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## The Post-1996 Immigrant Underclass

SUSAN BIBLER COUTIN

In 2008, I had the opportunity to do interviews in San Salvador, El Salvador, in the offices of Homies Unidos, a transnational organization that formed in the 1990s to address urban violence and the transnationalization of gangs. One of the individuals I met was Lorenzo Gómez,<sup>1</sup> who was receiving assistance from the organization, and who had been deported to El Salvador after growing up in the United States. Lorenzo's account of his experiences sheds light on how individuals who migrate as children navigate laws and institutions as they move through multiple countries, often being regarded as outsiders by both their country of birth and the country where they were raised.

Lorenzo had entered the United States in 1978, when he was eight years old, when his family immigrated for economic reasons. He recalled his early life in the United States: "As a child, when I was growing up in elementary, I started to notice . . . that I was in love with the English language at that point. You know? And I was so fascinated with it that, I became a little book worm. I would grab books, go through them, and read them." Lorenzo was proud of his language skills. During our interview, which was conducted in English, he imitated different accents, showing how New Yorkers speak in Brooklyn and in the Bronx. Yet, Lorenzo's life took a dramatic turn when he fell in with kids who were involved in gangs. As he told me:

I can never forget this, it was what really switched my whole world around to be a child with a lot of dreams and expectations in life, to become from the 'hood. I made that decision when I was in junior high. That's when I started to meet the homies. . . . And I was a fool, myself! I started to run around with those guys in the 'hood. And that lasted for a good eight years, then I realized that was not a way of life, not for me. And I decided

to get out the 'hood. And it's like they say, you can get outta the 'hood, but you can't get the 'hood outta you.

Lorenzo became a lawful permanent resident in the United States in the early 1980s, and he thought that later, when his father naturalized, he too had become a US citizen. After completing a jail term in 1989, he held various jobs, including his favorite, an AT&T operator. Lorenzo reenacted this job for me during the interview: "OK, where do you want to place your call?' 'The Florida Keys.' 'OK ma'am, this is the area code, and who do you want to call?' Stuff like that. It was fun!" Then, in 1996, after the Illegal Immigration Reform and Immigrant Responsibility Act expanded the list of crimes that made non-citizens deportable and applied this definition retroactively, Lorenzo was picked up for speeding and was told that he was not a US citizen and that he was deportable.<sup>2</sup> Deportation proceedings were initiated, but Lorenzo missed a hearing. In 2000, Lorenzo was convicted of drug possession, and he learned that he had been ordered deported. Lorenzo explained, "Immigration came back in for me and said, 'You know what? We're gonna go ahead and deport you back to El Salvador.' 'Wait a minute. I'm supposed to see a judge.' 'No, you're not eligible to see a judge, because you've been deported in absentia [without being present].'"<sup>3</sup>

After being deported to El Salvador in 2000, Lorenzo immediately rejoined his family in Los Angeles. In 2002, he was apprehended for driving without a license and was deported a second time. He returned to the United States again, a journey that was filled with horrors, which he described as follows:

I got mugged on the way over there. I saw people that fell off the train. . . . They get chopped up. I saw that! One of my buddies. . . . And then we bought the newspaper the next day to see if we'd see something, and we sure did. His limbs were everywhere. His head was just cut off. It was horrible! And a lot of the women get raped. Because they have a lot of gang members. . . . I was sleeping and they mugged me, and they grabbed me by the neck. "Wake up!" And I had a machete right here [motions toward stomach]. "All right, just run up all your money, that's all we want." . . . People die every day on that train.

In 2004, Lorenzo was apprehended in Texas, and this time he was prosecuted for unlawful reentry and sentenced to four years in a federal prison. He had been deported a third time in 2008, shortly before our interview. He described his situation:

I don't believe that what they're doing to me is fair at all. I'm just here running around. I don't know anybody in this country. No friends. No family, no support. I live in the streets. I'm homeless. If I could keep my clothes clean it's because some guy is helping me out where I can wash my clothes and shower. But other than that, I don't have a place of my own. I'm going through an extreme and exceptional hardship.<sup>4</sup> It's what I told the judge! "Sir. This is what I'm going to go through. Please, help me." They don't want to listen. They think everyone can go back home and live happily ever after. It doesn't work like that! I have my daughters back home. My mom, dad, brothers, sister, and I'm the only one here. So I would like to go back home. I really would.

