of selectively chosen evidence, the state prosecutor of the case only used testimony from police officers when charging the peasants and omitted all peasant eyewitness accounts. We also know that the state has destroyed evidence crucial to the investigation. During the massacre, a police helicopter was seen and photographed circling Marina Kue. Every police helicopter has a video camera attached to its base- and the helicopter over Marina Kue would have shot footage of the incident. However, the helicopter and video camera have disappeared, leading many to suspect corruption in the judicial system.

A police helicopter seen circling Marina Kue during the massacre has since disappeared along with its video footage, raising questions about evidence tampering.

Can you describe any other human rights violations that have been committed by the police and the state?

In addition to the tampering and destroying of evidence, the most egregious human rights violations were the on-site executions of the peasants at the hands of the police. While evidence indicates that the police who perished in the firefight all died at the start of the battle, many of the deceased peasants were executed at close range via gunshots in the back of the head. These peasants were clearly executed after the main battle stopped yet there have been no investigations into this police brutality. Furthermore, many injured peasants were denied the same medical attention offered to police. The wounded peasants were not allowed on ambulances and were not taken to proper medical facilities.

There has been a clear combination of human rights violations committed by the police the day of the massacre as well as by the state throughout the judiciary process of the peasants. The investigation is so biased and so corrupted that the entire criminal justice system of Paraguay is delegitimized.

How has RRVO’s status as a juvenile affected her imprisonment?

According to the Paraguayan law, adults are assumed to have the capacity to know if they are breaking the law. For example, if the land at Marina Kue is deemed private, adult peasants occupying the land are, under the law, aware that they are committing an illegal act. However, the adolescent process is different. Under Paraguayan law juveniles are not assumed to have the capacity to know that they are committing a crime. Rather it is the responsibility of the state to prove the child’s knowledge of the law.

In juvenile court, RRVO was neither asked nor ordered to receive a psychological analysis to prove this understanding. Now, two years later, it is impossible to say what her level of understanding and maturity was on the day of the massacre. In other words, RRVO’s status as an adolescent was completely ignored by the courts. This failure of her due process is why I am calling for an absolute annulment in the case of RRVO.

So where do we go from here?

The case of Marina Kue has deep implications for land rights, peasant rights and justice. For this reason all of Latin America is watching. At this moment, what we need is the emotional, political and moral support to defeat the powerful state actors who have had a history of repressing their people. We need to talk about what happened at Marina Kue to raise international awareness. This will put pressure on the Paraguayan government to ensure the state does not abuse its power like this again.

Eric Krasnow is a junior at Cornell University studying Economics and International Relations.
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Freire group combines study, action

In 2014 the Freire Study Group has focused on land reform and peasant struggles in Paraguay and Brazil, in addition to hosting weekly discussions on unequal land tenure and migration.

During the week of February 24, in collaboration with the Cornell University and Ithaca College Latin American Studies Programs, the group hosted professor and filmmaker Andreas Hernandez for screenings and discussions of his film, “Soil, Struggle and Justice: Agroecology in the Brazilian Landless Movement.”

The group has also taken on a key role in seeking justice in the 2012 Marina Kue massacre in Paraguay.

On April 14 we hosted human rights lawyer Mirta Moragas Mereles, defense counsel for one of the accused peasants, to raise awareness about the flawed criminal justice system in Paraguay.

CUSLAR’s Migrations study/work group examines the root causes of migration and seeks human rights human rights-based responses.


The Paulo Freire study group is a part of CUSLAR’s Paulo Freire Engaged Practitioners Program, which engages in discussion on issues of human rights, education, international development and political economy.

Inspired by Brazilian educator Paulo Freire, the group promotes dialogue on these critical issues by hosting speakers and events, and by building relationships with Latin American scholars and human rights leaders.

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Migrations group seeks to humanize debate

CUSLAR’s Migrations study/work group examines the root causes of migration and seeks human rights human rights-based responses.

Current debates on immigration reform legislation often constrain the issue to a mere fraction of its breadth. The group strives to humanize the immigration debate by making personal narratives central to our analysis.

By hosting discussions, study sessions and films, the group analyzes immigration to the United States from contemporary and historical perspectives and delves into structural causes of movement and displacement.

This year the Migrations group has focused on personal stories, discourse analysis, the current state of immigration reform in the U.S. and migrants’ rights.