

Myths and Realities about Immigration Today

Produced by the Asian Caucus of the
Bay Area Immigrant Rights Coalition (BAIRC)

SECTION 1: Basic myths about immigrants.

1. **MYTH:** Immigrants are taking up our jobs

REALITY: Immigrants and citizens face a volatile job market controlled by corporate employers

Many economists agree immigration is not the reason unemployment is high. Instead, shrinking budgets for job training and creation, industry downsizing and manufacturing flight to foreign countries are the real reasons for job loss for US workers.

According to Kim Moody, founder of *Labor Notes* and Senior Research Fellow at the University of Hertfordshire in the United Kingdom, corporations underwent a “great transformation” during the 1980’s and 1990’s which included policies to shrink the workforce, intensify workloads, demand longer and irregular work hours, outsource jobs and exert greater control over the labor process and workers.ⁱ According to Moody: 39% of outsourced jobs lost in the first 3 months of 2004 were union jobs;ⁱⁱ and Chinese imports to the US rose from \$6.4 billion in 1989-1997 to \$25 billion a year in 2001-2001.ⁱⁱⁱ

For example, Wal-Mart – the worlds largest retailer and the largest US employer which has extensive foreign manufacturing plants and is vehemently opposed to its US workers forming unions and has – recorded \$3.94 billion in profits in the last quarter of 2006.^{iv} According to the Wakeup Wal-Mart! campaign the multi-billion dollar global corporation paid sales associates on average \$8.23 an hour (\$13,861 annually) in 2001 and covered health insurance for only 43% of its 1.38 million US employees in 2006.^v

Jobs like these are not sustainable and minimize the stability of families who depend on those incomes. Immigrants are not to blame for these poor working conditions. Corporate greed and irresponsible governments are.

2. **MYTH:** Immigrants drive down wages

REALITY: Immigrants have little effect on the wages of U.S. workers - corporations do

In 2006 Market-Watch reported a corporate profit increase of 21.3% for the previous year – accounting for the largest share of national income in 40 years; meanwhile the share of national income going toward wage and salary workers had fallen to its lowest since 1966.^{vi} In Market-Watch’s analysis, profits were so high as a result of the benefits of improved productivity going to owners of corporations rather than workers.^{vii}

On the contrary, from 1990 – 2004, the participation of immigrants in the workforce generated a 4% real wage increase for the average native worker.^{viii} It is a commonly held belief among the US public that immigrants drive down wages, but it is a belief that is often rooted in xenophobia. Xenophobia is a fear of immigrants or foreigners.

3. **MYTH:** Undocumented people do not pay taxes

REALITY: The undocumented contribute in same the way as everyone else, including paying taxes

Like citizens, immigrants including the undocumented, pay sales, local, federal and property taxes. The Social Security Administration estimates that well over 50% of the undocumented pay social security taxes and it is estimated that they contribute up to \$7 billion to social security revenue every year; this is money that will never be returned to these immigrant workers.^{ix}

4. **MYTH:** Immigrants overuse our government resources

REALITY: Immigrants use public services at disproportionately lower rates than U.S. citizens

Studies have shown that immigrants, including the undocumented, generally use public resources (hospitals, food stamps, community college, etc) much less than U.S. citizens despite contributing to the payment of these services with their taxes because many immigrants are ineligible for many state and federally funded services, are unaware of which services they are eligible to receive, need to access services which are unavailable in their language, and/or fear immigration might deport them if it is discovered that they are undocumented.

According to US Census data, the average US born Californian receives \$1,212 annually in cash benefits from programs such as Social Security and Temporary Assistance to Needy Families (TANF), whereas non-citizens received only \$474 annually in public benefits.^x Furthermore, in California immigrants pay approximately \$5.2 billion in state income taxes annually, \$4.6 billion in sales taxes annually, and \$30 billion in federal taxes annually.^{xi}

SECTION 2: Myths on the Current Immigration Reform Debate

What is LEGALIZATION?

Legalization is a law that would allow non-citizen immigrants—refugees, asylees, permanent residents, and the undocumented—to obtain “legal permanent resident” (LPR) status in the United States and eventually U.S. citizenship. The last time legalization occurred in the United States was in 1986 when an amnesty (legalization without penalties for having been undocumented) was granted for several million immigrants. At the time, many undocumented immigrants were refugees from Southeast Asia and Central American fleeing political turmoil in their countries.

