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RACIAL CAPITALISM, THE PRECARIAT, AND US IMMIGRATION

by

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SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT OF THE DEGREE OF
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***Most of all, I am thankful for my family.
Mom, Dad, and Fia, I love you so much.***

Abstract

Combining the lens of the political economic theories of Racial Capitalism and the Precariat, and applying them to a historical analysis of the US immigration system and its modern implications in US States, we are better able to understand to manner in which the immigration regime works to provide a cheap, exploitable labor force for US industry elites. By establishing and fortifying pre-existing racial hierarchies within the US while also utilizing the precariat's philosophies on flexible labor and a lack of economic security, elites are able to weaponize the fear instilled by the US Immigration system and leverage their bottom line.

RACIAL CAPITALISM, THE PRECARIAT, AND US IMMIGRATION	1
Abstract	2
Introduction	4
Defining The Precariat and Racial Capitalism in Immigration Literature	7
Methods	14
Historical Analysis 1800s-1996	16
1996+ Historical Analysis	21
The States and US Immigration with Comparative Case Study	25
Texas	28
Chicago	33
Conclusion	37
Bibliography	40

Introduction

The first thing I learned in immigration law is fear. I have seen fear in conference rooms, courtrooms, fear in offices, and fear sitting on waiting room couches. I saw fear using crayons in coloring books, and I listened to fear on the phone explaining over and over from a detention center why going back was just not an option. Fear resonates through cubicles when the rules change, which they so often do, and a client is no longer eligible for relief. There is the fear that the government knows more than you realize and has simply decided not to adjudicate quite yet. Some fear their employer and others are fearful for the mom, dad, sister, or aunt that doesn't have the same protections under the law. I have translated the worries of those with fear of their neighbors, teachers, kidnappers, priests, landlords, and husbands from English to Spanish to French: fear; miedo; peur. Each one of them feared the legal fee.

This fear, unlike almost every other element of the US immigration system, seems to be indiscriminate and falls on every individual navigating the immigration system regardless of income and eligibility. For example, international students will tell you about their fears surrounding how to stay in the country after graduation, how to pay bills without being able to work during the school year, and how to avoid a mental health slip that would force them to go part-time and risk deportation. While those living without any authorization from the government, may have different fears: will I be deported if I go to the hospital and get treatment? How can I drive to work without a license? The real challenge, of course, is how to find safe work that pays well and does not ask too many questions. While this insecurity is felt at different levels across the spectrum of immigration experiences, it is always present in the lives of immigrants living in the US.

Make no mistake, fears like these are not inherent to the movement itself. The courage and suffering that come with leaving one country for another, while undeniable, is not the focus of this paper. This analysis is descriptive of a specific fear that comes from state-manufactured insecurity. Excluding select elites that, through virtue of capital, have what essentially amounts to global citizenship¹, immigrants to the United States are systematically deemed either authorized or unauthorized to work and live in the country.

Because of this, it is important to note that this paper will not describe immigrants living in the United States with our documentation as “illegal” or even “undocumented” people. These terms are not only frequently used in dehumanizing ways, but they are also often categorically non-representative of unauthorized immigrants living in the US. Many people who now are unauthorized, were at one point admitted by the US government until they later fell out of status and were made “illegal.” Other individuals have many different types of documentation like driver's licenses and taxpayer identification (ITIN) and school IDs; those benefiting from deferred action programs may even have obtained work authorization (EAD) without legal rights to residency. There are also a select few who would otherwise qualify for immigration benefits and have not yet obtained legal status because they are not aware of the benefits available to them, the cost is simply too high, or they are considered ineligible because of crimes or misdemeanors that, while not recognized as state felonies, are considered felony charges under

¹ Babener, Jeremy. 2020. “Want To Buy U.S. Citizenship? For Foreign Investors, It Now Costs A Cool \$1.05 Million.” Forbes. September 7, 2020. <https://www.forbes.com/sites/jeremybabener/2022/09/07/the-evolving-price-of-us-citizenship/?sh=4d68e8404027>.

US immigration law.² In short, there is nothing inherently illegal, or alien, about migrants themselves. Instead, the US immigration system puts immigration through a process of illegalization, de-documentation, and alienation. While this research is not limited to the experiences of illegalized immigrants, the system should be understood as capable of producing different tiers of conditional authorization.

The objective of this thesis however is to combine the political economic theories of Racial Capitalism and the Precariat, and apply them to a historical analysis of the US immigration system and its modern implications in US States. After defining these theories and their respective applications to the study of immigration, the combined understanding of racial capitalism and the precariat will act as a bi-focal lens for looking critically at the history of the US and at two state case studies.

Analyzing the economic precarity of immigrants and manifestations of racial capitalism established within the US immigration system, will help us better understand how unjust economic outcomes for the immigrant working class are established by the state on behalf of elites and the US economy.

² Cox, Adam B, and Cristina M Rodriguez. 2009. "The President and Immigration Law." *Yale Law Journal* 119 (458): 516.

Defining The Precariat and Racial Capitalism in Immigration Literature

For this analysis, it is essential to not only understand what is meant by “the precariat,” but also to acknowledge the existing literature that applies the theory of the precariat to immigration. The social class of the precariat rests on “class characteristics” derived from the modern conception of labor flexibility.³ A phrase first gaining traction in the 1980s with the push for a neoliberal global market system, “labor market flexibility”, contended that if labor was more flexible, countries could be able to adapt rapidly to changes in the economy.⁴ Flexibility was championed in wages and employment, whereby an employee's wage and employment status could be changed relative to their perceived demand. As could the firm's location if that was desirable to the labor-cost of production. Flexibility has been encouraged by liberal intergovernmental organizations⁵, as a way to advance liberal markets in the global economy.

According to Guy Standing however, the reality is that increased flexibility of firms to change wages, employment levels, and location, ultimately assures the insecurity and isolation of the working class. The resulting precariat class therefore reflects class characteristics that include a lack of job security, employment benefits, legal protection and political power.⁶ With these characteristics, it may seem obvious that immigrant laborers would be included in the resulting

³ Standing, Guy. 2011. *The Precariat : The New Dangerous Class*. London: Bloomsbury Academic. <https://search.ebscohost.com/login.aspx?direct=true&AuthType=sso&db=nlebk&AN=381362&site=ehost-live&scope=site&custid=s8438901>.

⁴ Rodgers, Gerry. 2007. “Labour Market Flexibility and Decent Work.” *Economic and Social Affairs*, DESA Working Paper, , no. 47 (July).

⁵ Paye, Jean-Claude. 1994. “THE OECD JOBS STUDY,”: 48.

⁶ Ibid. 3; Pg 10

precariat class. Given what is widely known about the lives of immigrants on a global scale, it is relatively easy to see where one would characterize immigrants as similarly lacking employment protections and political representation.

In Standing's seminal work, *Precariat: The New Dangerous Class*, he dedicates a chapter to exploring the positionality of immigrants within the precariat and how they are uniquely affected by the conditions of insecurity. Standing asserts, the US aims to limit "migration while facilitating the growth of a low-wage disposable labour supply." These competing interests of wanting cheap labor while also wanting to limit immigration, can help us better understand how the precariat is insured by the state, institutions, and regulatory agencies with various different legal identities applied to immigrants.

