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Julianne Hazlewood

RED ROUTES

Soaring through the coastal rainforest,
Been following on the red routes for years,
That break like tributaries, swim like snakes,
Criss-crossing, split the paths that they once cleared,
While walking, sweating, within the shade of trees.

Red Roots holding sturdy,
Never sinking in the quicksand-like sludge and slosh.
Tightropes used like sidewalks,
Indicating where it is safe for little feet.
Implicitly understood to make their way easier.

The Chachis are accustomed to walking
These red roots, gnarled and worn.
The red routes....familiar ground.
Guiding the way back home
To their village along the Tululb i River.

October 23, 1997

Christina Gerken

Neo-Liberalism and Family Values in 1990s Immigration Reform Discourse

In response to the 109th Congress’s failure to pass a comprehensive immigration reform law, Homeland Security Secretary Michael Chertoff and Commerce Secretary Carlos Gutierrez developed a series of harsh, enforcement-only reform measures the Bush Administration can take within the boundaries of the existing law. On August 10, 2007, President George W. Bush announced that it had become necessary to take immediate action and address the public’s concern over illegal immigration. He publicly endorsed Secretary Chertoff and Gutierrez’s plan to limit undocumented immigrants’ ability to contest erroneous deportation orders, increase the number of detention facilities, expand the Basic Pilot employment eligibility verification program, and, most importantly, to continue the militarization of the U.S.-Mexico border.1 At the same time, President Bush also cautioned that this reform package was only a first step towards a more comprehensive immigration reform bill which needed to combine the aforementioned border security and interior enforcement efforts with measures that help legal immigrants reunite with their families and assimilate into American culture.

Throughout his presidency, President Bush has made it clear that family values and economic concerns are inextricably linked when it comes to the U.S. immigration system. In his State of the Union Address on January 20, 2004, for instance, President Bush argued that the U.S. government needed to “reform our immigration laws so they reflect our values and benefit our economy.” Chief among these values was the institution of marriage, which he described as “one of the most fundamental, enduring institutions of our civilization.” According to the President, traditional two-married-parent families were most effective in raising healthy, responsible children - children who would eventually develop into hard-working, law-abiding adults. On other occasions, President Bush has also expressed concern that the current immigration law was “unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their

1 This measure would add 18,300 border patrol agents, 370 miles of fencing, 200 miles of vehicle barriers, and 105 camera and radar towers on the U.S.-Mexico border by December 31, 2008.
families and deny businesses willing workers" (Presidential Address, February 2, 2005). In contrast, a successful immigration law would reward those workers who contributed to the U.S. economy and provided for their families.

The following analysis will demonstrate that these recent reform proposals are grounded in important ways in the immigration reform discourse of the mid-1990s. Using a Foucauldian approach to discourse analysis, this article will demonstrate how Congress has used political, social, and even cultural arguments to justify neo-liberal reform measures. For the sake of clarity, this article will not attempt to analyze the entire "discursive formation," which Foucault describes as "a space of multiple dissensions; a set of different oppositions" (Foucault 1972, 155). Instead, it will focus on one particular discursive strand: the controversy about family reunification. In contrast to political scientists James Gimpel and James Edwards, who contend that "consensus had all but disappeared" in the mid-1990s, I will show that there was actually a bi-partisan consensus that the U.S. immigration system had to be streamlined to meet the demands of the labor market and select out the most promising neo-liberal subjects (Gimpel and Edwards 1999, 4). Perhaps not surprisingly, there was little explicit opposition to the idea that the U.S. immigration system should be as economically profitable as possible. At the same time, the persistent emphasis on family values suggests that some politicians were uncomfortable with the idea that immigration policy should be based exclusively on economic criteria.

This article will examine the neo-liberal logic behind various attempts to restructure the family preference category. While I will make periodic references to specific laws or amendments, I am primarily interested in the language that was used to justify certain positions. First, I will critically examine the claim that family-sponsored immigrants are particularly desirable because they remind Americans of the importance of traditional family values. Second, I will examine the controversy over a particular group of family-sponsored immigrants: elderly parents. Finally, I will discuss the widespread concern among some politicians that immigrants who are admitted through the family preference system are somehow inferior to past generations of immigrants.

