



Undocumented migration in the United States: An overview of historical and current policy contexts

DeAnne K. Hilfinger Messias, PhD, RN, FAAN^{a,*},
Marylyn Morris McEwen, PhD, RN, PHCNS-BC, FAAN^b,
Joyceen S. Boyle, PhD, MPH, FAAN^{c,d}

^a College of Nursing and Women's and Gender Studies, University of South Carolina

^b College of Nursing and Mel & Enid Zuckerman College of Public Health, University of Arizona

^c College of Nursing, Georgia Regents University

^d College of Nursing, University of Arizona

ARTICLE INFO

Article history:

Received 1 June 2014

Revised 6 October 2014

Accepted 15 October 2014

Available online 1 November

2014

Keywords:

Immigration

Policy

Undocumentedness

ABSTRACT

The aims of this overview are to provide a brief historical review of federal, state, and local immigration policies and to examine the historical origin and current constructions of the *undocumented* immigrant. We discuss how past and current policies promote, regulate, restrict, and deter immigration into the United States and access to health services and draw implications for the profession of nursing.

Cite this article: Hilfinger Messias, D. K., McEwen, M. M., & Boyle, J. S. (2015, FEBRUARY). Undocumented migration in the United States: An overview of historical and current policy contexts. *Nursing Outlook*, 63(1), 60-67. <http://dx.doi.org/10.1016/j.outlook.2014.10.006>.

Migration, the process of leaving one location and moving to another with the intent of temporary or permanent settlement, is woven into the fabric of American history and culture. Sometime between 12,000 and 30,000 years ago, humans began migrating from Asia across the Bering Strait to North America (Gugliotta, 2008). As a result of successive migratory waves from Asia and the eventual southern migration through North, Central, and South America, scholars estimate the population of the Americas was somewhere between 2 and 10 million when Christopher Columbus and his crew members set foot on a Caribbean island in 1492 (Ewing, 2012). For 300 years after Columbus' arrival, the flow of European immigrants to the Americas was undeterred by policies or legislation. Many individuals and families immigrated voluntarily

in search of adventure, land, opportunity, work, wealth, and freedom from various forms of oppression. Others, estimated to be at least 12.5 million, were Africans transported across the Atlantic as human cargo, of whom approximately 10.7 million survived the Middle Passage and became the enslaved workers of the New World (Williford, 2010).

From this historical perspective, restriction or regulation of migration and the social and legal construction of the *undocumented* immigrant are relatively recent phenomena. The millions of global migrants who arrived on American shores through the late 19th century were, to use current terminology, *undocumented*, given that they traveled and settled without passports or proof of residency or citizenship. Although some were refused admission at the port of

* Corresponding author: DeAnne K. Hilfinger Messias, University of South Carolina, College of Nursing, 1601 Greene Street, Columbia.

E-mail address: deanne.messias@sc.edu (D.K. Hilfinger Messias).

0029-6554/\$ - see front matter © 2015 Elsevier Inc. All rights reserved.

<http://dx.doi.org/10.1016/j.outlook.2014.10.006>

entry, primarily because of concerns related to communicable diseases such as tuberculosis, the roles and responsibilities of border agents and immigration officials as we know them today are recent phenomena. In this review, we examine the historical context and the current state of undocumented immigration in the United States, from the early period of open borders through periods of varying levels of promoting, regulating, restricting, and controlling migration; discuss how past and current policies contributed to the construction of undocumented migration; and identify implications for the profession of nursing.

U.S. Immigration Policies and the Construction of Undocumented Immigration

The first U.S. legislative initiatives concerning immigration (Table 1) were the Alien and Sedition Acts of 1798, which gave the president the authority to deport foreigners deemed to be a threat, and the Steerage Act of 1819, which required that passenger lists of all arriving ships be submitted to the local customs officials and subsequently reported to the Secretary of State and Congress (Ewing, 2012). During the 19th century, European immigrants were integral to the westward expansion of the country. However, it was not until 1891 that the federal government established the Bureau of Immigration with the power to establish criteria for entrance into the country.

