

The Dane Sanctuary Coalition Presents: The Big View
Living Undocumented

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Introduction and Viewing Suggestions

The Dane Sanctuary Coalition steering committee invites our member congregations and organizations to participate in our first-ever Big View. Like the Big Read, it is an opportunity for interested members to gather together as part of a shared experience of having read the same book or watched the same video(s) to learn more deeply about immigration issues and the realities of living undocumented in our society.

We chose *Living Undocumented* as our first Big View offering because it puts individual faces and personal stories onto the often abstract issue of immigration, and broadens our understanding of who is undocumented in our country and why. We hope this will be a rich source for discussion and learning.

Watch the trailer here - <https://www.youtube.com/watch?v=WSGBP-Z4UXI>

Viewing Suggestions:

Living Undocumented is available on Netflix. We have the following options to suggest for viewing:

1. Individuals with Netflix accounts can watch individually at home and then come together with other viewers for discussion, either in person or over Zoom or other platforms, similar to what would be done with a book group.

2. To facilitate viewing for people without a Netflix account, we have the following suggestions. All are contingent upon observing COVID-safety protocols and upon participants' comfort level in being with other people.
 - a. Individuals with Netflix can host viewings and discussions with small groups in their homes, if they are all vaccinated and are able to social distance.
 - b. A congregation/organization can host viewings and discussion in their social hall, using someone's Netflix account and showing on a large screen. We recommend this only if you have a social hall large enough, and cap your registrations, so that everyone can stay socially distanced. COVID protocols should be observed - masks, washing hands, staying distanced. If possible, require proof of vaccination. We recommend that no snacks are served in order to ensure masks stay on.
3. While this study guide is organized into seven sessions, each congregation is encouraged to hold as many or as few sessions as is deemed practical. Do not feel obligated to use all the study questions or hold seven separate sessions.

Discussion Questions:

Please use this document to help facilitate interaction and discussion after viewing Living Undocumented. Watch one episode, then discuss using the questions associated with that episode below as a jumping off point. Do not feel limited to these questions, or that you must discuss them all. They are meant to provoke conversation and debate. Try to consider as many angles as possible for every question. We suggest planning for an hour to an hour and a half for discussion, after viewing each episode. Each episode is approximately 50 minutes in length. We also suggest one culminating session for more general discussion.

Episode One: A Prayer in the Night

Luis drives girlfriend Kenia's son, Noah, to be reunited with his mother, so the two might be deported together; Alejandra awaits her fate.

- A Florida Sheriff describes the American immigration system as “not a problem. It’s an epidemic.” In 2022, we know a little something about epidemics. To extend the Sheriff’s metaphor, if the problem is in fact “an epidemic”, then what are we doing about it? Are we looking for a cure? Or are we just treating the symptoms?
- In the Sheriff’s metaphor, what is the disease? What is the otherwise healthy body? What are the symptoms? Is the Metaphor apt?

- The path from visitor to visa to lawful resident, on the way to becoming a naturalized citizen no longer exists. While US immigration law had been changing in the preceding years, 9/11 was a catalyst for massive changes to the system, which changes resulted in the system we know today. It has been 20 years since the attacks of September 11. Is it time that the US re-evaluate these immigration policies?
- If Ron is deported, his business, with a \$2 million a year revenue, could shutter permanently. His employees could lose their jobs; the companies who use Ron's products would have to find new suppliers; the local economy of the town Ron lives in could be seriously damaged, with a local business gone and local people out of work. All this for a man whose only crime was overstaying a visa. Why should the US government want this?
- Should immigrants who are victims of domestic violence be treated differently than immigrant victims of political violence in the US immigration system? Why or why not? Does it matter if the immigrant is fleeing state-sponsored violence vs. violence from an individual or group?
- According to President Clinton, "it is wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it." What does the president mean? Do you agree or disagree with him? How is it "wrong and...self defeating"?

Episode Two: The World is Watching

ICE traps Luis, and Alejandra's appeals are denied; Ron and Karen's Israeli-born daughter, Bar, gets DACA status and a work permit.

- An ICE agent says to Luis' lawyers "We don't hold people hostage". A few seconds later, he tells Luis "Come inside or you'll be taken into custody". Essentially, 'allow me to take you into custody, or I will do it by force'. Is that really a choice? Luis and Kenia had a choice when they left Honduras: stay and face violence, or seek a better life in the US. Is that a choice? What are the choices people seeking to come to the US face?
- If this is how US law enforcement treats people whose only crime was entering/staying in the US illegally, and if this is how law enforcement treats American Citizens who advocate for the human rights and dignities of undocumented peoples, then what is to stop them from treating *you* that way? Are you confident that it is enough?