In support of the nuclear family: Continuing America's historical commitments

Throughout the 104th Congress, politicians were generally eager to prove that their reform plans were not only suited to meet the economic needs of contemporary Americans, but that they were also consistent with America's historical commitment to immigration and immigrants. Most notably, politicians cited their own immigrant ancestry as a way to establish credibility and prove that they were aware of the positive impact immigrants have had on this country. Most of these statements remained on a fairly abstract level. Even though speakers made vague references to immigrants' cultural and social contributions, they did not elaborate on the exact nature of these contributions. Congressional Records indicate that the discourse focused on financial aspects, such as tax payments, job market effects, and the usage of public benefits. References to immigrants' cultural and social contributions were usually only made to underline an economic argument.

With regard to immigrants' economic impact on the U.S., we can distinguish two positions: First, several immigration opponents claimed that contemporary immigrants were fundamentally different from earlier immigrants. Using personal anecdotes, they argued that the current generation of immigrants had less to offer than their predecessors. The second position emphasized the fundamental similarity across generations. These politicians reasoned that, while past generations of immigrants were just as poor, unskilled, and uneducated as many present-day immigrants, they were able to succeed and ensure a better future for their children and grandchildren through hard work. Based on these shared characteristics, current immigrants will eventually reach the same level of success. According to this position, it was unnecessary to shift the immigration system's long-standing emphasis on family reunification to a more pronounced focus on marketable skills and higher levels of education.

In an effort to illustrate immigrants' outstanding ability to overcome initial hardships, Senator Mike DeWine (R-OH) referred to his grandfather, "a dirt poor Irishman," who:

came here with guts and with ambition, but probably with very little else. He took a chance on America, and America took a chance on him because America back then thought big thoughts about itself and what great riches lay in the ambition - in the ambition of people who are willing to take risks. That is the kind of America we need to be, not a closed America that views itself as a finished product but an America that is open to new people, new ideas, and open to the future. (United States Congress, Senate, 1996b).
According to Senator DeWine, America's openness to change and willingness to take risks was one of our greatest strengths rather than a weakness. According to this personal anecdote, an immigrant's race, nationality, educational background, work experience, and financial resources did not necessarily determine whether or not this individual would become a success. Instead, he cited abstract factors such as "guts and ambition" and an eagerness to make the best possible use of the opportunity and freedom America has to offer as much more important. Pre-selecting certain individuals was not only inconsistent with America's tradition, but it was also an ineffective way to choose the most promising individuals.

Whereas some people were concerned that the emphasis on family reunification would de-skill the current generation of new immigrants, others were quick to point out that this was not necessarily the case. Senator Phil Gramm (R-TX), who was one of the most outspoken proponents of a generous family reunification system, stressed the fact that some of the most successful individuals had entered the U.S. through a family sponsor. Specifically, Gramm focused on Indian immigrants, who had managed to surpass even native-born whites when it came to their level of education and their per-capita income. Using his legislative assistant, Rohit Kumar, as an example, Senator Gramm praised the accomplishments of this particular Indian family. According to this narrative, Kumar's parents were original immigrants who became successful medical doctors shortly after their arrival.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. [...] He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. [...] If we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, $500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more. (United States Congress, Senate, 1996b).

Senator Gramm was not only critical of the claim that most contemporary immigrants represented a drain on the U.S. economy, he was also opposed to the idea that those immigrants who had entered the U.S. through family members were, on average, of a lesser quality than those people who had taken advantage of the employment-based immigration system. He believed that the current immigration system served America's interests much better than more restrictive family reunification criteria.
economic and social welfare of the United States” (United States Congress, House, 1995b).

A continuation of the family preference system was also attractive because the pro-family rhetoric that accompanied this discussion would send a positive message to other nations and encourage desirable immigrants to join our national community. Representative Luis Gutierrez (D-IL), for instance, justified the emphasis on family reunification with the following words: “We send a clear signal that we value keeping family members united and together, that we value a policy of fairness [...] that we value the history and character of our Nation and that the United States values inclusion and understanding and opportunity, rather than exclusion, blame, and fear” (United States Congress, House, 1996a). Even though Gutierrez emphasized the historical significance of family values without making a direct reference to families’ economic importance, this comment also complements the neo-liberal logic of Senator DeWine (R-OH). After all, families who stay “united and together” were expected to support each other so that the government would not have to provide assistance.