There have been no further proposals for amnesty. Many anti-immigrant groups are strongly opposed to any form of legalization and have contributed to terrible anti-immigrant proposals for immigration reform (See summaries of immigration reform proposals from 2005, 2006, and 2007). Many of these proposals do not offer any real pathway to LPR status and much less citizenship; rather they deny or attempt to pose countless barriers for all immigrants to obtain legalization.

5. **MYTH:** Legalization of immigrants (including “illegal” immigrants) is not a good government policy.

REALITY: Legalization, shaped by government and community, is a policy that would protect the civil and labor rights of all immigrants

It is estimated that there are over 12 million undocumented immigrants in the US. Many migrants come to the U.S. to reunite with family, flee political persecution or just find work and send money to their families. In coming to the U.S., they risk exploitative work conditions, denial of public services, discrimination, detention, deportation, and political marginalization because refugees, asylees, permanent residents, and undocumented immigrants do not have the same protections and rights as U.S. citizens.

In 1986 the Immigration Reform and Control Act made it a crime for undocumented immigrants to work in the U.S. This law was never enforced and only led to the severe exploitation of immigrant workers and gross violations of U.S. labor laws.

In 1996, immigrants had their rights further weakened as a result of the Illegal Immigration Reform and Responsibility Act (IIRAIRA). This new law expanded the grounds for detentions and deportations and set off a new immigration raid strategy; as a result, refugees and permanent residents can easily be detained by the police and can be deported by immigration offices for civil violations such as DUIs or putting incorrect information on an US immigration document.^{xii}

Many immigrant communities, including the Asian and Middle Eastern communities, have experienced heightened discrimination and persecution after the events of September 11, 2001. Many communities have seen an increase in the persecution and jailing of their youth. In 2002, the U.S. Department of Justice launched a “Special Registration” program, requiring immigrant males 16 years and older from 25 Arab, Muslim, and South Asian countries to register, have their photograph and fingerprints taken and submit to an interrogation to provide information on “terrorism”. Over 84,000 men were registered and some 14,000 put into deportation proceedings, most for minor immigration offenses.^{xiii}

Legalization is needed because undocumented immigrants in the U.S. - 1.5 million of whom are from Asia – suffer as a result of not having the same labor and civil rights as citizens. Thousands are undocumented as a result of waiting countless years for family petitions to be processed by immigration; Thousands are undocumented because they have an expired student, work, or tourist visas; Thousands are undocumented because the only way for them to enter the country without is to cross the border without documents.

6. **MYTH:** The current immigration debate only affects Latino immigrants

REALITY: Immigration reform proposals affect all immigrants and refugees including Asians, Africans, Latinos, and Europeans

Of the 14 million Asians in the United States, approximately 65% are foreign born meaning there are more than 9 million Asian immigrants in the U.S. Of these 9 million foreign born Asians, 3.7 million are not citizens. Clearly the immigration reform debate impacts Asians and all immigrant communities in the U.S.

A recent update by Asian Law Caucus estimates the undocumented Asian population in the Bay Area to be between 80,000 to 180,000 people (source: Asian Law Caucus, 2006), and 1.5 million nationwide (source: Pew Hispanic Center, 2005).

The national immigration reform debate includes many aspects that are of great concern to Asian communities including:

- English as the national language / English-only policies
- Increase in green card / citizenship fees
- Denial of public services for immigrants
- Elimination of family based immigration
- Increase of deportable crimes for immigrants (including legal permanent residents)
- Memorandums of Understanding (MOU’s) between the US and East Asian countries such as Cambodia and Vietnam to facilitate the deportation of nationals from those countries
- Deterioration of due process in deportation procedures / expedited removal
- Infringement of privacy rights and undue discrimination as part of the greater policy of national security

These are all elements of the national immigration debate that will greatly affect Asian immigrants and their families for generations. For this reason it is crucial for Asian immigrants to be an active voice in the immigration debate to ensure justice, equality, respect, and dignity for all immigrants.

