

Lily Friedman

MAX 123: Section M004

Professor Lasch-Quinn

December 6, 2021

Unit 4 Paper

Word Count: 1133

Creation of a More Humane System

The United States is a country built on immigrants. However, as our country has developed, the immigration system that was created has included everything from quotas to other strict laws which make the process of gaining citizenship challenging. The complexity of the system itself and how poorly it is structured proves why immigration reform is so difficult. In order to understand why reform is hard, it is crucial to look at the reasons it is poorly structured.

A major problem with the immigration system is that the authors of immigration laws expected certain effects but instead were faced with unintended consequences. When first creating immigration laws, their main goal was to try to create quotas favoring northern and western Europeans. Specifically, the intentions of the 1924 Johnson-Reed Act were to “create benchmarks for allowing immigration only from countries that had sent early settlers to the United States (primarily England) and for restricting immigration from European nations whose residents were considered racially inferior” (Cohen 1). The intentions were not realized. Instead, new immigration communities emerged.

When the U.S. saw that this plan was not working as they hoped it would, they passed the 1965 Act in which they tried to understand how and why people migrate to the United States from certain countries and how certain actions taken by Congress can affect that (Massey 2).

However, as years have passed, the focus on immigration remained clouded. Massey explains this phenomenon by stating that “immigration policymaking [is] rooted not in geographic, demographic, or economic considerations but in America’s deeper hopes and aspirations – and its fears and insecurities” (Massey 3). The U.S. government has tried to pick and choose who immigrates and how many people from each country are allowed to immigrate but this is all out of the country’s fear of change. People are so worried that the demographic shift will change the culture and values of the country, yet they forget to remember that the entire system is hypocritical as most of the country’s ancestors were immigrants as well.

Taking a deeper dive into the history of immigration lawmaking, it is evident that the immigration system is built with the white face as the face of citizenship. This can be seen specifically with the 1790 Act as it “limited naturalization to ‘free white persons’ who are of ‘good moral character’ who have resided in the United States for two years” (Halley, Eshleman, Vijaya 2). Because of this, the culture of the early colonies and the primary years of our country are rooted in Anglo-Protestant culture and institutions (Huntington 59). With that, there was a strong push for immigrants to assimilate into society (Huntington 62).

The history of the complexities of the immigration system have led to the ineffective system we have today. There are many violations of civil rights of legal citizens as border patrol tries to capture immigrants. This is due to the lack of proper training that the patrols receive. Specifically, “under Section 287(g), local enforcement officials, untrained in immigration law, have repeatedly violated the civil rights of legal residents” (Desilver 3). With subjective screening programs in place, discrimination of people due to perceived religions and income levels is more than common (Desilver 4). Along with that, at the border “federal authorities do not need a warrant or even suspicion of wrongdoing to justify conducting what courts have

called a “routine search,” such as searching luggage or a vehicle” (ACLU 1). This leads to even further discrimination affecting people because these actions occur in the 100-mile zone in which 2/3 of the population lives. But again, this represents another outdated aspect of the system as regulations establishing the zone in 1953 were made without public input or debate (ACLU 2). The racial profiling that occurs at the border is a massive downfall of the immigration system that affects many.

While the logistics of the system are screwed up, the system’s capacity is overloaded. Authorities are capturing more illegal immigrants and keeping them in custody. However, the cells in which these individuals are kept before they are deported or get a trial are inhumane. According to Lind, “...as many as 900 people were being held in a Border Patrol facility built for 125 people. One cell, with a listed maximum capacity of 12 people, held 76.” (Lind 6). This is outrageous yet reform for the system is still so difficult due to disagreements on the topic.

The controversy over immigration is due to one side arguing myths that can easily be refuted by facts. For example, many want to limit immigrants because they believe “immigrants take more from the U.S. government than they contribute” (Frazee 1). However, immigrants contribute more to tax revenue than they take from the government. As the children of immigrants are sent to public schools, they are set up to get “better-paying jobs and, in turn, pay higher taxes” (Frazee 2). Therefore, immigrants are good for our country. They also take the jobs that Americans don’t want that drive our economy. For example, immigrants are more likely to work long, 60-hour work weeks in extreme temperatures doing hard, manual labor (Kitroeff and Mohan 5). Therefore, they are not taking resources from our country but rather complementing it.

As detailed above, immigration reform is no easy task. This is all because of the complex system that is already in place that has many problems attached. Immigration is also a highly controversial subject in our country as some argue that immigrants help our country while others argue they hurt our country. I do believe that there is common ground where people can compromise to improve the system. Specifically, making alternatives to how people at the border are contained is a good starting point for both sides, as most people can agree the process needs reform. With the intervention of nongovernmental organizations, it would be better for those who cross the border illegally to be contained using community-based models. This would be a more humane way of containing the individuals and would provide them with the opportunity to get to know their rights (Desilver 2). Outside of containment, providing them with more case management would be effective in increasing “odds that families show up to their hearings, or [have] even broader access to counsel in immigration proceedings...” (Lind 10).

The immigration system is complicated which is why it is hard to change. Outdated laws that govern the way in which it is run and the lack of training of the authorities lead to racial and ethnic profiling. However, small steps can be taken to slowly improve the system, such as changing the entire detention aspect of the system. The country cannot continue to brush past the issues with regards to the immigration system. Change must occur to ensure no groups are targeted.