- Because she is too young to take care of herself, Estella’s parents decided she needed to be deported with her mother, who is undocumented. Estella was born in the US, therefore she is a US citizen. Is this a choice parents should have to make – to leave a child in the United States with relatives or friends, or take the child back with the deported parent to the country they left due to poverty or violence?
- Under Clinton, Bush, and Obama, ICE agents and attorneys had discretion to target criminals and legitimate National Security threats and to deprioritize individuals living peaceably, paying taxes, with families, etc. But the law is still the law. If all that stands between otherwise law-abiding undocumented people and the safety and unity of themselves and their families is a change of administration, is such discretion useful? Is it enough?
- Ron tells us that “people with the proper documents can wake up one morning...book [a] ticket...jump on a plane...recharge...and...come back...people living here and they pay their debt to society, deserve to do the same thing”. Other than “the proper documents”, what separates ‘lawful residence’ from ‘illegal aliens’?
- Why are we entitled to our rights? Should illegal immigrants be entitled to those same rights? The equal protection clause of the 14th Amendment states “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to **any person within its jurisdiction** (emphasis – Ed.) the equal protection of the laws.”
- Citizenship allows people to get basic things, like jobs, loans, driver’s licenses, etc. Without citizenship it is so much harder, if not impossible, to obtain a job, a loan, a driver’s license, etc. Undocumented people still pay taxes, still do and still want to contribute like documented people do, but have a much harder time doing it. If this was not the case, they could contribute more, to their community, to the country, etc. They could build businesses, create jobs, contribute to the economy, etc. Why wouldn’t we want that? Why doesn’t the US government want that?

Episode Three: The Deportation

Alejandra is deported to Mexico with her daughter; Luis is released as Kenia and Noah make a dangerous trek; Vinny, who once had asylum, worries.

- How high should the bar be for the granting of asylum status?
- Should there be a statute of limitations on the crime of illegal border crossings? Crimes like murder generally do not have statutes of limitations, as such crimes are considered especially heinous. Is overstaying a visa or illegally crossing the border especially heinous crimes that they should not be subject to statutes of limitations?
- Is deportation a just punishment for the commission of a crime? Is it a just punishment if you have already served jail time? Why or why not? When? If deportation is a just punishment for crime, why don't we just deport all criminals?
- Is the commission of a crime justification for the revocation of lawful resident status? Why? Is it a justification for the revocation of citizen status?

Episode Four: The Crossing

While Vinny takes a chance and checks in with ICE, Luis reunites with Kenia and Noah; the Dunoyer family struggles in legal limbo.

- Roberto Dunoyer says that he has faith in this country, that this country will resolve the Dunoyers' issues because the Dunoyers are good people. How long can that faith last? What happens when that faith runs out?
- According to Consuelo Dunoyer, "Everywhere you go, there are rules. But the US is particularly strict". Are rules absolute? Should all instances of rule violation be punished in the same way?
- What is economic persecution? Why should it not qualify someone for asylum status? How might someone become a victim of economic persecution? What are we protecting against by not letting economically persecuted individuals live here legally?
- Amy, Consuelo's co-worker, defiantly and definitively tells her "No, you're staying". What is Amy willing to do to make her statement true? How far should she go to fight for the Dunoyers? How far should one go to fight injustice? Is it possible to fight an unjust law while still following that law? In the face of state-sanctioned injustice, what are we called upon to do?

- If Laos and other countries with which the US has no repatriation agreements eventually decide to make such agreements, who will be helped by the deportation of people like Vinny? Who are we helping by pressuring these countries to adopt such agreements?
- Is it true that “in this country it is unacceptable not to have ambition”? Why or why not?
- Do poor people deserve to live here? Do you have to contribute to the economy to be worthy of living in the US? Does needing government assistance make you less worthy of being an American?

Episode Five: A Family Torn Apart

Vinny gets another chance as Eddie and Tyler move to Canada; "Miguel" and "Maria," separated from their niece, are too scared to use their real names.

- Pablo and Camilo Dunoyer are smart, studious, ambitious, and hard working. What more does America want from them?
- Should laws be absolute?
- What is so heinous and unforgivable about falsely claiming to be an American citizen that doing so should result in a permanent, life-time bar from obtaining US citizenship?
- What did immigrants do to deserve this treatment?
- Why are you an American citizen?