The express intent to regulate and control immigration became increasingly evident in federal legislation enacted during the latter half of the 19th century. In 1864, the first comprehensive federal immigration law encouraged the recruitment of immigrant laborers destined for either the east (i.e., Irish and Germans) or the west (i.e., Chinese and Mexicans). Between 1875 and 1920, U.S. immigration policies instituted increasing exclusion and control through quotas based on national origin. Increasing xenophobic and nativist sentiments, particularly against Chinese and Japanese immigrants, culminated in the enactment of the Chinese Exclusion Act of 1882 and a bilateral agreement to limit immigration from Japan in 1908 (Hing, 2004; Ngai, 2004). It was the passage of the Immigration Act of 1921, the Johnson-Reed Immigration Act of 1924, and the Labor Appropriation Act of 1924 that clearly signaled a marked change in immigration policy. Before this time, there were no numeric restrictions on immigration into the United States, with the exception of the Chinese Exclusion Act. The era of open immigration from Europe came to a close with the imposition of restrictive immigration quotas, the elimination of the statute of limitations on deportation, and the establishment of the Border Patrol in 1924 (Ngai, 2004). As federal immigration policies were instituted, the process of gaining approval to enter no longer occurred at U.S. ports (primarily the immigration station at Ellis Island) but moved abroad to U.S. consular offices where

potential immigrants applied for visas and submitted to medical inspection. These restrictive immigration policies and quotas had an even more fundamental impact on immigrant identity and status:

One's legal status now rested on being in the right place in the queue—if a country has a quota of N , immigrant N is legal but immigrant $N + 1$ is illegal—and having the proper documentation, the prized “proper visa.” ...In 1924 the Immigration Service terminated line inspection at Ellis Island because medical exclusions were determined abroad. Thus, upon arrival, immigrants' visas were inspected, not their bodies. The system shifted to a different, more abstract register, which privileged formal status over all else. It is this system that gave birth to what we today call the “undocumented immigrant.” (Ngai, 2004, p. 61)

Thus, the construction of the undocumented immigration is embedded in past and present federal, state, and local policies and initiatives. In the following section, we provide a brief overview of federal immigration policies in the 20th century.

The Policy Pendulum: Purposeful Exclusion or Inclusion in the 20th Century

U.S. immigration policies reflect conflicted and contradictory tendencies, variously focusing on restricting or encouraging entry and either liberating or eliminating access to resources, employment, education, and services. Exclusion criteria set forth in U.S. immigration law range from literacy, economic status, and national origin to criminal history and sexuality. Resurgent waves of nativist, racist, exclusionary, and restrictive immigration and social policies tend to coincide with periods of economic downturn (Alvarez & Butterfield, 2000; Ewing, 2012; Johnson, 2007). For example, although the United States welcomed Mexican laborers during periods of economic expansion, the tables quickly turned when the economy slowed. Large numbers of Mexicans were deported after the Stock Market Crash of 1929 and as a result of Operation Wetback in the 1950s (Ngai, 2004). However, mass deportation operations did not solve the problem of the presence of unauthorized immigrants or completely stem the tide of continued entry.

Federal policies that actively encouraged and incentivized immigrant settlement and incorporation include the 1965 Immigration and Nationality Act, passed on the heels of the Civil Rights Act of 1964, which abolished the discriminatory quota system based on race, ancestry, or national origin. The Refugee Assistance Act of 1975 was a resettlement initiative for refugees from the Vietnam War; the Refugee Act of 1980, in accordance with the 1967 United Nations Protocol on Refugees, formally recognized the

Download English Version:

<https://daneshyari.com/en/article/2673204>

Download Persian Version:

<https://daneshyari.com/article/2673204>

[Daneshyari.com](https://daneshyari.com)