7. **MYTH:** “Illegal” (undocumented) immigrants are criminals and/or “broke the law” and should be punished
REALITY: The criminalization of undocumented immigrants is part of a history of oppression and discrimination against immigrants that create a climate favorable to anti-immigrant laws, sentiment, and even violence

Immigration laws in the U.S. have always discriminated against different groups of immigrants. It has always required communities coming together to organize and ensure that laws reflect the values of justice and equality.

Laws change and depending on the law so does the definition of “legal” and “illegal”. For example:

- It was once illegal for Chinese and Mongolian immigrants to enter the State of California (Chinese Exclusion Law, 1858); Later it became illegal for all Chinese immigrants to enter the U.S. (Chinese Exclusion Act, 1882)
 - After the 1906 San Francisco earthquake and fire, official immigration records were lost opening up the opportunity for many Chinese to get around the Chinese Exclusion Act by becoming “paper sons” and “paper daughters”
- In 1850 California passed laws prohibiting Whites from marrying non-Whites; this law was further strengthened in 1901 to prohibit marriage between Whites and Asians
 - This law was not repealed until 1948
- In 1890 the City of San Francisco passed an ordinance requiring all Chinese to move to a specific area of the city within 6 months or face imprisonment (Bingham Ordinance, 1890)
- In 1913 California was the first state to pass legislation prohibiting all immigrants ineligible to become citizens – in effect, all Asians - from owning land (Alien Land Law, 1913)
 - Soon after California, other states followed with similar laws:
 1. Arizona, 1917
 2. Louisiana, 1921
 3. New Mexico, 1922
 4. Idaho, Montana and Oregon, 1923
 5. Kansas, 1925
 6. Utah, 1943
 - Again, many immigrants found ways to get around these laws by putting the land in the name of the US born children or citizen friends
- In 1920 the Alien Land Law of 1913 was strengthened and criminal penalties were added to violators
- It was once illegal for Chinese, Japanese, Filipinos, and South Asian Indians to become citizens

Furthermore, the U.S. has a long history of criminalizing different immigrant groups including the Chinese, Japanese, and more recently anyone of the Muslim faith or from Arab / Asian countries. Some examples are the following:

- 1942 – President Franklin Roosevelt signed Executive Order 9066 which led to the detention of over 120,000 ethnic Japanese in the U.S. (approximately 75% of those detained were U.S. citizens) who were considered a threat to national security during WWII
- 2001 – President Bush enacts “Special Registration” which calls for the interrogation and many times immediate deportation of thousands of Arab / Muslim U.S. immigrants on the grounds of national security

8. **MYTH:** Legalization of undocumented immigrants is unfair to non-citizen immigrants who have been “waiting in line” and/or “playing by the rules”
REALITY: Immigration reform needs to create a just legalization program and reform the family reunification visa process

Federal congress needs to provide **two** things in order to bring relief and justice to all immigrants in the U.S.:

1. For those waiting for family petitions: Drastically increase the number of family visas for immigrant families so that waiting periods do not extend to the unacceptable waiting periods current immigrant families face (5 to 20+ years). Thousands of immigrants have become undocumented as a result of waiting so long for their family petitions to be processed. An increase in family visas would immediately resolve their immigrant problems.
2. For the undocumented: Provide legalization for those that have no family to petition for them.

The legalization process for undocumented immigrants is a separate process from that of immigrant families petitioning for other family members. Both groups are being treated unfairly by an immigration system which has historically discriminated against ALL IMMIGRANTS from Asia, Africa, and Latin America.

9. **MYTH:** We should support guest worker programs because they help immigrants who cannot find work in their own countries come to the United States to work

REALITY: Guest worker or temporary work programs are extremely abusive and exploitative and are not a solution to the social and economic conditions that force migration

The Southern Poverty Law Center's recent (Dec 2006?) report on temporary worker programs, entitled "Close to Slavery", concluded that employer abuses are inherent and intractable in temporary worker programs. This is as true today as it has been historically and we should not continue to exploit immigrants and migrant workers. The only way to prevent this abuse is to remove the 'temporary' nature of work programs and extend to all workers permanent status, equal employment rights and the ability to defend their rights by joining a union, negotiating a collective bargaining agreement, and access to affordable legal representation.

The best way to help people who cannot find work in their country of birth is to help make it possible for them to find gainful employment at home. We can do this by supporting policies that promote economic development and job creation in their home country, as well as by ending U.S. policies that stifle development, through unequal trade agreements, environmental degradation or social unrest in countries around the world.