Episode Six: Home Sweet Home

Awa's father is detained when his asylum is revoked; Eddie and Tyler say goodbye; "Miguel," "Maria" and their niece wait on their asylum filing.

- If the US can use its considerable international political and economic might to compel countries like Mauritania to accept deportees from the US, can we not use that might to improve the lives of the Mauritanian people? Should we? What responsibility does the United States have towards the international community? Is it possible to help people live the life they want to live without

imposing your values onto them? Where is the line between assistance and interference?

- In a news interview, then Senator Kamala Harris states of the Trump administration’s family separation policy: “This is not reflective of who we are as a country”. Is she correct? Such a policy may not be reflective of who we *claim* to be as a country but is it true that it is not reflective of who we are? If we fail to act on our espoused principles, do those principles still represent us? Can we still claim that they do?

- *Living Undocumented* leaves us with the words of “Miguel” and “Maria”’s niece. Off a piece of paper given to her while ICE held her in detention from her Aunt and Uncle, she reads the United States Pledge of Allegiance:

I pledge allegiance	Yo prometo lealtad
To the Flag	A la bandera
Of the United States of America,	De los Estados Unidos de América,
And to the Republic	Y de la República
For which it stands,	Que representa,
One Nation	Una Nación,
Under God,	Bajo Dios,
Indivisible,	Indivisible,
With liberty and justice for all	Con libertad y justicia para todos.

The documentarians ask her “how does [the pledge] make you feel?” and she responds: “Happy”. When the documentarians ask her why, she says “because it’s pretty”. Is it true? Who is the “all” in “with liberty and justice for all”? Who should be?

Culminating Questions

*The following question set is intended to broaden the discussion beyond the documentary series, using the series as a jumping off point. **We recommend scheduling a seventh session of this program**, and to use that time to discuss these questions. Do not feel bound to this structure or feel you have to address all the questions.*

- What new aspects or consequences of the US immigration system did you learn about through the series? Would it be helpful if these aspects and/or consequences were more well-known?
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- What is the purpose of a border?

- If tomorrow we woke up and every undocumented person living in the US was made a citizen, what would happen? What are the implications? Why would someone *not* want that? Think Socially, Economically, Politically, etc.
- What is the purpose of Government?
- Are we still a Country of Immigrants? Are we still the Land of Opportunity? Is that what we want to be?
- What is the purpose of Law, and of Law enforcement?
- Since the passage of the Chinese Exclusion Act of 1882 (see the brief historical overview below), the first major piece of legislation barring certain immigrants from coming to the US, through to today, the US has passed dozens of laws securing our borders and tightening our immigration system. These laws and policies were meant to deter immigrants from coming to the US, to disincentivize them from wanting to live here. For one hundred and forty years, we have tried to make it harder for immigrants to enter and stay in the US. Do we even want immigrants here? Regardless of the answer, it is clear that these deterrence policies have failed. Why is that? What should we do about it?
- What is the goal of American immigration policy? What should that goal be?
- Are there good reasons to regulate immigration?
- Why shouldn't there be a process or mechanism for someone to just decide that they want to live here?
- Should there be quotas and how would they/can they be utilized fairly and equitably?
- Why do we feel the need to regulate human migration?
- Should there be a new category of refugee/asylum that covers environmental refugees?
- In 1927, then Labor Secretary James Davis wrote that deportation "is like trying to prevent burglary with a penalty no severer than opening the front door

of the burglarized residence, should the burglar be found within, escorting him to it, and saying ‘You have no right here; see that you don’t come in again,’” as an argument for implementing criminal penalties against those who crossed the border illegally. Is it an apt comparison? Is a country comparable to a residence? Do we own the country in the way we own a house? If yes, why? We know that undocumented immigrants pay taxes and otherwise contribute to their communities, regardless of their immigration status; how are they comparable to ‘burglar’s?

- We sometimes talk about the root causes of migration. Historically, people in Central American countries have suffered under military dictatorships and right-wing regimes. Demands for land reform were squashed, often violently. The US supported these regimes for our own economic and political reasons, whether overtly or covertly. Our foreign policies have contributed to the instability and inequality in the region. Does the US then have a special obligation to the people of these countries who are living in poverty and/or under repressive, poorly functioning regimes?
- To develop viable strategies for immigration reform, it is important to understand all viewpoints regarding immigration. What are the arguments you have heard against reforming our immigration system? How would you/we respond to these arguments?
- The current and as well as some past administrations have indicated that they are committed to providing resources to address the "root causes" of immigration, including poverty, violence, drug trafficking, and other conditions in the countries from which immigrants are leaving. While helpful, this strategy takes time to be impactful. What should be the balance between investing U.S. resources and efforts into (a) relatively immediate measures to reform the US immigration system versus (b) longer term root causes?
- What wouldn’t you do, what laws would you not break, for the safety and happiness of the ones you love?