In the literature, Standing explores the position of different immigrants within the precariat based on their legal statuses within the country. He first starts with asylum seekers who have no government-assured rights, then "undocumented migrants" who have limited civil rights as residents but are devoid of political, social, and economic security. Closely following the unauthorized migrants, are the authorized migrants that are "granted temporary residence" contingent on their economic contribution and political importance to the state. Some examples of this category of precarious immigrants in the US are individuals with visas and status including H2-A and B Visas, TPS, F1 Student Visa, etc. While these individuals are granted temporary work authorization, and some state and employer benefits, they have almost no political power and no right to social mobility. There is no pathway to long-term residency or citizenship. Finally, there are those with "long-term residence," like green card holders, and those with pathways to legal permanent residency. These individuals are relatively more secure,

however, they are still restricted from social mobility and often are limited to employment far beneath their qualifications because of licensing requirements. Their authorization is also contingent on their compliance with the state, despite having little to no political power.⁷

As the theory of the precariat and its implications for immigrants is relevant to this paper, it is important to take note that regardless of the degree to which migrants find themselves advantaged or disadvantaged in the US, all legal statuses inevitably assure their place in the precariat. Put simply, the theory of the precariat, as applied to immigration says that just immigration outcomes are not civically popular because “too many interests benefit from an army of illegal(ized) migrants.”⁸ Those interests, the interests of elites seeking flexible labor, are consistently championed in immigration procedures throughout US history, by the executive, and by the states.

Ultimately we will combine the two theories of precarity and racial capitalism, and apply them to the aforementioned areas of US immigration procedure. The current use of the term “racial capitalism” closely aligns with the definition used by Cedric J. Robinson, who popularized the term. In his book *Black Marxism: The Making of a Black Radical Tradition*, Robinson outlines the theory of racial capitalism by critiquing Marx’s lack of racial analysis in his assessment of how the bourgeois ruling class has constructed social structures. Robinson claims that “the development, organization, and expansion of capitalist society pursued essentially racial directions, so too did social ideology.”⁹

⁷ Ibid. 3; Pg. 93-95

⁸ Ibid. 3; Pg 91

⁹ Robinson, Cedric J., Robin D. G. Kelley, Damien M. Sojoyner, and Tiffany 1973- Willoughby-Herard. 2020. *Black Marxism : The Making of the Black Radical Tradition*. Revised and Updated third edition. 1

Capitalist class distinctions were, therefore, founded along the lines of existing racial hierarchies established by historical colonial settlement, control, and requisition: The feudal and mercantilist systems of the past established racialized distinctions between colony and kingdom, subjects and rulers, feudal peasants and lords, slave and master. Then the shift to industrial capitalism was a continuation of old social hierarchies and reconstructed the existing racialized inequalities to be compatible with capitalist ideas of accumulation and the mode of production. Capitalism establishes inequality between workers and the capital-owning class, the dispossessed and private property owners, debtors, and creditors. This evolutionary course towards our modern economic system, ultimately made racialization and capitalist development indistinguishable. In this sense, “capitalism is racial capitalism.”¹⁰

Since this theory was introduced and popularized, racial capitalism is typically applied to ties between races to the accumulation of capital more broadly. The modern application of the theory contends that the accumulation of capital fundamentally relies on the unequal distribution, and thus inequality, of different social groups¹¹, and that racism serves to institutionalize inequality. In conjunction with the theory of the precariat, racial capitalism can serve to explain the way that unjust immigration outcomes protect and sustain a class of US corporate elites.

online resource (liii, 436 pages) vols. Chapel Hill [North Carolina]: The University of North Carolina Press: 2. https://www.jstor.org/stable/10.5149/9781469663746_robinson.

¹⁰ Jodi Melamed. 2015. “Racial Capitalism.” *Critical Ethnic Studies* 1 (1): 77. <https://doi.org/10.5749/jcritethnstud.1.1.0076>.

¹¹ Kelley, Robin D. G. 2017. “What Did Cedric Robinson Mean by Racial Capitalism?” *Boston Review*, January 12, 2017. <https://www.bostonreview.net/articles/robin-d-g-kelley-introduction-race-capitalism-justice/>.

Scholars like Gargi Bhattacharyya start the work of combining these theories of racial capitalism and economic precarity. In her book *Rethinking Racial Capitalism: Questions of Reproduction and Survival* she asks the question, “has precarisation replaced raciality in the workplace?” She finds that rather than precarity replacing race, racial capitalism helps explain why so often labor exploitation/flexibility falls on racialized groups. She says “precarisation is a process of labour exploitation, not a technique of socializing exclusion...we might consider precarity as the back-drop...encouraging the deployment of any and every racialised defense available”.¹² Bhattacharyya, therefore, would view border policy as an example technique of labor exploitation that relies on the “racial subjugation” of systemic racial capitalism, saying that “in a narrow set of instances, state actions have been planned and operationalized as a part of an explicit project of racial subjugation. More generally, state actions to smooth the path of capital intersect with processes of racial subordination unevenly and sometimes unexpectedly.”¹³

While Bhattacharyya’s global analysis combines the theories of the precariat and racial capitalism and applying them to global migration, I use this understanding of operationalized racial subjugation as the backdrop for how the precariat has been assured for the elite class over the course of US immigration history and now, by executive and statewide policy. The little literature there is specific to the United States immigration system and the precariat, almost universally applies the lens of race.

¹² Bhattacharyya, Gargi. 2018. *Rethinking Racial Capitalism: Questions of Reproduction and Survival*. Cultural Studies and Marxism. London New York: Rowman & Littlefield International: 109-110.

¹³ Ibid. 12 Pg 133

Ruth Milkman's work, *Immigrant Labor and The New Precariat* applies racial capitalism to precariat to explain inter-precariat animosity wherein political elites present immigrants as a threat to the native-born working class. This populist rhetorical framework is particularly targeted at non-college-educated white Americans, who feel insecure in their employment given its precarity. This zero-sum mentality is especially interesting to Milkman, who says that these "jobs did not disappear but instead were degraded by such business strategies as subcontracting, deregulation, and efforts to weaken... unions" to such a degree that US-born wage-laborers left to find other employment and those more precarious, immigrants, were then employed at those stations. Specifically "domestic work and other low-wage service jobs formerly dominated by African Americans' became sites of extreme job degradation and shifted demographically towards the use of cheap immigrant labor."¹⁴ By combining the precariat and racial capitalism, the result is a more complex lens for looking at how the precarious immigrant working class is established and maintained along existing racial hierarchies. However, while this Milkman applies a similar combination of political theories to labor dynamics, this paper aims to focus more on specific immigration policy and history.