At the time of our interview, Lorenzo was desperate to return to the United States again but also was fearful of additional prison time. He told me:

I'm scared. Because if I get busted crossing, I'm going back to the BoP [Bureau of Prisons] for reentry again. This time, I'm gonna get double time. Eight years. So I really don't know what to do. I'm so confused. I need time. I miss my family so much! I'm really hurt! For some time, I was drinking a lot here in Salvador, because I was so hurt and confused. I don't understand why this happened to me! Why? Why? Why? But, I'm still here, I'm still going through the hardship. An extreme hardship.

Lorenzo's narrative reveals that US immigration policies are producing an underclass of individuals whose lives are not viable anywhere. Due to the young age at which he immigrated, Lorenzo identified with the United States. It was the country where he had grown up, learned English, developed an intimate knowledge of different neighborhoods—such as the Bronx versus Brooklyn—gone to school, worked, become a lawful permanent resident, and had a family of his own. Unfortunately, it was also where he went through the US criminal justice system and

acquired a criminal record, one that stripped him of his US residency and made him deportable. In El Salvador, at the time of our interview, he had no job and was living on the streets. He could not return to the United States legally. If he returned illegally, he risked the same fate as his friend, who was decapitated after falling off the top of a moving train. And even if he succeeded in entering, he would be at risk of being imprisoned for eight years and then deported once again. How are people such as Lorenzo supposed to exist?

Lorenzo is not alone. In fact, children who immigrate to the United States from Central America or other countries are also at risk of joining an immigrant underclass, that is, a set of noncitizens whose life opportunities are powerfully constrained by a lack of legal status. For example, though US citizens who are impoverished or are members of racial or ethnic minority groups also experience criminalization, a US citizen convicted of a minor offense faces only jail time or probation, whereas noncitizens can actually be deported. Child arrivals, as those who immigrate to the United States before turning sixteen have come to be known, may experience a number of adverse circumstances, including violence in their country of origin, lengthy family separations, the challenges of immigrating without authorization, being undocumented in the United States, a lack of work authorization, challenges in pursuing higher education, poverty, racism, the threat of removal, no opportunity to regularize permanently, and a deep disjuncture between legal and social experiences of belonging.

Furthermore, civil immigration laws have become more punitive, subjecting noncitizens to detention and deportation, whereas criminal prosecutions of immigration violations, such as reentry following a deportation, have skyrocketed.<sup>5</sup> The 2012 Deferred Action for Childhood Arrivals (DACA) program provided important protections until it was rescinded by the Trump administration in 2017. Some local or state measures have allowed undocumented students to qualify for financial aid and/or pay in-state tuition, yet these remedies remain limited, and the possibility of deportation looms large under intensified Trump administration enforcement policies.

This chapter is based on semistructured interviews conducted between 2006 and 2010 with forty child arrivals who were living in Southern California, forty-one child arrivals who were deported to El

Salvador, and twenty-five advocates who worked with youth in either country. I met interviewees through colleges, universities, community organizations, and word of mouth. Interviews lasted one to two hours and examined child arrivals' lives in El Salvador, immigration experiences, future plans, and returns to El Salvador. Approximately half of the Southern California participants were reinterviewed after one to two years. Half of the US participants were women, whereas, due to the overrepresentation of men in deportation to El Salvador, all the deportees who were interviewed were men. Analyzing this material makes it possible to detail the borders that potentially place child migrants in an underclass, confining them to spaces of legal nonexistence.

### An Immigrant Underclass

The term “underclass” refers to a social stratum of people who experience persistent poverty and marginalization due to structural conditions such as unemployment, the denial of access to public benefits, and discrimination.<sup>6</sup> In the case of immigrants—and as shown by the experiences of Lorenzo—this underclass may have transnational dimensions in that its members may be excluded from multiple societies and social spaces.<sup>7</sup> Government policies are key in producing this class. In particular, reforms that were adopted in the United States in 1996 expanded the definition of an aggravated felony for immigration purposes, made detention mandatory for many who were in removal proceedings, reduced the discretion that had enabled immigration judges to weigh positive factors (such as length of residence, work history, or ties to US citizens) during removal proceedings, stiffened border enforcement, and made legalization much more difficult for individuals living in the United States without legal status.<sup>8</sup>

These changes reinforced territorial borders while also multiplying the internal boundaries that the undocumented face when they attempt to travel to another state on a school field trip, go to college, get a job, apply for a driver's license, or qualify for medical insurance. These internal boundaries have exacerbated the degree to which intensified immigration enforcement and overcriminalization particularly target members of ethnic or racial minority groups.<sup>9</sup> Child arrivals, who grow up in the United States alongside US citizen children, are especially

disadvantaged, as they may believe themselves to be citizens only to “awaken to the nightmare” of being undocumented when they turn sixteen and seek employment or a driver’s license.<sup>10</sup> As young immigrants move through legal and criminal justice systems or are caught between them, they become part of an immigrant underclass. Yet even as these internal boundaries form a web, trapping individuals, there are also gaps and spaces, which create limited room for maneuvering. Therefore, while structural conditions actively push people into an underclass, members of this class may also challenge these conditions, seeking to improve not only their individual lives but also those of others.