Historical Overview

The following is a brief and nowhere near comprehensive summary of the history of immigration and associated legislation in the United States. Please use this to add context to your discussions of the documentary series.

Starting in the early 1800’s, the United States experienced several massive waves of immigration. These waves consisted of peoples the world over, fleeing famine,

poverty, oppression, and seeking novel opportunities in the still new democracy. These waves of immigrants were followed by growing anti-immigrant prejudices felt by American citizens, and subsequent legislation aimed at limiting the number of immigrants coming in.

From 1815-1865, there occurred a considerable increase in the numbers of Irish immigrants coming to the US (particularly during the 1840's as the potato famine took hold) fleeing poverty and seeking opportunity. During this same time period, around 5 million German immigrants came and settled in the midwest; many were farmers and began buying land to farm, or started businesses. Additionally, by the 1850's approximately 25,000 Chinese immigrants arrived on the West Coast, prompted by the opportunities afforded by the gold rush.

In 1868, The US and China signed the Burlingame Treaty. This treaty allowed for the free and unrestricted movement of both Chinese and Americans back and forth between the two countries. The US hoped to take advantage of the incoming cheap Chinese labor to complete the transcontinental railroad. While the railroad would be completed the following year, the Burlingame treaty was of course still valid and Chinese immigrants continued to arrive in the US, looking for work. With the continued influx of Chinese immigrants came a subsequent rise of anti-Chinese sentiment among Americans, and this eventually led to the passage of the Chinese Exclusion Act of 1882, barring all Chinese people from entering the US.

An excerpt from the Burlingame Treaty: *“The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance...for purposes of curiosity, of trade, or as permanent residents.”*

As Chinese immigrants began arriving on the West coast, a wave of immigrants from Mexico came across the southern border, fleeing poverty and violence in Mexico. From 1876 to 1910, Porfirio Diaz was president of Mexico. In his desire to turn Mexico into a major global power, Diaz developed industry and infrastructure in Mexico by courting foreign investors. Diaz began seizing the lands held by the peasantry, and using them to cultivate exportable goods like coffee, tobacco, sugar, etc, and for the construction of factories and other hard infrastructure, such as roads and bridges. By 1900, approximately 90% of the land previously owned by the peasant class had been taken by the Diaz administration. This pushed an estimated 9.5 million previously self-sufficient peasants out of their homes, off their land, and into the employment of local land owners.

As the new Mexican export industry grew, more foreign investors came in, primarily from the UK and the United States. By the time of the Taft administration (1909-1913), the US had some \$2 Billion invested in Mexico. To ensure investor confidence in the stability of their investments, Diaz violently put down any form of resistance to the actions of his administration. Poverty was rampant, and the wealth gap grew sharply. All this taken together caused the first major wave of immigration of

Mexican citizens, poor and looking for better opportunities, to the US. It would also set the stage for the coming Mexican revolution, which itself would prompt further migration from Mexico into the US.

Meanwhile, slavery was on its way out. England outlawed the sale or trade of enslaved persons in 1807, and in 1833, outlawed the ownership of human beings altogether (important to note, this was only in certain parts of the empire). In the US, several states began passing laws curtailing or outright abolishing slavery. Additionally, the Missouri Compromise was passed in 1820; the Compromise outlawed slavery in any new state added to the union north of the 36th parallel. States added after the compromise south of the 36th were still allowed to own enslaved persons. It was a known fact in free and slave states alike that it was only a matter of time before slavery was outlawed altogether in the US.

The Chinese exclusion act was the first *federal* law passed aimed at curtailing immigration. The federal government of the US had been hesitant to pass immigration legislation, preferring to leave it to the individual states. During this time of increased immigration, intense anti-immigrant sentiment began to rise, primarily coming from the Anglo-Saxon Protestant population, prompting dozens of laws to be passed by various state legislatures aimed at limiting or curtailing the influx of more immigrants.

