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Immigration and the legal philosophies

# Introduction

The history of America suggest that immigration has played a very key role in shaping the American culture and determining the ideological narratives, Americans follow today. In the recent past, there had been many attempts to sort the issue of immigration, as many in America believes that excessive immigration towards America threatens American ideology, and is a threat to the peace and security. Some also believe that illegal and legal immigration have lower the wage-price and therefore, the Native Americans are also been paid less amount for their work (Shi and Tindall). For all these reasons and many, immigration has become an issue for most Americans. However, unlike the present times, immigration toward America had remained open, just for the fact that Americans needed people to inhabit the barren lands. After the era of rapid urbanization and transportation, American authorities believed that more immigrants now might threaten the development pattern been followed in the US.

However, in the present times, immigration toward America has become an issue. Political elites, civil society and business-oriented classes in America now consider it a threat, as many illegal immigrants have attempted to threaten peace and security. During the latest election campaign, immigration was the most sorted after question from the candidates. Shi and Tindall writes that immigration in America has become an issue because people in America now believe that they have distinct culture, traditions, values and identity (Shi and Tindall). Americans are afraid that immigrants who come from different backgrounds with different cultures outnumbers them in some states and consequently are a threat to their culture. Shi and Tindall also writes that rapid economic growth and full employment, which rich countries offered before is no more an option, and people, therefore, fear to lose their jobs (Shi and Tindall). Americans have therefore, largely started believing that the immigrants are stealing their right to jobs.

# History of Immigration towards America

The modern history of immigration toward America can be traced from the annexation of Mexican territories. In the year 1835, when Texas declared its independence from Mexico, America annexed that territory after the passage of ten years. With the annexation of this land, there was a large number of Mexican that were now the citizens of the new land. After the annexation of Texas by the US, the period of American- Mexican war started. During this war, America conquered a large area of Mexico, which eventually brought enough number of immigrants that American society of that time was not ready to make them a part of. The Mexicans who could not travel to the US at that time started believing that Mexico has left with less social privileges, a concept which still occupies the thought process of many Mexicans. Along with this, new problems surfaced with time, which still keeps on compelling Mexicans to move toward America by illegal ways.

During the period of WWII, America opened its border for people from Europe and different parts of the world including Asia. These people were hired on fewer wages to meet agricultural and other needs. When this program was concluded back in 1964, there were around 7 million immigrants in America, wishing to get permanent residency in America (Shi and Tindall). The decades after 1964, the political changes in a different part of the world forced people to immigrate toward America. Among them, there were a large number of people who were displaced from their lands for the reasons of war, poverty, extreme economic conditions and political turmoil. America offered them the land for the humanitarian purpose and that’s how again a large influx of people was made to America. Lastly, there were skilful people who made their way toward America and till yet they are contributing to the economy of America. But at present, there is an emerging trend among Americans that immigrants whether it be legal or illegal, is causing direct harm to the rights of the Native Americans.

# The Impact of illegal immigration

Immigration has multiple effects on the US culture and economy as a whole. The latest statistics reveal that immigration whether it be legal or illegal lower the wage scale, which make it difficult for Americans to find work and, those that do work are unable to make a living wage in trades and skills that once paid a decent living. In present times, illegal immigrants are causing enormous social strains for the US population (Heer). Majority of the illegal immigrants are not allowed to work, therefore, they start begging, and descend over the charity projects. Further, their inability to pay taxes make more harm to the economy, as they are still the recipient of federal or state amenities, which are continued by cutting budget from other sources. Immigrants typically reside in a very tightly compacted apartment, it is quite obvious to observe dozens of immigrants living in a single bedroom apartment. This causes extreme pressure on housing, roads and utilities, which is how poor Americans are deprived of affordable housing.

Some studies suggest that immigrants swarm over low rent housing fast as it becomes available and therefore, poor Americans have nowhere affordable to live as a result (Heer). The remittances by Illegal immigrants are almost equal to crushing the trade deficit in America. For example, an insight into their spending suggests that immigrants normally rely on imported products compared to American products, which paves the way for the trade deficit. This is costing the American economy, and jobs and are becoming a source of bleeding the economy dry. Illegal Immigrations also pose major safety hazards to American citizens. They often have little or no comprehension of American road rules. The high-speed traffic in the US apparently intimidates them and they are serious hazards to traffic as they often go 10–20 below the speed limit in the left-hand lane (Heer).

The lack of English skills prevents immigrants from understanding many warning signs. It also prevents them from reading safety warnings at work, materials sheets and warning labels etc. Further, the lack of exposure to American customs and traditions and arrogant contempt for all things, often lead to dangerous misunderstandings. The lack of English skills makes it difficult to evacuate them in an emergency or direct them during a crisis. Immigrant’s aversion to government officials can cause them to slink away rather than hear important health information or seek treatment for a communicable disease. The lack of a living wage and the necessity of sending money means immigrants (both legal and illegal) can rarely afford health care and immigrants’ then use the ER as a clinic (Orrenius and Coronado). This clogs up ERs and patients needlessly suffer, even die due to the overload. It can also lead to minor epidemics as treatment is delayed and communicable diseases are passed on to more people before someone infected becomes ill enough to seek medical treatment.