The barriers that have created an immigrant underclass have historical roots, through a globally unequal distribution of resources, well-being, and security.<sup>11</sup> The US drug market, the exportation of US security measures, zero tolerance policing, and corruption have weakened state institutions in Mexico, El Salvador, Honduras, and Guatemala, while fueling the rise of criminal cartels, gangs, and narco-trafficking. Factors that compel migration form the basis for an underclass in migrants’ countries of origin. For example, Herminia immigrated to the United States from Mexico in 1989 at the age of thirteen. Her mother was a domestic violence victim, and her father, who was in the military, prevented Herminia and her siblings from working and studying but did not provide for them sufficiently. One by one, her siblings left for the United States until, finally, Herminia came too. Likewise, Manuel immigrated to the United States as a child, but from El Salvador, in 1986 at the age of nine. His mother had fled El Salvador in 1982, during the Salvadoran civil war (1980–1992), because she participated in a rebel group and was warned that she was on a death list. Manuel remained behind with his father and an aunt. He described his life in El Salvador: “We were poor, very poor. To be honest, we ate beans three times a day. I remember that’s when I started finding out that my mom was sending money. And sometimes we would get cornflakes. That was a treat. On Fridays. And coffee. Things that I take for granted now.” Although Manuel did not feel that he was directly impacted, the war shaped his childhood environment. He related, “Once when I went to a garbage dump that was near where we used to live, I found a hand of a guy sticking out. I didn’t make a big deal out of that.” Manuel’s mother eventually sent for him, in hopes that he would have a better life in the United States. However, Manuel’s father

stayed behind, and at the time of our 2008 interview, Manuel had been unable to see his father since leaving El Salvador.

Immigration laws, which restrict child migrants' movement across national boundaries, reinforce these global inequalities. In countries such as Mexico and El Salvador, visas to enter the United States legally are available only to those with economic resources, qualifying relatives, employment, or study opportunities. Moreover, border enforcement has stiffened in recent years. Deploying Border Patrol agents and surveillance technology along key sections of the border has forced would-be crossers into inhospitable terrain, where many suffer from thirst, are exposed to animals and heat, and are at risk of being robbed or assaulted.<sup>12</sup> Anthropologist Jason De León reports that "between 2000 and September 2014, the bodies of 2,771 people were found in southern Arizona, enough corpses to fill the seats on fifty-four Greyhound buses. These grim figures represent only known migrant fatalities" (for more on the risks of border crossings, see De León's chapter in this volume).<sup>13</sup> Fortunately for them, Herminia and Manuel immigrated to the United States before this latest intensification. Herminia recalled traveling to the United States by bus, and although she did not have a visa, she said that she did not encounter any problems. Manuel flew to Guadalajara with his father, who then told him, "You're going to see your mom, but I'm going to stay behind." Manuel traveled the rest of the way with an alien-smuggler, which, he said, was hard "because I wasn't with my dad, and the guy that my dad handed me over to had to go somewhere, so he handed me over to another guy. And that guy used to get drunk. He was always drinking. Once we went to the beach, and I was crying for my father, because I didn't know this guy."

After arriving in the United States, child migrants encounter another set of legal barriers that can keep them in an underclass. While they are entitled legally to attend US public schools and, therefore, may in many ways be indistinguishable from other children,<sup>14</sup> child migrants are in other ways set apart. In this volume and throughout her work, sociologist Joanna Dreby has documented the degree to which "children in Mexican immigrant households describe fear about their family stability and confusion over the impact legality has on their lives."<sup>15</sup> Even children who are born in the United States may fear the deportation of a parent or other relative. When they become adolescents, child



migrants who are undocumented face challenges obtaining driver's licenses, working legally, and qualifying for the financial aid and in-state tuition that would make college feasible. If they complete college degrees but still lack work authorization, they may be unable to pursue careers. Many, such as Lorenzo, who thought that he had become a US citizen when his father naturalized, do not understand immigration law and are dependent on adults to submit applications on their behalf.<sup>16</sup> After they turn eighteen, child migrants who remain undocumented begin to accrue "unlawful presence." Those who accrue six months of unlawful presence face a three-year bar on reentering the United States if they leave the country, while those who accrue twelve months face a ten-year bar.<sup>17</sup>