A great example of racial capitalism and the precariat being applied to very specific areas of immigration law is in the book *Disciplinary Futures* by Pawan Dhingra. In the book, Pawan Dhingra applies these concepts to the H-1B visa. He explains how while immigrant IT workers in Silicon Valley may be seen as being very different from an agricultural H-1A visa holder in the Central Valley when viewing the "broader context of their visa status within a racialized economy," both visa holders carry with them an incredible amount of economic precarity. This is

¹⁴ Milkman, Ruth. 2020. *Immigrant Labor and the New Precariat*. Immigration & Society Series. Cambridge Medford, Mass: Polity press: 162.

because the state has created the conditions under which “racialized laborers...are here to serve an industry lacking US-born” workers. Therefore, they are authorized conditional to their employer and have little to no bargaining power.¹⁵ Literature like this is valuable because it similarly illustrates the racial capitalism and the creation of the precariat is assured for elites that profit from these systems of exploitation, however what it this paper hopes to add to the literature is a better understanding of how these combined theories explain the role of the the US government in assuring the interest of elites in US immigration policy and procedure.

Methods

To conduct my research, I will use a mixed methods approach to analysis. The first method will consist of a historical analysis of the US immigration system through the lenses of racial capitalism and the precariat. I will then transition into an analysis of the states with a specific focus on recent policy, practice, and agenda-setting by the local governance by utilizing two case studies.

When looking specifically at the history of US immigration, the analysis will consist of two sections. The first section is a brief history and analysis of the US immigration system starting in the 1800s and leading to 1996. The reasoning for setting that specific time period in its own section is due to the fact that this time period predates the modern gridlock that has become the reality of American immigration politics. While there is still a basis for the application of the

¹⁵ Kim, Nadia Y., and Pawan Dhingra, eds. 2023. *Disciplinary Futures: Sociology in Conversation with American, Ethnic, and Indigenous Studies*. New York: New York University Press.

precariat and racial capitalism in this period, the policymaking immigration procedure looked different from today's modern immigration landscape.

The gradual establishment and construction of the US Immigration system is incredibly important, especially within the context of racial capitalism. Racial capitalism views the accumulation of capital and racial degradation as mutually reinforcing structures. In order to fully grasp how these structures were built into what we now consider to be our modern US immigration system, one must look critically at the historical realities of this system. This paper attempts to provide a comprehensive outlook on racial capitalism as the essential backdrop for the establishment of the precariat within US immigration history, while still paying attention to our modern immigration context.

In exploring modern US immigration policy and procedure, the second part of the historical analysis will start with IIRIRA in 1996 and expand into today. The reason for this distinction is the importance of IIRIRA as the last true piece of comprehensive immigration reform that had an incredibly large impact on the modern immigration politics of today. It also marked the shift in the second part of the historical analysis portion towards the power of the executive and state legislature.

After applying the history of the American immigration system to the theoretical frameworks of racial capitalism and the precariat, I will then use two case studies to look at the recent expansion of policymaking, procedure, and agenda-setting by the states. The case studies will look specifically at Texas and Chicago for my analysis. These states were chosen because

they both are facing unique challenges with immigration procedure, Texas being a border state and Illinois as being a state receiving immigrants after arrival. With the partisan nature of the US Immigration conversation, it was also important for the states to be on different sides of the American political spectrum. The state of Illinois is firmly Democrat and Texas firmly Republican. These states were also chosen specifically because they currently are engaged in highly immigration policymaking that has been widely publicized in the last year. For that reason much of the primary source material for this specific section will be heavily supported by news media sources, reports, and policy briefings. These states and their respective policies are not meant to be representative of the policies apparent in each state in the US, but rather an acknowledgement that racial capitalism and the precariat can and should be applied when considering all statewide immigration actions

The result of this two-part analysis, historical and modern, will be a body of research that explores the relationship between the precariat and racial capitalism in US immigration. The ultimate findings will demonstrate how these two theories inform immigration outcomes for both US elites and for the immigrants living under this system.

Historical Analysis 1800s-1996

It is essential to establish the racial and economic precedent for immigration practices and policies that laid the foundation for the current US immigration context. As early as the nineteenth century, nativist white Americans fought for restrictions against incoming German, English, Scottish, Norwegian, French, and Irish immigrants. Their arrival was accompanied by

intense xenophobia.¹⁶ Especially towards the Catholic migrants who found themselves racialized in America with segregated, poor labor opportunities. This form of racialization is not dissimilar from Robinson's racial capitalist description of the European enclosure movement in saying that elites explained "the inevitability and the naturalness of the domination of some Europeans by other Europeans."¹⁷ In the US, working within the racial hierarchies that had been developed over the history of slavery and colonialism, Europeans were able to devalue the labor of certain types of immigrant groups.

Eventually, however, the catholic migrant's approximation to the white native-born populous shifted¹⁸ as immigrant groups aligned themselves politically against Black and Asian workers. Similar to industrialization and westward expansion (labor demands that had inspired European migration in years past) in the later part of the nineteenth century Chinese immigrants were recruited by mining and railroad companies to meet the needs of US corporations. It is no coincidence that at the same time as Jim Crow was taking shape in the southern United States, states like California enacted harmful, racist immigration statutes and practices.¹⁹ Sinophobia reached a head with the passage of the Chinese Exclusion Act in 1882, banning immigration from China for 10 years.²⁰ The Chinese Exclusion Act was followed by a slew of immigration policymaking that extended into the early twentieth century, targeting Asian migrants for their perceived threat to the white worker including the so-called Japanese Gentleman's Agreement and "Asiatic Barred Zone".²¹

¹⁶ Tichenor, Daniel J. 2002. *Dividing Lines: The Politics of Immigration Control in America*. Princeton Studies in American Politics. Princeton, N.J: Princeton University Press: 56.

¹⁷ Ibid. 9 Pg. 27

¹⁸ Ignatiev, Noel. 2009. *How the Irish Became White*. Routledge Classics. New York: Routledge.

¹⁹ Ibid. 16 Pg. 113

²⁰ Wu, Y. 2023. "Chinese Exclusion Act | Definition, History, & Facts | Britannica." Encyclopedia Britannica. October 16, 2023. <https://www.britannica.com/topic/Chinese-Exclusion-Act>.

²¹ Ibid. 16 Pg. 91-140

It should come as no surprise that immigrants were both solicited by US business owners, while also being met with the swift establishment of an exclusionist racial order that was codified by state and federal law. This phenomenon relied on the eugenics movement that aimed to confirm the racial animus towards immigrant workers. Eugenics “experts”, including those serving on The Dillingham Commission in US Congress, provided unscientific proof that Asian and Eastern and Southern European immigrants were biologically less deserving of American citizenship and employment. In this way, elites were able to provide what they believed to be scientific proof that legitimized their exploitation of precarious migrant groups along the existing hierarchies of racial capitalism.

With the implementation of the quota system and literacy tests along with the advent of offshore consular processing, it is easy to look at restrictive policies as purely tools for controlling the demographic composition of the United States.²² While it is important to remember the official posture of the United States was that of isolationism, meaning against the inclusion and arrival of foreigners, the reality was much more of a two-faced American immigration landscape. It is true that on one hand, the United States continued to support various restrictions against immigrants. Many of these types of policies adopted at this time have continued to be applied in our modern immigration system including the discretion given to consular officers in allocating American immigration benefits²³ and an increase in enforcement

²² Ibid. 16 Pg. 147

²³ Gleason, Peggy. 2021. “USCIS Policy Manual Makes Sweeping Changes to Discretion.” Immigrant Legal Resource Center: 13.
https://www.ilrc.org/sites/default/files/resources/sweeping_changes_in_uscis_policy_manual_for_discretion_3.19.21.pdf.

of barring those thought likely to become a “public charge”²⁴, a term now central to the immigration conversation. Both of these policy changes had profound effects on the ability of migrants of certain racialized backgrounds to secure legal, safe employment.