The North American Free Trade Agreement (NAFTA), for example, had devastating effects on the Mexican labor market. It is estimated that total manufacturing employment declined from 4.1 million jobs in 2000 to 3.5 million jobs in 2004; that is a loss of almost 1 million jobs in 4 years!^{xiv}

10. **MYTH:** People are undocumented by choice

REALITY: Migrants are forced to seek employment in the global marketplace through no fault of their own

The number of people worldwide counted as living outside their country of birth has almost doubled during the last 50 years – increasing to 191 million in 2005.^{xv} If the world's migrants all lived in the same country – it would be the 5th largest country in the world.^{xvi} Sadly, migrants always face great challenges because they are never offered the same rights they had in their home countries.

In 2004 the United Nations estimated there were over 86 million migrant workers throughout the world.^{xvii} The same report estimated over 2 million Asian workers leave their home countries every year

to seek temporary work in another country; these are people that chose to leave their country to seek better wages, work, opportunity and the economic survival of their families. Similarly, there are an estimated 18.4 million refugees throughout the world; these are people who were forced to leave their country as a consequence of civil conflict.^{xviii}

Between 10-15% of all migrants worldwide are irregular (without proper documentation).^{xix} These are the people that are most vulnerable to exploitation, marginalization and discrimination. Unfortunately the immigration policies of many countries – the U.S. being a good example – are very discriminative against migrants and offer them no way to regularize or integrate into their new communities. In the U.S. there are an estimated 12 million undocumented immigrants.

Being undocumented is not a choice, it is a condition forced upon millions of people all over the world by economic and political forces over which they have no control. The only ‘choice’ they are making is to sacrifice the familiarity of home to venture into the unknown in order to find some means by which to support their families and themselves. If all things were equal, people would not choose to leave behind their loved ones to find work in a foreign country.

11. MYTH: A wall between the U.S. and Mexico and increased militarization will deter unauthorized migration to the U.S

REALITY: A wall and increased militarization will not diminish the flow of migrants to the U.S. and has only led to more deaths and a human rights crisis at the U.S-Mexico border

The real issue is not how to stop migrants from coming rather it is how to stop the conditions that force people into migration in order to support their families.

Migration cannot be stopped by walls or increased border security. The building of more walls and increased border security have only served to channel migrants to the deserts of Arizona where they die in alarming numbers of extreme exposure in alarming numbers. In spite of the increasing number of border deaths, the number of people trying to cross the border has not decreased. Given the lack of gainful employment in their home country people have few other options than to attempt to cross the border in search of work opportunities.

ⁱ US Labor in Trouble and Transition by Kim Moody; Verso, 2007. Chapter 1

ⁱⁱ *ibid*, pg 19

ⁱⁱⁱ *ibid*, pg 22

^{iv} “Wal-Mart Profit Rises 9.8% in 4th Quarter” by Lauren Coleman-Lochner; International Herald Tribune, 2/21/2007

^v Wakeup Wal-Mart! (<http://wakeupwalmart.com/facts/#wages>)

^{vi} “Profits Surge to 40 Year High – When Will Corporations Spend Some of Their Hoard?” by Rex Nutting; Market-Watch, 3/30/2006

^{vii} *ibid*

^{viii} Looking Forward: Immigrant Contributes to the Golden State. 2008, California Immigrant Policy Center (www.caimmigrant.org)

^{ix} “Illegal Immigrants are Bolstering Social Security with Millions” by Eduardo Porter; New York Times, 4/5/2005

^x *ibid*

^{xi} “Looking Forward; CIPC”

^{xii} “Over Raided, Under Siege” National Network for Immigrant and Refugee Rights, 2008 (www.nnirr.org)

^{xiii} *ibid*

^{xiv} “NAFTA Should Have Stopped Illegal Immigration, Right?” by Louis Uchitelle; New York Times, 2/18/2007

^{xv} United Nations, 2006. Trends in Total Migrant Stock: The 2005 Revision

^{xvi} *ibid*

^{xvii} “Towards a Fair Deal for Migrant Workers in a Globalized Economy”. International Labor Organization – 92nd session, 2004 (<http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/meetingdocument/kd00096.pdf>)

^{xviii} *ibid*

^{xix} *ibid*