At the federal level, the termination of DACA will have wide-ranging effects. When recipients' authorization expires, they will no longer be able to work legally and may be targeted for deportation. They face restrictions on international travel, have no pathway to citizenship, and confront heightened vulnerabilities. Moreover, not all child migrants even qualified for DACA. For example, although Herminia immigrated to the United States when she was thirteen, she was over the age limit of thirty-one in 2012. At the time of our interview, she had almost completed a university degree in biology, but due to the pressure of trying to attend school while working at low-paying jobs and without eligibility for federal financial aid, she had stopped going to college. Deeply frustrated at the limitations created by her immigration status, she commented, "It makes me sad that I went to school so many years, and, if I can find a job cleaning, I'll be lucky." Like many, Herminia found herself trapped in an immigrant underclass.

### Being Trapped

The 1996 immigration reforms, coupled with subsequent legislation and policies, have created a series of barriers designed to deter unlawful entry, prevent legalization, and encourage what is sometimes referred to as "self-deportation," namely, leaving the country. Child migrants have been particularly impacted by these developments. New arrivals must endure traumatizing border crossings, while longtime residents find both their social mobility and their ability to move about restricted.

Those who are undocumented cannot work legally, face challenges pursuing higher education, may or may not be eligible for driver's licenses, and cannot travel internationally. Under administrative advisories that began in 2017, undocumented youth run a heightened risk of apprehension and deportation; most at risk are noncitizen youth who have been convicted of crimes. Federal programs such as the "priority enforcement program" promote collaboration between US Immigration and Customs Enforcement and state and local law enforcement agencies so that noncitizens who have been convicted of crimes will be removed from the country once their sentences have been completed. These programs have been criticized for including individuals with minor, nonviolent convictions. One study concluded that the policies directed at "criminal aliens" have "removed the pettiest of violators."<sup>18</sup> Because many aspects of youth culture (such as drug use, which is what Lorenzo experienced) have been criminalized and because communities of color are more heavily policed, child migrants are particularly at risk of arrest, prosecution, and deportation.

Roberto had these experiences. He immigrated to the United States from El Salvador legally, at the age of seven, along with his father, through a family visa petition. In El Salvador, his father had been a teacher, but in the United States, he worked long hours collecting trash. Roberto related that when he was in elementary school he misbehaved, and once, when he bruised his knee climbing over a fence, his teacher assumed his father had abused him and sent a social worker to his home. Worried about his behavior, Roberto's father sent him back to El Salvador to live with his grandmother. Under his grandmother's care, Roberto straightened out, always returning regularly to the United States to maintain his lawful residency, and he moved back to the United States to live when he was twelve years old. In the United States, though, he felt like an outsider. He recalled, "I wasn't fitting into the crowd, Mexicans who didn't speak English, Central American people, a little bit of English but still not getting along with Mexicans. And there were the people born and raised over there [in the United States] who spoke English and everything was cool for them. Neither one would accept another one in their social circle or friendship circle." So, Roberto joined a gang. He explained, "They would loan me *cholo* clothes. And I started to get into it, listening to the rap music, and all that stuff. And I got to a point where

the question popped, ‘So, what? Are you in or you out? Are you gonna be with us or what?’ And so I joined the M-S [Mara Salvatrucha or MS-13] gang, representing El Salvador according to me, back at that time.”

Although, as a teenager, he dropped out of school and was in and out of juvenile hall, Roberto did not realize he was at risk of deportation. He recalled:

I was feeling free, I was confident. I felt like an American, because I had the same rights. If something wrong was being done to me, I had the right to speak up for it. I had no issues going places, like to TJ [Tijuana, Mexico] or to a bank. I wasn’t going to be treated like less, you know, like I’ve seen how immigrants have been treated. I didn’t feel none of that. I was feeling very good. Having papers over there is a whole big deal.

Eventually, Roberto got into a fight and was arrested for assault. Then, he was picked up for riding in a stolen car. These two offenses led to his deportation. He told me:

They put me an INS hold [i.e., a detainer to be transferred from a local jail into federal immigration custody]. And people [in prison], they call them “jail lawyers,” they told me that if I did more than a year, I qualified for deportation. I told them, “No, man, I’ve got papers.” They said it didn’t matter, that if you’ve got a criminal record, you’ve got felonies—I told them I do got felonies—they said, “OK, that’s it.” I told them I had a strike. They said, “That’s it! You’re going back!” I couldn’t believe I was going back.