However at the same time as these restrictions were being put into place, elites were able to use the racial exclusion of migrants to create a secondary market for the free flow of cheap and exploitable labor. This temporary class of precarious labor was solicited by US business owners with the understanding that, while policies had remained restrictive, the southern border was largely unregulated. This was especially true for elite growers who benefited from the government turning a blind eye to Mexican farm labor, assuring a constant supply of guest workers. These guest workers were explicitly not protected by the state against labor exploitation and were easily deportable.²⁵

Perhaps the most obvious example of this form of precarity was the mass deportation campaign Operation Wet-Back following the Bracero program of the 1940s.²⁶ In an agreement between the United States and Mexico, the program welcomed migrant farm workers with short-term contracts and was originally proposed by growers as a response to the labor demand during World War II. However, the terms of these contracts were seldom respected and the living and working conditions for those within and outside of the Bracero program were incredibly poor.²⁷

²⁴ Kelly, Mary Louise. n.d. “The History Of ‘Public Charge’ Requirements In U.S. Immigration Law : NPR.” All Things Considered. Accessed December 12, 2023. <https://www.npr.org/2019/08/13/750897658/the-history-of-public-charge-requirements-in-u-s-immigration-law>.

²⁵ Ibid. 16 Pg. 170

²⁶ Funderburk, Brent. 2021. “Operation Wetback | Meaning, Immigration, Summary, Bracero Program, & Facts | Britannica.” September 24, 2021. <https://www.britannica.com/topic/Operation-Wetback>.

²⁷ Ibid. 16 Pg. 173

While the two-faced nature of the US immigration system might not at first seem logical from a policymaking perspective, when the theory of the precariat is applied, all becomes clear. This phenomenon perfectly highlights the theory of labor flexibility as seen by Standing: the state uses policy to assure elites access to a cheap and easily exploitable working class. Given the racialized disposability of Mexican farm laborers and the alliances between border enforcement and growers, labor organizing was, and remains, incredibly difficult for immigrant agricultural workers.

Following the Second World War, the isolationism of the past proved impossible and the US was forced to make a pivotal shift towards an expansionist stance on immigration. The United States recognized that its on-going history of racial segregation and inequality against Black native-born Americans and Immigrants was not promoting the compelling image of a liberal democratic world leader that it needed to combat the perceived threat of communist sentiments. Therefore, there was a definitive shift away from an immigration system that used explicitly eugenics-based political messaging. The immigration conversation started to prioritize civil rights with an emphasis on policies that promoted family unity and the implementation of skills-based preference categories for immigrants seeking benefits. Generally, there was a recognition that policy had to send a clear inclusive American message. An example of this being Cuban migrants whose economic precarity was lessened by state policy, in order to promote a vision of capitalist democracy.

However, neoliberal optics aside, much of the racially based immigration practices remained and solidified with the maintenance of preference categories. The precariat immigrant

labor class was assured along racialized lines with clear distinctions between migrants that were seen as undesirable, for example, agricultural workers and Haitian migrants. Their exclusion meant that “undesirable” immigrants that were able to immigrate were often subject to scrutiny by the state and therefore continued to make an exceptionally exploitable workforce for US business owners and elites. This was also exclusion even within the same anti-communist rhetoric that was purported to be expanding immigration policy. Due to communist anxieties, individuals could now risk deportation for speech that would have been protected by the First Amendment had they been citizens.²⁸

Put simply, while the post-war period was more expansionist, much of the policy and reform that came during this period aimed to progressively control incoming immigrants, and enforce federal law. Policies leading into the mid 90s that worked to reestablish and solidify the quota system, along with the additions of employment and family-based preference categories, live on and affect the racialized construction of the precariat, immigrant class.

1996+ Historical Analysis

In tracing the manner in which the precariat, immigrant class was built on the foundational elements of racial capitalism of the US immigration system, it is important to look not only at history but also at our more recent past. Many scholars mark the transition into our modern immigration landscape with the last piece of comprehensive immigration legislation from 1996, the Illegal Immigration Reform and Immigration Responsibility Act or IIRIRA and the preceding Immigration Act of 1990. The Acts aimed to meet and regulate the need for labor

²⁸ Schrecker, Ellen. 1996. “Immigration and Internal Security: Political Deportations during the McCarthy Era.” *Science & Society* 60 (4): 393–426.

by expanding access to immigration visas, developing temporary work visas: H1 Visas, establishing a diversity lottery system and temporary protected status, and a program for employer-sponsored eligibility. It also included a general push for migrant deterrence, with increases in border security. They are important to understand in order to grasp the policies and interests of our modern immigration system.

As part of a national campaign for “law and order”, IIRIRA should be regarded in conversation with the other legislation that aimed to crack down on crime. This national push specifically targeted certain economically disenfranchised racial groups that the government deemed noncompliant and undesirable. As far as immigration is concerned, the Act was a marked transition towards our modern rhetorical focus on “national security” when talking about immigration law.²⁹ Like the related “war on drugs”, this shift in language and scrutiny followed the pre established racial capitalist trajectories, falling especially hard on racialized immigrant groups that had already been subject to exploitative labor conditions.

This targeted phenomenon manifested in various ways. Aligning with the national discourse surrounding crime, IIRIRA increased penalties on immigrants who violated US law. Unlike the laws of the past, this expansion penalized immigrants regardless of whether or not the laws they violated were directly related to immigration law or not. Thus, there was an expansion of violations that were considered deportable offenses for both those without legal status and those with legal residency. Non-violent violations, many of which were not even classified as

²⁹ Macías-Rojas, Patrisia. 2018. “Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.” *Journal on Migration and Human Security* 6 (1): 1–25. <https://doi.org/10.1177/233150241800600101>.

crimes at the state level, became grounds for deportation.³⁰ By criminalizing actions that would have otherwise not been grounds for deportation, the government enhanced the state of precarity for immigrants living in the United States. This non-acceptance and conditional acceptance model punished and targeted migrants who had already been systematically disenfranchised. IIRIRA also included measures to enhance border security and the three and ten-year unlawful presence grounds of inadmissibility. These bars are considered to be some of the greatest barriers preventing immigrants living in the United States from becoming residents and obtaining legal working status today. Part of Section 212(a)(9)(B) of the Immigration and Nationality Act (INA), are statutes implemented as part of IIRIRA that outline how immigrants accrue “unlawful presence” will be subject to barriers to re-entry. The laws regarding the three and ten-year bars introduced with IIRIRA have left immigrants who would otherwise qualify for a green card with an incredibly difficult decision to make. They must either leave the country and consular process with their application and risk not being admitted back into the United States, or continue to live in the country but without status.³¹ For the following years, this specific element of IIRIRA has been cited as being particularly discriminatory and harmful.