In the late 1880's, the US government felt that the piece-meal immigration system, with individual states passing their own legislation, was less than functional, and decided to take on the responsibility federally. In 1892, Ellis Island was opened as a processing center for incoming immigrants. However, starting with the passage of the Immigration Act of 1924, immigrants were subject to harsh national quotas, which favored immigrants from North Western Europe. The passage of this act was prompted by several factors.

A second wave of Mexican immigrants came starting after 1910, fleeing the violence and instability caused by the Mexican Revolution. In 1910, Porfirio Diaz, who had remained in office for over 30 years largely by rigging elections in his favor, was deposed by an armed rebellion, and rebel leader Francisco Madero was elected. President Madero himself almost immediately faced a series of armed revolts once he took office. The US government, which had a financial interest in the continued stability of the Diaz administration, turned a blind eye to US businesses financially supporting the rebels, as well as outright materially supported the rebels.

In late 1912-early 1913, US President Taft decided that Madero was unable to bring stability to Mexico to a degree that would satisfy American business interests, so he appointed as Ambassador to Mexico Henry Lane Wilson, who had opposed Madero since his 1910 election. Wilson allied the US with the rebels, and by early 1913, the combined US and Mexican rebel force ousted and executed Madero. Wilson then advocated for the US government, as well as other foreign powers, to recognize Victoriano Huerta, who had been elected by the rebels as the new Mexican President, as the legitimate head of state. However, only a few months later, Woodrow Wilson was

sworn in as president of the US, and he would not recognize Huerta. President Wilson in fact advocated that other countries not recognize Huerta either and began to put pressure on Huerta to step down.

Meanwhile, Huerta was facing rebellions of his own. President Wilson allowed arms sales to the rebels against Huerta, and at one point had the US navy blockade the gulf of Mexico against an attempted supply of weapons by Germany to Huerta's forces. The US army even engaged in combat alongside the rebels against Huerta, eventually forcing him to resign before the end of 1913. The rebel forces, now in power, were unable to construct a functional government, and the subsequent infighting devolved into further civil war.

The continual rebellions and administration changes caused average Mexican citizens to flee the violence and economic instability for the safety, security, and prosperity promised by the United States.

Many of these immigrants were farm workers, and would cross the border back and forth seasonally, coming to the US to work and then returning to their families still living in Mexico with the money they had made. However, Official Ports of Entry were inconvenient and expensive for these workers. Mexican migrants were targeted when crossing at legal points of entry for "health inspections", as border agents believed them to be disease carriers. Migrants would frequently seek alternate entry points to avoid the inconvenience, expense, and treatment by border agents of US customs stations.

This was just fine as far as US agriculturalists were concerned. They relied on the cheap labor of Mexican farm workers, and had lobbied Congress to prevent stoppages by legislative means of Mexican immigration. In fact, throughout the first half of the 20th century, Congress instituted several programs to incentivize Mexican immigration to the US for purposes of working here (e.g the Bracero program in the 1940's).

World War One was a large catalyst for the passage of the Immigration Act of 1924. The war was viewed by Americans as strictly an internal European affair, and that the United States should not involve itself in the business of other countries. The seeds of the first Red Scare were also planted at this time, as Russia was experiencing several revolts, culminating in the Russian Revolution of 1917. Even though the US would eventually enter the war, Americans had become distrustful of foreigners, and feared the spread of communism from Europe. This resulted in Congress passing the Passport Act in 1918. The act gave the President the power to limit the number of foreign individuals from entering the US during a time of war.

Then the war ended. But the Passport Act gave some members of Congress ideas. While the war had stoked anti-immigrant fears in the US population, these fears were exacerbated by anti-immigrant congressional representatives. These representatives spread anti-immigrant propaganda that immigrants were given to criminality, and were responsible for bootlegging and other gangster activity (Prohibition had gone into effect in 1919). It was this xenophobic atmosphere which would prompt the passage of the Immigration Act of 1924. The Act limited the number of immigrants allowed entry into

the United States through a national origins quota. The quota provided immigration visas to only 2% percent of the total number of people of each nationality already in the United States as of the 1890 census. This system disproportionately favored immigrants from North Western European Countries, as more people in the US were from these countries.