Drinking related health issues and drunk driving are some other worst aspects often linked with immigrants in many states. This massive influx now poses significant crime risks. Most major gangs are composed partially or completely of immigrants, who have made their way to America illegally (Orrenius and Coronado). They gradually raise to the level of drug cartels and mafia groups, etc. There was a perception among Native Americans that immigrants commit less crime than Americans but this perception has totally reversed. Now, Immigrants caught for minor crimes are typically deported rather than prosecuted. Therefore, a significant number of crimes committed by immigrants are not reported. Illegal immigrants just by being here have committed their first crime. Therefor around half of the immigrants are by definition a criminal. Immigrants have been finding profoundly involved in identity theft, which doesn’t generally get reported or prosecuted for the fact that sometimes around at least a hundred different people are working under the same Social Security Number (Orrenius and Coronado).

An interesting impact of immigration is that a lot of crime committed by illegals immigrants are against other Illegals who are reluctant to report the crime. Every single crime they commit increases the US crime rate which stresses upon the fact that immigrants should not have been in the US in the first place. Some recent studies showed that removing the crime rate committed by Illegals can cause a drastic drop in the crime rate despite only being about 5% of the population. For example, if it is just one murder a year, that’s one murder a year that shouldn’t have happened. Immigrants are also serious stress on race relations in the US. They tend to congregate in ethnic enclaves and are highly resistant to assimilation, incredibly so in many cases. Even many born here have very limited English skills and absolutely no trait or cultural adoption. They associate only with immigrants of their own ethnicity and nationality. They create pockets of a foreign nation on US soil and cling to their culture with unwell intensity. This creates tensions with surrounding cultures and racial tensions.

There is a large amount of Federal budget which is spent annually on imparting skills among the immigrants. For example, there are many languages and human resource training program being run by the federal and state governments. Just to say, cutting this budget and making it invest anywhere else, can reap more benefits. The language training programs often don’t pay much to the American community, as there are immigrants who are in the US for more than decades and are still not able to speak English. This aspect shows that money being spent on language training is just a wastage of resources and nothing else. In view of the situation presented above, it is quite right to the argument that immigrants are economic refugees. Immigrants are not here to be Americans and many, probably the majority are openly and actively hostile to the nation, which creates a national security threat. Terrorists and foreign nations can easily employ illegal immigrants who are often working even in some of the most sensitive areas. If they are not specific, they often have relatives or close friends who are. It would be trivial for an immigrant to gain access to many of the nation’s most secure sites, gather intelligence, plant a bomb or otherwise cause harm.

Illegal immigrants are people with no loyalty to the US and they are working for example, as nannies for high ranking government officials, janitors in government buildings, and doing yard work in sensitive military sites. It would be extremely easy for illegal immigrants to plant explosive devices, like a bomb or to relay important intelligence. They could poison food in a cafeteria or an entire city’s water supply. They could provide a riot on demand with very short notice and then slip back into the woodwork. America is not a land of illegal immigrants. There are cases reported which shows that they had torn down the US flag, stomp on it, spit on it, and hoist other nation’s flags in schools, post offices and other sites. The root against the US in sporting events and actually attempt to blame Americans for their poverty. In view of these facts, there remains no reason to think why the illegal immigrant wouldn’t engage in acts of war against the US? What would prevent them from working with terrorists or hostile nations against the US? Finally, it is all the right to argue that illegal immigrants have a seriously negative impact on almost every aspect of American society which is counterproductive.

# Philosophies attached to immigrations

There are many important philosophies attached to the morality about immigration. For example, there had been a variety of issues which tends to originate from immigration. Like the status of refugees, the cultural and social impact they leave on their surroundings and how the economy suffers or benefits from their presence. The legal philosophies attached to immigration addresses each such topics including that if the states have the moral right to exclude or include a specific number of people from a specific caste. The world in present times has become globalized. Intentionally or unintentionally people have to communicate with other since they are largely dependent over each other. It is quite obvious to witness the unlikelihood of spending time alone at present.

## **Libertarian philosophy of Immigration**

The philosophy of immigration encompasses the concept of close and open borders. The libertarian, for example, believes that current societies are unfree in many ways.  One is with regards to immigration, another is with respect to redistributive taxation. It is clear to libertarians and non-libertarians alike that allowing free immigration while also giving means-tested welfare as well as free public services like public education to all who apply would present some problems, especially with existing budget deficits (Block). Although this problem does not change their view of immigration policy, it does suggest the practical necessity to stage reforms in a way that linked systems in a logical order. The libertarian position also entails that peaceful travel and acquisition of property via voluntary exchange should be permissible. So, if a person buys or rents a home from a willing owner, there is no libertarian reason to prevent that transaction. Border collectivists, however, invent reasons to say no, some people may not be permitted to engage in such peaceful reasons. They would deprive the existing owners of the freedom to sell or rent their own property to certain others.