Frequently, politicians and expert witnesses also described immigrants as positive role models who could make an important cultural contribution by promoting a return to conventional family values. John Swenson, the Executive Director of Migration and Refugee Services of the Catholic Church, argued that “many immigrant groups represent cultures which place a premium on family ties. [...] It is important that, as a nation, we recognize the importance of affirming family within the immigration context as a means of [...] affirming the family in the U.S. in general” (United States Congress, House, 1995b). While it is hardly surprising that a spokesperson for the Catholic Church would focus on the importance of traditional family values, delegates from various organizations and politicians from both ends of the political spectrum advanced a similar rhetoric. They claimed that immigrants’ adherence to traditional family values represented an important contribution to a society facing high divorce and teenage pregnancy rates. Immigrants were desirable because they could potentially remind U.S. citizens of the significance of a strong family unit and showcase that intact families were also productive families.

These depictions of the immigrant population were problematic for a number of reasons. First, the aforementioned family values rhetoric portrayed immigrants as a conservative force that could help the U.S. return to traditional values. These comments classified immigrants as a group of people who were less corrupted by the dislocations typical of advanced capitalist societies. According to this logic, immigrants could help to reinvigorate a society that was too preoccupied with the distractions and indulgences of modern life and initiate a return to heteropatriarchal values. Second, this simplistic portrayal glossed over the fact that immigrants represent an increasingly diverse group of people from a variety of cultural backgrounds. The claim that all immigrants honored the importance of family networks was thus factually incorrect. While certain immigrants undoubtedly attached great importance to the nuclear family unit, others defined family and kinship in different terms, and yet others were just as individualistic as many U.S. citizens.

Finally, this notion of the family was also an indicator of the heteronormative logic behind immigration reform. When politicians argued that immigrants should be allowed to enter the U.S. because of their eagerness to live in traditional two-parent families, they also implied that those people who did not adhere to this norm were less desirable. At no point in my research did I find a politician argue for a more inclusive definition of the family unit that would have included unmarried couples, gay and lesbian couples, or transgendered people. Even though the outright exclusion of gay and lesbian immigrants had been abolished in 1990, politicians were not only reluctant to take any affirmative steps towards allowing homosexual immigrants to take advantage of the family reunification system, but they were apparently hesitant to even acknowledge the fact that not all immigrants lived in traditional two-parent families. This unwillingness to include non-heteronormative families also indicates that the “family reunification” category was not primarily concerned with reuniting people who loved each other. Quite to the contrary, politicians made it very clear that traditional heteropatriarchal families were the only social units that were evidently stable enough to provide long-lasting support. In short, heteronormative family values could be easily integrated into the neo-liberal agenda, while other forms of family and kinship systems were not necessarily interpreted as an indicator that guaranteed financial stability and economic success.

(Re)defining the nuclear family: The controversy about elderly parents

While the entire terrain of immigration discourse was structured around neo-liberal ideas, certain discursive strands emphasized this underlying agenda much more explicitly than others. The debate about the costs and merits of family reunification accentuated immigrants’ cultural contributions as well as the historical significance of traditional Judeo-Christian family values. Yet as the previous section demonstrated, speakers oftentimes used this emotional rhetoric to mask economic objectives. Even though politicians repeatedly stressed that they were supportive of
measures that helped to reunify the traditional nuclear family, they were also eager to develop mechanisms which ensured that “family reunification does not create financial burdens on the taxpayers of this country” (Alan K. Simpson (R-WY), United States Congress, Senate, 1996b).

Politicians were particularly concerned about immigrants’ use of public benefits. While there was little evidence that working-age immigrants were, on average, more likely to receive Temporary Assistance for Needy Families (TANF), Medicaid, food stamps, or other public benefits, expert witnesses such as Jane L. Ross, Carolyn Colvin, and Susan Martin indicated that refugees and elderly immigrants made excessive use of Supplemental Security Income (SSI) and had caused skyrocketing expenditures for this particular program.3 The rising number of poor, elderly immigrants was one of the most hotly debated topics in the immigration reform discourse in 1995/1996. As the following section will show, the discursive strand that focused on elderly immigrants was much more explicit in its concern about financial aspects and risk management strategies than the general debate over family reunification.

