



NORMALIZING MIGRATION

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by

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Reporting about any aspect of the current immigration situation with a calm, reasonable tone is very difficult. The new documentary film, *Beyond Borders: The Debate Over Human Migration*, directed by Brian Ging, and shown on May 1, as part of the 2008 Tribeca Film Festival, manages to be calm and reasonable, and very low key, even as it presents its inclusive, but finally provocative message: Every school child learns that the United States was founded upon immigration, and even that it has grown and thrived through a continuing series of immigration flows. Immigrants today, documented and undocumented, continue to contribute to the economic vitality of the United States, and indeed, a large inflow of immigrants is absolutely necessary for the continued economic - and political - well-being of the United States.¹ Migration should be a human right.

Beyond Borders is not written or presented from the perspective of an immigration lawyer - legal references are kept to a minimum. But when AILA national leaders gave assembled AILA members a pep talk at the Lobby Day breakfast meeting on April 3, 2008, in Washington, D.C., the message they suggested we take to our representatives was strikingly similar: "Tell your legislators that immigration is a core American value, and the current broken system is hurting America." In fact, our problem as advocates that day was that legislators were prepared to readily agree with us, but they were not prepared to promise any legislative initiatives to cure the huge problems, or even to reign in the increasingly inhumane system of raids, detention, and deportations by Immigration and Customs Enforcement (ICE).

The gap between reasonable discourse, and immigration law and policy today

is huge, shockingly, unnervingly, almost unspeakably huge. Perhaps the ultimate challenge for any documentary on the current immigration situation would be to confront the viewer with this cruel disjunction, posing it as one of the major political challenges of our time. But such a film would not be calm and reasonable.

Beyond Borders positions itself a bit above this embattled fray that we are immersed in as immigration lawyers. Through a series of talking heads, Beyond Borders makes the case for the economic, and finally political, logic of immigration today. The film unwinds as a series of close-ups, sometimes discomfitingly close close-ups, of 26 talking heads. In a non-ideological, utopian yet pragmatic tone characteristic of our post-socialist twenty-first century, Beyond Borders wants to persuade its audience that at a time when global flows of goods and capital are taken for granted, the global flow of bodies should be as well, and migration should be a human right.

One noteworthy aspect of the current immigration debate is that conservative intellectuals, ensconced in think tanks like the Hoover Institution at Stanford, and the American Enterprise Institute, in Washington, D.C, are as likely to argue for the economic and political logic of immigration as are left-wing intellectuals like Noam Chomsky. In one of the most thought provoking interviews, Ben Wattenberg, a demographer at the American Enterprise Institute, explains that birth rates have declined precipitously in the past 50 years, and continue to decline, to a level below the replacement level, often far below the replacement level in Europe, Russia, Japan, the United States. He maintains that only large-scale immigration will allow the U.S. to maintain a population level to support a continuation of our political dominance. Victor Davis Hanson, a Senior Fellow at the Hoover Institution, explains that immigration has always presented the challenge of assimilation, but points to the fact that succeeding waves of immigrants have been successfully educated in America's core values, suggesting it will be no different for the current cohort of immigrants.

The film begins with a brief explanation of the three general categories according to which individuals may legally immigrate to the U.S., on the basis of either a family relationship, an economic relationship, or as a refugee fleeing persecution. Beyond Borders then examines the plight of those immigrants who choose to come without proper documentation, wisely choosing to focus on our treatment of undocumented immigrants from several small neighboring countries as exemplary of the larger problem. Cuba provides a great example

of the capriciousness of U.S. laws, given that the Cuban Refugee Adjustment Act allows those who reach American shores to adjust after a year, but mandates sending back those who are intercepted before reaching land. However, Cubans are treated far more generously than intending immigrants from Haiti, insofar as our country has no special laws allowing Haitians who currently reach our shores to apply for adjustment, and we send back a large proportion of those who attempt to emigrate from Haiti.

Without raising their voices, a number of talking heads make clear that our disparate treatment of Cuban and Haitian immigrants has both historical political roots (our opposition to Castro's rule), as well as continuing racial overtones (the blackness of Haitian immigrants). Beyond Borders' talking heads finally go on-sight in Haiti, showing us the crushing poverty, the multitudes of street children, the large numbers of intact family units in which neither parent has any possibility of finding employment to feed or house themselves and their children. An earnest young man, Sandro St. Jean, is interviewed. He was a street child, but was rescued from the streets by a missionary who encouraged him to paint pictures which the missionary then helped him sell. Mr. St. Jean explains his great fortune in meeting the missionary, but then further explains that the missionaries have all left due to ever higher levels of violence, and consequently he can no longer sell his paintings. The point is made that the poverty in Haiti is beyond our imagining, even when aided by the film's images. The further point is made that those who seek to emigrate do so out of a will to survive, and see no other choice.