Since 1882, the United States passed several laws restricting the immigration of specific groups of people, but the '24 act was the first blanket barring of immigrants. If the US had reached its quota, no one else would be allowed in regardless of any other circumstance. While this was the first such law, it would not be the last. Labor Secretary James Davis (1921-1930), an avowed Eugenicist, believed that "it was necessary to draw a distinction between bad stock and good stock, weak blood and strong blood, sound heredity and sickly human stuff". In a November 1927 article for the New York Times, he proposed a set of immigration reforms: Among his goals were "the definite lessening and possibly, in time, the complete checking of the degenerate and the bearer of degenerates." Davis believed that deportation alone wasn't enough to deter illegal immigration, because there was nothing stopping deported migrants from turning around and crossing the border again. "Endeavoring to stop this law violation" by deportation only... "is like trying to prevent burglary with a penalty no severer than opening the front door of the burglarized residence, should the burglar be found within, escorting him to it, and saying 'You have no right here; see that you don't come in again.'" An immigrant who enters the country unlawfully, he concluded, "should be treated as a law violator and punished effectively."

To bring about these goals, Davis worked with South Carolina Senator Coleman Livingston Blease. Blease was a proud and open white supremacist, having campaigned as an ally of poor whites in upper South Carolina. He defended violence against people he called racially inferior, saying a band of white men had done "exactly right" for whipping blacks, saying that "the morals and the mode of living between colored people are not up to the standard adopted and lived up to by the white people." Blease defended lynching, dismissing legal concerns with vigilante justice. "Whenever the Constitution comes between me and the virtue of the white women of the South, I say to hell with the Constitution," he argued."

Davis and Blease together composed a bill which they called The Undesirable Aliens Act, also known as Blease's Law. This bill made it a criminal offense to cross the US border illegally. Anyone found guilty of having done so was subject to fines and up to a year of jail time. The bill was passed into law in 1929, less than a month before the Black Tuesday Stock Market Crash and the beginnings of the Great Depression.

The Undesirable Aliens Act remained law until 1952, when The Immigration and Nationality Act passed. This law reformed portions of Blease's law, mainly shortening jail times from 1 year to 6 months. This was done to speed up illegal immigrant processing through the court system. With such a short jail sentence possible, it was no longer necessary to conduct a jury trial of defendants. Local judges and magistrates

could make decisions on guilt or innocence, as well as sentencing, unilaterally. This led to a massive increase in the number of cases brought against migrant defendants. The law also updated the quota system put in place by the Immigration Act of 1924, specifically creating 100 visas available yearly to Asian immigrants. Any Asian person was eligible for these visas, but 100 was the cap, no more.

President Truman thought that maintaining the national origins quotas, as well as the racial quota on Asian immigrants, was too discriminatory, and vetoed it. But the bill had enough support in Congress to pass over his veto.

The Immigration act of 1965 repealed the National Origins quotas, but left the majority of the '52 act in place. Importantly, the '65 act also instituted labor-based criteria for incoming immigrants. With the new labor criteria in place and the national origin quotas gone, there was no longer a path for an average global citizen to simply decide they wanted to live in the US. Any immigrant seeking to live in the United States lawfully now had to a) be sponsored by a family member who was already a citizen, b) be sponsored by an employer for a job they already had, c) have some kind of advanced degree or special skills which the US deemed valuable, d) be a refugee or e) seek asylum from state-sponsored violence.

The '29, '52, and '65 laws together form the foundation of the modern US immigration system. The Red Scare post World War Two fueled the continued fears of immigrants through the latter half of the 20th century, and even as the Soviet Union fell and the Cold War ended, the Drug War only ramped up. Prosecutions of illegal border crossings increased under Presidents Bush Sr. and Clinton amid growing fears of drug cartels. This trend continued under Presidents Bush Jr. and Obama, as a post 9/11 America was extremely fearful of foreign terrorists and was still committed to the War on Drugs.

While the Obama administration had instructed ICE to prioritize prosecution and deportation of immigrants found guilty of crime, or with a criminal record, there was no law to that effect. It was Blease's Law which allowed the Trump administration to enact its family separation policy and, as long as the act of illegal border crossing remains a criminal act punishable by imprisonment, the US government will remain authorized as a matter of law to separate children from parents who have been deemed to be criminals. It is only changes in enforcement policy that prevent this occurrence and, as we have seen, such policies shift with the change of presidential administration.

In his 2020 presidential campaign, Julian Castro built the repeal of Blease's Law and the Immigration and Nationality act of 1952 into his immigration policy platform. While current-Senators, then-candidates Elizabeth Warren and Cory Booker joined Secretary Castro in calling for the repeal of these laws, the Biden administration has made no move to do so. Meanwhile, 270¹ children of migrants remain separated from their families after having crossed into the US illegally.

¹ <https://www.cnn.com/2021/11/03/politics/border-separations-trump-administration/index.html>