On February 6, 1996, the Senate Judiciary Committee called a special meeting to discuss the “Use of Supplemental Security Income and Other Welfare Programs by Immigrants.” Expert witnesses Jane L. Ross, the Director of the Health, Education, and Human Services Division, Carolyn Colvin, Deputy Commissioner for Programs, Policy, Evaluation, and Communications of the Social Security Administration, and Susan Martin, the Executive Director of the U.S. Commission on Immigration Reform testified about the precarious financial situation of the SSI program. According to their statements, Congress had intended SSI as a supplement to the Social Security program. U.S. citizens and legal permanent residents who were either 65 years of age or blind/disabled and did not have sufficient Social Security coverage or other forms of income/assets could apply for SSI.4 Since elderly immigrants and refugees had limited work histories in the U.S. and were much less likely to receive funds from the Social Security program than native-born citizens who had worked in the

3 Please note that there are important differences between the rhetoric used to discuss elderly immigrants and refugees’ SSI usage. Politicians were much more generous towards refugees, who were described as innocence victims of war, terror, and persecution. Due to their traumatic experiences, refugees could hardly be expected to become productive members of U.S. society over night. For reasons of space, I will limit my discussion to elderly immigrants.

4 Undocumented immigrants and temporary residents/visitors have always been ineligible for SSI.

U.S. their entire lives, they were overrepresented on the SSI rolls. By 1995, noncitizens represented about 12 percent of all SSI recipients, nearly one-third of aged SSI recipients, and about 5.5/6.6 percent of disabled recipients.5 Put differently, roughly 3 percent of all noncitizens received SSI compared with 1.8 percent of U.S. citizens. Yet once Susan Martin, the new Executive Director of the U.S. Commission on Immigration Reform, further qualified this number by age, the statistics were perceived as even more alarming: “according to Census Bureau data, 23 percent of the non-citizen foreign born population [65 years of age or older] receive SSI, as compared to 7 percent of naturalized citizens and 4 percent of citizens by birth” (United States Congress, Senate, 1996a).

Faced with this disproportionately high number of noncitizen SSI recipients, the Senate Judiciary Committee discussed various options to reduce federal spending for this particular group of immigrants. In his opening statement, Chairman Alan K. Simpson (R-WY) reminded his colleagues that “this edict that America’s newcomers must be self-sufficient is central to America’s historic immigration policy. [...] Our laws contemplate, and the public expects the newcomers to work or to receive any needed support from the relatives who brought them here” (United States Congress, Senate, 1996a). While Senator Simpson is certainly correct with his claim that sponsors were expected to support their newly arrived family members, historical records indicate that these provisions were never meant to be applied indiscriminately.

The Immigration Act of 1917 was the first act to declare that a person who was deemed likely to become a public charge could only be admitted if a sponsor posted a bond on their behalf. Interestingly, immigration officers did not usually expect sponsors to post a bond. If a sponsor was able to prove that they had the financial resources to provide for an immigrant and was willing to sign a so-called “affidavit of support,” the INS was satisfied. As a result, the Appellate Division of the New York State Supreme Court ruled that “the affidavit of support imposed only a ’moral’ obligation on the defendants” and was not legally enforceable (Sheridan 1998).6 Even though affidavits of support did not represent a
legally-binding contract, the Social Security Administration (SSA) nonetheless expected sponsors to provide sufficient financial support for a period of three years. If a sponsored immigrant fell on hard times and applied for SSI, the SSA “deemed” a portion of the sponsor’s income and assets to be available to the immigrant, even if the sponsor did not actually provide support to the needy immigrant. Most recently arrived immigrants were thus considered ineligible for SSI. As soon as the deeming period was over, however, a significant number of needy immigrants applied for SSI benefits.

The Senate Judiciary Committee concluded that this provision was too expensive and thus untenable. Politicians were particularly concerned about the fact that the numbers as well as the proportion of noncitizens on SSI had been continuously on the rise for the past few years. Even though the aforementioned statistics had shown that the vast majority of elderly immigrants did not receive SSI — or any other form of public support — expert witness Robert Rector, Senior Policy Analyst at the Heritage Foundation, suggested that there was reason to believe that “the United States welfare system is rapidly becoming a deluxe retirement home for the elderly of other countries” (United States Congress, House, 1995b and Senate, 1996a). In addition, Norman Matloff, a Professor of Computer Science at the University of California at Davis, claimed that contemporary immigrants no longer conceived of the welfare system as a last resort. Elderly parents routinely entered the U.S. with the prior intention of applying for SSI. According to Matloff, the Chinese immigrant community had developed networks and strategies to disseminate information about the U.S. welfare system not only to members of their own community, but also to Chinese citizens abroad. Chinese seniors viewed welfare as a “normal benefit of immigration, whose use is actually encouraged, like a library card” (United States Congress, Senate, 1996a). Ironically, elderly Chinese immigrants were now chastised for their eagerness to abandon traditional Confucian values and adopt a much more consumer-oriented mindset.