Along with many other elements of this legislation, this specific tenant of IIRIRA has left a lasting legacy of precarity and fear for immigrants who have been illegalized by the US immigration system and cannot seek lawful employment or leave the country without harsh penalties. Many immigrants who live and work in the United States are already subject to the

³⁰ Lind, Dara. 2016. “The Disastrous, Forgotten 1996 Law That Created Today’s Immigration Problem.” Vox. April 28, 2016. <https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>.

³¹ Chang, Pearl. 2009. “Consolidation of Guidance Concerning Unlawful Presence for Purposes of Sections 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act.” https://www.uscis.gov/sites/default/files/document/memos/revision_redesign_AFM.PDF.

constraints of racial capitalism that prevent social empowerment and agency. This is only exacerbated with policies, like the inadmissibility bars, that condemn racialized, disenfranchised immigrants to the precariat class by making citizenship almost impossible.

The importance of 1996 to this analysis, however, is not only because of its content and resounding impact but also because the Act was notably the last piece of significant immigration legislation to come out of Congress. Since this point, the coming decade brought with them a shift towards a de-federalization of the American immigration system and enforcement. Instead, the power of effecting change in the immigration policies have since come from executive action and changes in statewide policy. Unlike acts from congress that require a majority vote from a diverse set of representatives with different interests, policy that is directed on the executive and state level is much more subject to an individualized set of interests.

Specific to this paper, this is especially true when certain elites in the state have an economic interest in local outcomes. Given the nature of local electoral politics and economic agenda setting, elites are often able to leverage their interests far beyond the capacities of the general public alone.³² Given that immigrants to the United States make up such a large source of labor for US industries, often the interests of elites are retaining that source of labor and doing so at the lowest possible price point which can contribute to the establishment of the immigrant precariat class. This means that both the executive and the states have the potential to aggrandize

³² Uslaner, Eric M., and Ronald E. Weber. "Policy Congruence and American State Elites: Descriptive Representation versus Electoral Accountability." *The Journal of Politics* 45, no. 1 (1983): 183–96. <https://doi.org/10.2307/2130330>.

their influence in setting immigration agendas, even when there is not necessarily a national public interest in pursuing such policies.

In a recent historical sense, the terrorist attack of 9/11 and the subsequent executive power is a great example of executive expansion of power towards these ends. Following 9/11, the Homeland Security Act was signed into law by George W. Bush establishing both the Department of Homeland Security (DHS) and the corresponding cabinet-level secretary position. In Bush's executive order, he outlined DHS, and its three federal agencies U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS)³³, as the office "to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks."³⁴ Following 9/11, there was a serious increase in the number of detentions of individuals without status living in the United States. This was despite the fact that the US government failed to connect a single person detained and/or deported as having any connection to the events that took place on 9/11. These detentions and general strict scrutiny applied during this time fell on groups of immigrants that had already been marginalized due to the existing structures of racial capitalism and the precariat working class. This was only exacerbated by political strategy that ultimately "fueled the impression that the government sought to target Muslims."³⁵ It is also worth mentioning that many of the immigration policies adopted by USCIS would not have prevented the terrorists in 9/11 from accessing the United States, it has long been

³³ Pope, Amy. 2020. "Immigration and U.S. National Security: The State of Play Since 9/11." Migrationpolicy.Org. April 7, 2020. <https://www.migrationpolicy.org/research/immigration-us-national-security-since-911>.

³⁴ Bush, George W. 2001. *Executive Order Establishing Office of Homeland Security*. <https://georgewbush-whitehouse.archives.gov/news/releases/2001/10/20011008-2.html>.

³⁵ Cox, Adam B, and Cristina M Rodriguez. n.d. "The President and Immigration Law.": 532.

reported that it was for lack of intelligence information, not weak immigration policy, that allowed for the attack.³⁶ In the following chapter of analysis, we will gain more insight into the devastating affects the establishment of the aforementioned immigration enforcement agencies has had on immigrant communities.

Before looking at our modern statewide immigration policy and elite interests, it is critical to apply the historical context to our current immigration system. This chapter has worked to establish the undeniable ties between the racial discrimination of immigrants and the accumulation of capital. In systematically disenfranchised newcomers, the US government has essentially established a class of easily exploitable, temporary, and disposable workers. This immigrant precariat class has been historically reinforced for US corporate elites, who benefit from cheap labor, by governmental enforcement. In the following chapter, we will look specifically at state policy as we continue to explore the racial capitalist foundation for the US Immigration system and the subsequent establishment of the immigrant precariat class.

The States and US Immigration with Comparative Case Study

Since the terrorist attack on 9/11, there has been a noticeable change in state power in enacting immigration policy. The book *States of Belonging: Immigration Policies, Attitudes, and Inclusion* describes the modern relationship between the federal government and individual states in the immigration system saying “The federal government remains the primary authority for admitting immigrants, defining their status, and granting citizenship. But state and local governments have been active in setting their immigration policies, dictating the resources,

³⁶ Margaret D. Stock and Benjamin Johnson. 2003. “THE LESSONS OF 9/11: A Failure of Intelligence, Not Immigration Law.” *American Immigration Council* 2 (3): 3–4.

institutions, and opportunities that immigrants can access.” When looking to the states for a better understanding racial capitalism and the precariat in US immigration, this conditional distribution of resources is critical. These measures can include anything from restrictive measures that prevent immigrants from having access to educational scholarships and driver's licenses, to expansive measures that provide support for illegalized immigrants.³⁷ In short, they greatly impact a community member's safety to live and work.

A recent example is the state of Florida, which has fostered a daily reality “governed entirely by fear.” The state recently came under scrutiny for local laws that limit the movement of illegalized immigrants, putting pressure on employers to hire workers without status, and even requiring that patients be asked about their status before receiving care.³⁸ Such state policies and practices therefore assure insecurity for migrants living in the United States, by simultaneously profiting off of their labor while systematically denying them social benefits as taxpayers and putting them in dangerous situations of dependence on their employers.

Not only have the state-wide immigration measures litigated the distribution of resources to migrant communities, they have also included collaboration with ICE agents by local law enforcement. While there is no federal requirement that state law enforcement agencies enforce federal immigration law, most counties across the US assist ICE agents with deportations. Many of these state agents are funded by their state legislature to work in tandem with DHS to enforce

³⁷ Dovidio, Tomás R. Jiménez, Deborah J. Schildkraut, Yuen J. Huo, and John F. 2022. “Growing State and Local Role in U.S. Immigration Policy Affects Sense of Belonging for Newcomers and Natives Alike.” Migrationpolicy.Org. June 16, 2022. <https://www.migrationpolicy.org/article/immigration-policy-sense-belonging>.