It is a brilliant strategy to focus on Haiti as the example of a country from which undocumented individuals emigrate to the U.S. for economic reasons. Those of us who do asylum law are familiar with the plight of the hapless asylum applicant who has admitted in an airport interview that he or she was hoping to find a good job in the U.S. It is a coup for DHS when asylum candidates admit to economic motivations, for Immigration Judges and Asylum Officers construe economic motivations as undermining and contradicting claims for asylum. "So you were just coming to find a better job, you were coming out of personal greed, not in order to escape persecution," sneers the IJ.

We all know that even if people are fleeing persecution, they choose to flee to the U.S. rather than, say Mexico, because of the U.S.'s stellar reputation as a place where anyone who is willing to work hard can make enough to live on, and even enough to send money back home. As one talking head in Beyond

Borders puts it, the U.S. has been known as a great economic machine, producing wealth for all those prepared to submit to its discipline. In any case, the example of Haiti, with its extreme levels of near universal poverty, implicitly juxtaposes economic motivations with asylum motivations, suggesting that in either case the appropriately humane response is one of welcoming the desperate immigrant. The immigrant fleeing Haitian poverty is not fleeing personalized death threats, but nevertheless is fleeing death by malnutrition, or roving street gangs, or right wing militias, or the death in life of absolute hopelessness.

The most well known talking head in *Beyond Borders* is MIT linguistics professor, Noam Chomsky, better known for the past 30 years as a fiery, radical political theorist, highly critical of American foreign policy. However, in *Beyond Borders* he is calm and understated in his suggestions as to how America can begin to resolve its problems with immigration. He explains that one part of the solution to our immigration problem is to attempt to ameliorate the very bad conditions in places like Haiti, that make people want to come here. Another talking head helpfully points out that the poorest countries in the western hemisphere are the countries where the U.S. has intervened the most. Haiti is the country with most U.S. interventions, and it is the poorest. Nicaragua is the second poorest, and lo, the country with the second highest number of U.S. interventions. The link between U.S. military interventions and poverty is not explored, however, and the even more obvious link between U.S. trade policies and poverty in the less developed world is not mentioned at all.

Beyond Borders also gives camera time to several representatives of contemporary anti-immigration politics. Jim Gilchrist, founder of the Minute Man Project, a group whose aim is to prevent illegal immigration across the U.S.-Mexico border, is interviewed. Terry Anderson, a nationally syndicated black conservative talk show host from Los Angeles is also interviewed. These are engaged political activists, rather than conventional academic, talking heads, and their speech is emotional, rather than explanatory. They are emoting heads, representing the anger and fear of anti-immigrant politics. Their presence in the film reinforces the argument that opposition to immigration today is unreasoning and fear-ridden. What the film glosses over is the fact that the intense hostility of these anti-immigrant activists towards all those who arrive or remain on our shores without proper documentation is increasingly reflected in current laws and policies, from workplace raids to

inhumane periods of detention, to expedited removal.

Beyond Borders was shown in early afternoon on May 1, as a lead-in to immigration rights activities planned for later that day, a march and a rally in NYC, corresponding with others across the country. May Day was historically celebrated by socialists as an international day of labor solidarity. In recent years, the day has been appropriated by immigration rights activists in the United States to emphasize the international labor solidarity issues under globalization, as international flows of workers ineluctably follow international flows of goods and capital.

It was only two years ago, on May 1, 2006, that huge immigration rights demonstrations took place all across the country, seeking to influence Congress to pass new comprehensive immigration reform legislation, enabling those millions of individuals who are working here undocumented to, as the phrase went, "come out of the shadows," and seek legalization. For various reasons, such legislation failed in 2006 and 2007, and is not a politically viable possibility currently. Undocumented, as well as documented immigrants today are ever more under attack, as politicians at all levels of government seize upon the expediency of anti-immigrant legislation, scape-goating those who cannot vote them out of office, laying all the problems of globalization at their tired, well-traveled feet.² There are always many signs at May Day marches and demonstrations defiantly announcing, 'we are workers, not criminals.' But immigrants are scape-goated today precisely as workers.

The only jarring note in Beyond Borders is when, towards the end, someone intones that we need to find a "Middle Ground." Surely that is not the proper terminology to articulate an end to increasingly inhumane enforcement measures against the undocumented? Surely we do not yet have a conceptual framework within which a human right to migration could be won as any sort of Middle Ground. While Beyond Borders does not begin to suggest such a new framework, it encourages us to notice the possible need for one.

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¹ Economists recognize the logic of immigration more readily than politicians. See, for example, "Open Letter on Immigration," June 19, 2006, signed by 500 economists, explaining the economic benefits of immigration to the United States. www.independent.org.

² Migration, of course, is an age-old phenomenon, with many different historical causes. However, what is new with globalization is the systemic global movement of capital, goods, and also bodies, people providing labor to produce the goods, and to service the needs of those within richer societies within which birth rates have declined dramatically. Because of their vulnerability as new-comers within a foreign society, immigrants are easy scapegoats for whatever threats the society faces, or fears to face. Globalization, with all its momentous, but ambiguous and uncertain effects, has engendered such fears.