Similarly, some libertarians, those of the minimum government persuasion, recognize that there is a legitimate role for government and some, just a few, recognize legitimate responsibilities (Block). According to them, some laws are necessary, but they should err on the side of minimum control I. e maximum individual liberty. Respect for the law is consistent with this viewpoint. Once a law is passed and legitimately on the books, either obey it and enforce it or repeal it. According to them, as general rule immigration should be as free and open as possible, with as few restrictions as possible. But there are legitimate reasons for a government to exercise some oversight and control over immigration. However, Governments of today have a legitimate responsibility to protect its citizens and enforce its borders and sovereignty. One of the early roles of Ellis Island, for example, was to inspect and control for communicable diseases. But libertarians would object to protectionist laws, those which dabble in the free flow of goods and services (Block). Many of the immigration laws in the United States today are intended to control markets or restrict competition. Immigration increases the labour supply and affects employment and income, and reduces production costs.

## **Theory of the Economics of Immigration and Policy**

Another philosophy surrounding immigration originates from Örn B. Bodvarsson and Hendrik Van den Berg’s theory of the Economics of Immigration and Policy. They title famine, poverty, low wages, unemployment overpopulation, high taxes, discrimination, religious persecution, civil war, violence and crime, forced military services, social immobility as push factors for immigration (Lopez). Whereas, according to them,  high wages, employment, property rights, personal freedom, economic freedom, law and order, peace, religious freedom, educational opportunity, social mobility, law taxes are all pulled factors. In addition, political conflicts, mass starvation, death, ethnicity conflict could become a push factor as well. For example, in Eastern Europe, the collapse of the communist regime and formal creation of the European labour market allowed individuals falling under European jurisdiction.

Some moral objections which exist about immigration however, is that people crossing into a country illegally. Some, however, argue that this perspective is extremely weak. They presuppose that the moral legitimacy of settler societies is based on genocide. People who oppose the moral aspect of immigration Ignores the human fact of migration. People throughout history have always migrated, and when states are powerful enough to have an interest in how, they try to regulate it (Lopez). The issue with describing undocumented immigrants as lawbreakers, however, is that it overlooks the fact that the American economic system is dependent upon their work, much of which by the way in no way 'steal jobs' from legal residents. There was actually a movement called 'please, take our jobs' that offered any American legal resident the opportunity to take a job currently being worked by its undocumented-status members.  There were surprisingly few takers.

# Conclusion

Problem immigration, the essay responded to is a direct (and predicted) consequence of NAFTA.  Before it’s signing, the border with Mexico was fairly open, and illegal immigration, while always a hot button issue for certain segments of the population, was generally dealt with through periodical amnesties, often extending legal residency or citizenship opportunities to these undocumented but vital workers.  An unbiased analysis though, suggests that pretending that because the letter of the law has been violated, our society and its citizens are being victimized by line jumpers will not change the fact that the American system needs, wants, has lured, and now depends on undocumented workers.  Although they have fewer rights, they are Americans; they work alongside other Americans, their children go to the same schools, and they marry Americans as well. Block believes that much of the self-righteous law-abiding rhetoric is actually just a justification to antagonize these people, demonize them, and turn them into second class citizens; which encourages chauvinistic attitudes (Block). It also results in racism against legal migrants, as well as natural-born citizens who happen to come from backgrounds other Americans associate themselves with. Such rhetoric about illegal immigration leads to violence against these people including, but certainly not limited to their deportation.

It is right to argue here that law is never what is written on paper, or as Malcolm X pointed out, black Americans would have been voting unhindered since 1865.  It is a spirit, it embodies attitudes, and is a reflection of how American wish the system to work.  In general, the rhetoric against illegal immigration is not balanced; it is nationalistic, jingoistic and chauvinistic, it trivializes people's hardships and ignores the reality of the economy.  No steps to really remove large numbers of such immigrants will ever be undertaken, because besides it requiring the biggest forced population transfer since the Second World War, it would completely hobble the American economy at its most basic levels, including the ability to feed itself. Since this cannot be accomplished, all that is happening is victimization of few desperate people who are trying to escape conditions American authorities created-through the NAFTA treaty, as well as through insisting that certain countries do their part in the war on drugs. If out of all of this, the biggest concern is that the letter of the law is not being observed, perhaps it is time to reevaluate the laws.  Americans are talking about rights for those being exploited by the powerful.  No one comes in illegally and steals a CEO position.  It's not the fault of illegal immigrants that the American economy seems incapable of producing middle-class jobs that Americans actually want. The moral argument against demonizing human beings is therefore stronger. Morality should inform law, not be derived from it.

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