³⁸ Salomon, Gisela. 2023. “Uncertain and Afraid: Florida's Immigrants Grapple with a Disrupted Reality under New Law | AP News.” AP News. September 15, 2023. <https://apnews.com/article/florida-immigration-law-effects-immigrants-desantis-6997fe6cdbcf9d0b309bb700690e747>.

federal immigration law.³⁹ By enlisting law enforcement agents and local justice systems into the ICE apparatus, with initiatives like the 287(g) program⁴⁰ states play an augmented role in the captures, prosecutions, and deportations of immigrants to the US.

This aligns well with Standings theory of the precariat which says that, at the most basic level, the precariat is made precarious with labor market insecurity: with no opportunities for stable forms of income and no government commitment to securing employment.⁴¹ Upholding the precariat class is predicated on the lack of governmental protection and the enforcement of laws that threaten the security of certain racialized immigrant groups.

To further an understanding of the effect to which theories of racial capitalism and the precariat underscore state-wide immigration policy and procedure, this research will use the states Texas and Illinois as case studies.

Texas

First outlining the current state of immigration in Texas, this analysis will then apply the lenses of racial capitalism and the precariat to better understand the nexus that informs such policy and procedure. An example of a recent statewide policy initiative called Operation Lone Star. In March of 2021, Texas Governor Greg Abbott declared that Texas was in a state of emergency. Citing a perceived increase in border crossings and fentanyl trafficking, he used his capacity as governor to create a program to increase border control and enforcement. Operation

³⁹ "National Map of Local Entanglement with ICE | Immigrant Legal Resource Center | ILRC." 2019. Immigrant Legal Resource Center. November 13, 2019. <https://www.ilrc.org/resources/national-map-local-entanglement-ice>.

⁴⁰ "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act | ICE." 2023. <https://www.ice.gov/identify-and-arrest/287g>.

⁴¹ Ibid. 3 Pg. 10

Lone Star is a multifaceted state program that aims to restrict immigration into Texas as well as restrict access to services for immigrants currently living within the state.⁴²

Operation Lone Star has pursued these goals in a multitude of ways. The response included the deployment of the Texas National Guard at the border. After Abbott asked for support on these policies, 12 GOP Governors also said that they would send 1,305 National Guardsmen and 231 law enforcement personnel to Texas. It also increased funding for local law enforcement agencies as partners with ICE enforcement, as discussed in the previous chapter. Beyond the funding and expansion of individuals enforcing immigration law in the state, there is also a portion of the operation dedicated to bolstering the physical border itself. Between allocating funds towards a border wall and the use of the floating border in the Rio Grande, there has also been increased funding for physical barriers.

Provisions including the floating barrier and razor wire, a matter of border security, and high-speed car chases, a matter of enforcement, have gotten quite a bit of media attention in the time following their implementation. The floating barrier has saw-like devices attached to it and there was a report that received sizable media attention wherein an individual was found dead trapped up against the devices. Reports later said that the migrant had drowned upstream. Mexico has also contended that the floating border violates international law and the US dept of Justice is suing the state of Texas. The program also established a concertina wire

⁴² Goodman, J. David. 2023. "Texas Patrols Its Own Border, Pushing Legal Limits." *The New York Times*, May 9, 2023, sec. U.S. <https://www.nytimes.com/2023/05/09/us/texas-border-enforcement-abbott.html>.

fence as another deterrent for migrants crossing into the United States.⁴³ Beyond the inhumane changes at the border, a report done by Human Rights Watch found that in the first 16 months of the program, at least 30 people died and 71 others were injured in “high-speed vehicle pursuits” as they were being chased by law enforcement and ICE agents.⁴⁴ While these are just a few of the operations occurring as a part of Operation Lone Star, many different projects will require more funding and all of the projects rely on the criminalization of laborers coming to the United States and the usage of incredibly racialized, discriminatory language.

The cost of Abbott’s operation is significant. In March of 2022, a comprehensive report done by The Marshall Project, ProPublica, and the Texas Tribune found that the operation cost Texas taxpayers 2.5 million dollars per week. As part of the same project, the Texas Legislature passed House Bill 9 to give almost two billion dollars to border security in the next two years and an additional 750 million dollars for a state-funded border wall.⁴⁵ This is also not including the donations being raised by private donations to fund elements of the operation like “Border Security Funding Donations”, “Border Wall Funding Donations”, and “Border Transportation Funding Donations”.⁴⁶ In summary, the operational costs alone have been reprehensible, especially given that there does not seem to be “any evidence that Operation Lone

⁴³ Staff, Al Jazeera. n.d. “Operation Lone Star: All You Need to Know about the Latest US Border Flashpoint.” Al Jazeera. Accessed December 13, 2023.
<https://www.aljazeera.com/news/2023/8/9/operation-lone-star-all-you-need-to-know-about-latest-us-border-flashpoint>.

⁴⁴ “So Much Blood on the Ground.” 2023. *Human Rights Watch*, November.
<https://www.hrw.org/report/2023/11/27/so-much-blood-ground/dangerous-and-deadly-vehicle-pursuits-under-texas-operation>.

⁴⁵ Perla Trevizo, Lomi Kriel, Andrew Rodriguez Calderón, and Kengo Tsutsumi. 2002. “Reality Check: Seven Times Texas Leaders Misled the Public About Operation Lone Star — ProPublica.”
<https://www.propublica.org/article/texas-greg-abbott-border-crisis-facts>.

⁴⁶ “Operation Lone Star.” n.d. The State of Texas Governor. Accessed December 13, 2023.
<https://gov.texas.gov/operationlonestar>.

Star is making measurable progress towards its stated goals to “deter migration” and thwart cartels involved in drug trafficking and people smuggling.”⁴⁷

Another very visible and critical element of Operation Lone Star has been the migrant busing project. In what has been an unprecedented move of a state’s elected officials “insert(ing) themselves in immigration processing that is typically handled by the federal government”⁴⁸ The state of Texas has been taking groups of legal asylum seekers in free buses to different places around the country that have been, at least rhetorically, accepting immigrants. The busing appears to be an optical statement, more than a true response to aiding DHS capacity given that the busing has been recognized as causing logistical issues. These cities are selected based on their status as sanctuary cities regardless of the somewhat hypocritical fact that the immigrants being bused are legally authorized asylum seekers. The stated goal has been to alleviate some of the pressure from Texas to provide services for the asylum seekers in local border communities and also to try and push the federal government to increase border measures by making this very public statement. The federal government has yet to do anything in response to this particular approach.

There are a lot of differing views on the buses themselves. Many people see this program as a detriment to immigration policy and practice. They view Texas as having essentially shipped unresourced asylum seekers around the country, with little thought of their well-being and the

⁴⁷ Ibid. 45

⁴⁸ Jasmine Aguilera. 2022. “Migrants’ Experiences on Greg Abbott’s Buses to Washington.” TIME. September 12, 2022. <https://time.com/6211993/greg-abbott-migrants-buses-texas-dc-new-york/>.

impact it would have on the receiving communities that lack infrastructure to support them.⁴⁹

There will be more analysis specifically on this view within the scope of racial capitalism and the precariat with the Chicago case study later in this comparative analysis, for example. It is also true, however, that the asylum seekers on the shuttles have voluntarily chosen to get on the free bus. Many of the people interviewed in a piece for the Times conveyed appreciation at the opportunity to get closer to a place where they have family or resources.⁵⁰ While perhaps unintended, this program is not necessarily to the detriment of migrant's personal best interests and what was originally a divisive political move, is now being somewhat adopted in Democrat stronghold cities, like Denver, CO.