After being deported to El Salvador, Roberto lived in fear. Because of his tattoos, he was arrested and investigated by the Salvadoran police. When he went out in public, other gang members approached him, trying to recruit him. Eventually, Roberto had his most visible tattoos, the ones on his face, removed, and he realized his fluent English skills could serve him well in El Salvador. He worked at a coffee processing plant, then at an assembly plant translating specifications on how to make clothes, and later at a call center. Though his life had improved, Roberto continued to miss his relatives in the United States and hoped that his father would eventually be able to obtain a pardon, so that he could return.

Roberto's account demonstrates the ways that, as a child migrant, he became trapped in an immigrant underclass. His father had experienced downward social mobility immigrating to the United States and, due to working long hours, was unable to supervise his young son carefully. At school, Roberto did not find the support structures that could have helped him to integrate into his new country. Instead, he joined a gang, thus assimilating, but to a sector of society that was criminalized and marginalized.<sup>19</sup> By his own account, Roberto's offenses were relatively minor and were part of the youth lifestyle that he had joined. Yet, Roberto found himself criminalized, stripped of his residency, and unable to challenge his removal. In El Salvador, he was harassed both by police and by gang members and was at risk of being killed. But rather than being destroyed by these experiences, Roberto was able to create a new life for himself, exhibiting a resilience that is common to migrant youth.

## Movement

Child migrants who are in a transnational immigrant underclass face truncated futures. Many experience limited work and educational opportunities as well as criminalization and deportation. And yet youth also exhibit agency in challenging these conditions and attempting to exit this underclass. Many who are deported return to the United States, as Lorenzo did twice. Those who are in the United States seek to better their lives, despite the barriers they face. At the time of our interview, Manuel had obtained Temporary Protected Status (TPS), which was awarded to Salvadorans following the devastating earthquakes that rocked El Salvador in 2001, and was working in airport security. Despite being undocumented, Herminia had almost completed a college degree in biology; at the time of our interview, she was planning to apply for an expanded version of DACA that President Obama announced in 2014, but that was subsequently enjoined due to a lawsuit by Texas and twenty-five other states.<sup>20</sup> And, despite living in El Salvador, Roberto attempted to re-create something of his life in the United States. He told me:

At the house, it's totally 100 percent English. My sister-in-law, she was raised in Kentucky too. Her husband, he was raised in LA. So her family and me, when we get together, we speak nothing but English. The baby?

We don't talk to him nothing but English. I mean, he'll learn Spanish from his grandma. So, I try to make it as much as I can. At work, that's why I love being at work. Then my dad, when we talk on the phone, it's English. I just talk Spanish with my grandma. And sometimes, I don't know if you remember, there's a lot of helicopters at night. Tch-tch-tch-tch. [Sound of helicopter.] So right here, sometimes when one passes by, I just close my eyes and I feel the breeze at night. I could picture I'm [there]. I miss the whole thing a lot.

Child migrants have also been at the forefront of the immigrant rights movement in the United States, and it was due to their pressure that the DACA program was created.<sup>21</sup> Young people have argued that society at large is harmed by the policies that prevent them from realizing their potential. If they were authorized to work, vote, study, and travel, they contend, they could establish businesses, contribute to the economy, make scientific advances, and help to solve social problems. Adopting the slogan “unapologetic and unafraid,” undocumented child arrivals have defied legal barriers to speak out about their status as well as the conditions that led their families to immigrate to the United States.<sup>22</sup> Young people have highlighted the social impacts of policies that divide families and communities, restrict opportunities, and fail to protect current arrivals. Through protests, hunger strikes, marches, lobbying, and social media campaigns, child arrivals have insisted on leaving spaces of nonexistence, becoming visible, and dismantling barriers. The outcome of the 2016 US presidential election posed new challenges to immigrant youth and young adults, exacerbating the uncertainty in their lives. The Trump administration's efforts to ramp up border and interior enforcement also increased young people's anxiety about the fates of their family members. Despite this volatile political context, young people will continue to navigate the legal and extralegal institutions and pathways through which they move. I will conclude with the words of Carmina, a child migrant and youth leader. In an interview, she reflected on how her own thinking about borders has evolved:

I realized that borders are a bit arbitrary. That is, that my friends can go to Cancun or Paris on a vacation, without difficulty, they can go there and live there the rest of their lives, even though they don't have much money. But

I, simply because I was born in the Third World, in Peru, I can't do these things. It is as though these borders exist for me and not for them. That is, not for everyone in this country does a border exist. For me, it does. So I realized that the system is much, much bigger than I had thought. Before, I thought, "Reform it, give us citizenship, give us more visas." And I thought afterward, "Reform the bureaucracy so that we all can have visas." And now . . . I am thinking, "Why do we need visas? Why do we need borders? Who is served by them? These [are] tools to divide us."