How the state of Texas has chosen to expand its policy-making power for the sake of restricting immigrants can be applied to the theory of the precariat in several ways. The reality is that while the Texas state government claims to be limiting migration to the state by investing billions into border security measures, more than 1.1 million workers in Texas lack legal status. That is almost 8% of the total workforce of the state. Major sectors of the Texas economy rely on migrant labor. This labor is sought after by employers because migrant workers lack the protections of the state and therefore accept "low pay and exploitation."⁵¹ One might notice that all of the restrictions mentioned by Operation Lone Star, target the migrants themselves, but not the employers seeking to hire them. Standing describes this phenomenon within the precariat saying "many governments have connived in this (illegalization), claiming they are limiting

⁴⁹ Goodman, J. David. 2023. "Texas Has Bused 50,000 Migrants. Now It Wants to Arrest Them Instead." *The New York Times*, October 18, 2023, sec. U.S. <https://www.nytimes.com/2023/10/18/us/migrants-buses-texas-abbott.html>.

⁵⁰ Ibid. 48

⁵¹ Hill, Travis Putnam. 2016. "In Texas, Undocumented Immigrants Have No Shortage of Work." *The Texas Tribune*. December 16, 2016. <https://www.texastribune.org/2016/12/16/undocumented-workers-finding-jobs-underground-econ/>.

migration while facilitating the growth of low-wage disposable labor supply.”⁵² By simultaneously employing and recruiting migrants, while also building racial resentment among the working class and expanding the enforcement regime by combining the forces of ICE, local law enforcement agencies, and the National Guard, Texas has effectively promoted and maintained the migrant precariat working class has no civil protection, but still benefits the economy.

In the case of legal immigration, such as is true for those claiming asylum in Texas, Standing talks about conditional rights granted to those in the precariat as “denizenship.” Denizens without legal forms of documentation or those who are asylum seekers are content to have “civil rights” but lack “economic or political rights” and power. Within the precariat, there are individuals, like the asylum seekers exported by Texas to other states for the sake of a political agenda, who may be “granted temporary residence but are restricted by their...status in what they can do legally.”⁵³ Asylum seekers, while legally permitted to take up residence in the United States whilst their case is being adjudicated, are not granted work authorization in conjunction with their asylum pending status. Thus, because of their conditional legality and relationship to the government, they must participate in the shadow economy to support themselves.

Chicago

⁵² Ibid. 3 Pg. 91

⁵³ Ibid. 3 Pg 94

One of the main recipients of buses of asylum seekers from Texas has been the city of Chicago. Chicago is the next case study when looking at the expanded role of the states in enacting immigration procedure through the combined lenses of the precariat and racial capitalism. Along with those newcomers who have found their way to Chicago by other means, the result has been a huge influx of migrants with very few resources. Chicago blames this instability for migrants on states like Texas that, in the view of Governor J.B. Pritzker, have “used (asylum seekers) as political chess pieces.”⁵⁴ The principal response by the city of Chicago is to help migrants obtain shelter and to provide case management where possible. The result has been hundreds of people staying at or around police stations, the O’Hare International Airport, and in shelters. Chicago is also currently working to build a “Brighton Park Base Camp” for weatherized shelter for immigrants that have just arrived in Chicago and are at risk of dying from extreme temperatures⁵⁵ and, more generally, plans to spend an additional 160 million to care for the asylum seekers.⁵⁶

While the general response by Chicago to the buses of migrants coming from other states could be described as overwhelming but inclusive, recently there has been a shift in the city. Chicago officials are now limiting shelter to 60 days. Asylum seekers also no longer qualify for rental assistance. And finally, there have also been crackdowns on the buses arriving. The city

⁵⁴ Heather Cherone. 2023. “Pritzker, Johnson Praise Biden for Allowing Migrants to Work While Seeking Asylum.” WTTW News. September 21, 2023. <https://news.wttw.com/2023/09/21/pritzker-johnson-praise-biden-allowing-migrants-work-while-seeking-asylum>.

⁵⁵ Heather Cherone. 2023. “State Officials to Use \$65M to Build Brighton Park Base Camp, Transform Little Village CVS into Migrant Shelter | Chicago News | WTTW.” WTTW News. November 27, 2023. <https://news.wttw.com/2023/11/27/state-officials-use-65m-build-brighton-park-base-camp-transform-little-village-cvs>.

⁵⁶ Heather Cherone. 2023. “Pritzker, Johnson Praise Biden for Allowing Migrants to Work While Seeking Asylum.” WTTW News. September 21, 2023. <https://news.wttw.com/2023/09/21/pritzker-johnson-praise-biden-allowing-migrants-work-while-seeking-asylum>.

has established that it will fine buses that release asylum seekers outside of the official landing zone and arrive outside of curfew hours of 8 am-5 pm Monday-Friday.⁵⁷ These two new provisions are very different from the city officials' previous approach that prioritized caring for new arrivals. The provisions do not say who exactly will be evicting the migrants from their current places of shelter and some fear that this restriction will put many at risk of crime and homelessness in the cold Chicago winter.

Another way that the Illinois state legislature has set immigration policy and procedure is through the identification of sanctuary states. In 2017, under the TRUST Act, the state of Illinois became a sanctuary state that "prohibits local law enforcement in Illinois from participating in immigration enforcement."⁵⁸ This act was met with some excitement from local advocates who see Illinois's sanctuary status as being reassuring to migrants who need to call the police but fear being reported to ICE. This law prevents enforcement from holding someone that they wouldn't have otherwise held without an ICE request. However, ICE can still enforce federal immigration law in the state. If ICE wishes for law enforcement to comply with a request, they have to have a criminal warrant signed by a judge before the detention can happen. The police departments themselves can also communicate with ICE but they can't hold someone in so time as a warrant is produced.

⁵⁷ Monica Eng. 2023. "New Migrant Policies Cut Services to New Arrivals in Chicago - Axios Chicago." AXIOS Chicago. November 17, 2023. <https://www.axios.com/local/chicago/2023/11/17/new-migrants-immigrants-policy-law-cuts>.

⁵⁸ Kwame Raoul. n.d. "Law Enforcement Guidance & Reporting on Compliance with the Illinois TRUST Act and VOICES Act." Accessed December 14, 2023. <https://illinoisattorneygeneral.gov/Safer-Communities/Resources-for-Law-Enforcement/Law-Enforcement-And-Immigration/>.

In 1985, before it was called as such, Mayor Harold Washington signed an executive order, that was later ratified into law in 2006, in the city of Chicago prohibiting any city employee from aiding in the identification of the immigration status of any person unless ordered to do so by a court or federal law. The executive order also said that city benefits could not be denied based on citizenship status. However, it is important to note, that while the city may have been chosen for the political optics, sanctuary cities, and states have almost nothing to do with asylum seekers and more to do with protections for those who lack any legal status.⁵⁹

Despite, at its surface, seeming to be more accepting and inclusive to immigrant approach to immigrants, the state of Illinois and the statewide policymaking that has been described in this chapter, still ultimately can be described by the combined theories of racial capitalism and the precariat. In a way, Chicago supports and affirms the idea that these combined theories are so ubiquitous in immigration law, that regardless of what a state says its views may be in regards to immigration, the outcome of their policies are therefore similar to other more restrictive states. Despite having a legal code that supposedly protects immigrants without status from being held by the state police and turned over to ICE, the reality is that not only does this practice still happen⁶⁰, but the economic and political precarity that illegalized immigrants and asylum seekers face is enough to generally prevent them from interacting with law enforcement. This is especially true in the neighborhoods where, because of the history of racial capitalism and its ties to policing, the community already has a negative relationship with law enforcement. While it is true that immigrants living in Chicago may be protected from having to reveal their status to

⁵⁹ Heather Cherone. 2023. "What Does It Mean That Chicago Is a Sanctuary City? Here's What to Know." WTTW News. October 20, 2023. <https://news.wttw.com/2023/10/20/what-does-it-mean-chicago-sanctuary-city-here-s-what-know>.

⁶⁰ "TRUST Act." 2019. ACLU Illinois. November 4, 2019. <https://www.aclu-il.org/en/cases/trust-act>.

police for unrelated offenses, like a traffic stop for instance. However, as subjects of the precariat, an immigrant is just as deportable for unauthorized labor by ICE in a sanctuary city, as in a city without similar protections.⁶¹ Economic precarity for immigrants still very much exists and is reinforced by these policies.

It is also important to note that there has been growing racial resentment in Chicago between not only the white citizenry and the growing population of migrants, but perhaps most notably between ethnic minorities that also find themselves in the Precariat class as a result of racial capitalism. Given the historical de-resourcing of black communities living in Chicago's South Side, some feel like funding being granted to the new arrivals is zero-sum. This is a phenomenon that Standing includes in his analysis of division within the precariat where, because they lack a common working-class identity like the traditional conceptions of the proletariat, there is an inclination towards the racialization and hostilities from "activists" that "blame current economic conditions and increasing insecurities on migrants."⁶² While there have been complaints about the migrants from all members of the citizenry, including white Chicagoans, the pushback from Black Chicagoans has raised a lot of attention.⁶³ This may be because many big shelter projects have been created in the Black and Brown neighborhoods in Chicago; this includes a high school that the city attempted to turn into a migrant shelter on the South Side⁶⁴, as well as the current construction of the aforementioned weatherized shelter in the

⁶¹ Campos, Alma. 2022. "ICE Continues to Target Illinois Families That Are Not Priorities for Deportation." *South Side Weekly* (blog). May 22, 2022. <https://southsideweekly.com/ice-continues-to-target-illinois-families-that-are-not-priorities-for-deportation/>.

⁶² Standing, Guy. 2014. "The Precariat." *Contexts* 13 (4): 10–12. <https://doi.org/10.1177/1536504214558209>.

⁶³ Kapos, Shia. 2023. "Chicago's Black v. Migrant Divide." *POLITICO*. December 14, 2023. <https://www.politico.com/newsletters/illinois-playbook/2023/06/01/black-v-migrant-divide-in-chicago-00099618>.

⁶⁴ Joanna Hernandez. 2023. "South Shore Residents Push Back on City's Plan to Convert Former High School Into Migrant Respite Center | Latino Voices | Chicago News | WTTW." *WTTW News*. May 5, 2023.

predominantly Latino neighborhood of Pilsen.⁶⁵ Projects that aim to help migrants find shelter from the cold are not only conditional on one's relationship to the state as an authorized "denizen" but the placement of these projects in places already systematically made precarious through marginalization and divestment, seems to underscore the existence and grouping of the precariat by elites and the state.

Conclusion

If we return to the feelings of fear that have become so synonymous with the immigrant experience, through the process of investigating the history of our immigration system, its critical junctures, and the modern practices of those in charge of its execution, it is easy to imagine how fear would become the only logical response to living under the US immigration system.

By taking a critical look at the deeply rooted racial hierarchies that have had in shaping US immigration history and the subsequent practices that came out of those policies, it is almost undeniable the level of racialized economic marginalization these systems have baked deep within them. The economic priorities of the US economy and the interests of elites have led to incredibly unjust outcomes for immigrants. This is demonstrated by the consistency with which immigration practices aim to restrict immigrant's access to certain state benefits and to safe, stable employment.

<https://news.wttw.com/2023/05/05/south-shore-residents-push-back-city-s-plan-convert-former-high-school-migrant-shelter>.

⁶⁵ Ibid. 83

This sentiment is reinforced by the findings from the comparative analysis portion of the research as well. It often appears that states and presidents set agendas in ways that may seem to promote one idea but ultimately assure a precariat class of temporary and exploitable immigrants for the capital-owning class. What is especially striking about the manner in which modern immigration policy and procedure is established is the fact that despite differences in state and presidential rhetoric, there are very similar outcomes for immigrants.

While it is absolutely true that certain policies and practices are better for immigrant communities, it is also true that those policies, as explored within the context of this paper, do little to challenge racial capitalism and the establishment of the precariat class within the US. The comparative analysis of the states of Texas, and Illinois demonstrate that regardless of whether the policy, procedure, and agenda appeared to be expansive or restrictive, the result fed into a structure of capitalist exploitation on the basis of racial hierarchies. Regardless of the different rhetoric used towards immigrants, when it comes time to make transformative changes for immigrants living precariously in the United States, the actions and outcomes are almost identical across party lines.

Many claim that the reason for this inability to pass transformative and comprehensive immigration reform can be attributed to legislative gridlock over the past decades. However, from the historical research done in this paper, it is obvious that even during times in US history when there was less power centered in the executive and states the legislative branch could have provided stability for immigrants, the US government consistently institutionalized racial

hierarchy and economic inequity in a way that made the economic well-being of immigrants almost impossible.

The reality is that serious immigration reform that transformatively and substantially changes the lives of immigrants living in the US is not in the interest of US corporate elites or the national economy. While other modes of analysis may lead us to a different conclusion about what exactly informs US immigration policy, analyzing immigration through rhetoric, political party, shifting coalitions, geopolitical realities, or even changes in institutional power (legislative to executive ect.), it requires a certain degree of mental gymnastics to truly rationalize why a seemingly expansionist actor will pursue a policy with precarious and racist outcomes.

When we instead apply the lens of political economy, the understanding of changes in immigration policy and practice becomes not a change in the beliefs of individuals over time, but rather representative of a change in market demands that exist in a market system built to work against the interests of migrants. Racial capitalism provides the framework for looking at unjust market systems and explaining their racialized outcomes. While the precariat outlines how one should consider the role of the state in securing cheap and exploitable labor for US industry leaders.

Immigrants to the US have historically, as well as in the modern age, been subject to the whims of systems that benefit from their racialization and temporary, conditional status. Until such time as these principles of racial capitalism and the precariat are divorced from the US immigration regime, those subjected to it, will continue to live in fear.

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