In later cases, the Supreme Court of Michigan (Michigan ex. rel. Attorney General v. Binder, 96 N.W. 2d 140, 143 (1959)) and the California Court of Appeals (County of San Diego v. Viloria, 80 Cal. Rpt. 869, 873 (1969)) reached similar verdicts. See Sheridan 1998 for more information on the legal history of the affidavit of support. In the original provision, this deeming period was limited to three years. When politicians realized that a significant number of elderly immigrants applied for SSI as soon as this deeming period was over, they lengthened the deeming period to five years. However, this was only meant as a short-term solution and the deeming period would have reverted to three years in October 1996.

While politicians and expert witnesses seemed to agree that this situation was unsustainable, there was considerable controversy about the ideal solution to the perceived problem. My analysis of Congressional debates indicates that there were at least three different approaches: First, Alan K. Simpson (R-WY) and several of his colleagues argued that it would be sufficient to strengthen existing public charge provisions and deport immigrants who made excessive use of public benefits. In accordance with the larger neo-liberal project, they reasoned that the U.S. government should attempt to shift responsibility from state welfare programs to individual sponsors wherever possible. Instead of developing specific restrictions for elderly immigrants and other high risk groups, it would be much more effective to keep a tight rein on all immigrants. As a first step in this direction, Senator Simpson advocated an income requirement for potential sponsors, the introduction of a legally-enforceable affidavit of support, and an extended deeming period for all family-sponsored immigrants. This way, most immigrants would be ineligible for public support. For the small number of immigrants whose “deadbeat sponsors” were unable or unwilling to provide assistance, the state would provide short term support. If immigrants received more than 12 months of welfare in 5 years, they would be subject to deportation under the public charge provision.8

8 At different points in the debate, Congress discussed income requirements that varied between 125% and 200% of the federal poverty line. In the end, the IIRIRA established that potential sponsors had to “demonstrate [...] the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.” A person on active duty in the Armed Forces of the United States was only required to “maintain an annual income equal to at least 100 percent of the Federal poverty line” (P.L. 104-208, Section 551).

9 As a reaction to the discussion about “deadbeat dads” in the context of welfare reform proposals, Lamar S. Smith (R-TX) introduced the term “deadbeat sponsor.” He argued that “just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country. By requiring sponsors to demonstrate the means to fulfill their financial obligations, we make sure that taxpayers are not stuck with the bill” (United States Congress, House, 1996b).

10 8 U.S.C.A. § 1227(a)(5) rules that any alien, who, within five years after the date of entry, has become a public charge from causes not affirmatively shown to have arisen since entry is deportable. Even though this provision has been in the books for more than a century, very few immigrants have actually been deported because they became public charges. The Office of Immigration Statistics (OIS)'s 2003 Yearbook of Immigration Statistics shows that between 1971 and 1980 — the last dates for which this data is available — only 31 immigrants had been deported because they had become public charges (a total of 231,762 aliens were deported during that decade). Between 1961 and 1970, a mere 8 public charges were deported. In contrast, public charge
Second, in addition to discussing elderly parents in the context of generally applicable affidavits of support, the U.S. Commission on Immigration Reform also advocated special restrictions for elderly parents. Even though the Commission was reluctant to categorically exclude parents, they believed “that admission of an elderly parent who would otherwise be denied entry as a public charge should be contingent on a commitment of lifetime support because it is highly unlikely that the parent will become self-supporting after entry” (Susan Martin, United States Congress, Senate, 1996a). While all sponsors should be required to sign a legally-binding affidavit of support, the document’s scope should be limited for children and young adults. Since young immigrants had the potential to become self-supporting, they should be allowed to “earn their way into our generous network of social support” (Alan K. Simpson (R-WY), United States Congress, Senate, 1996a). In contrast, elderly parents were highly unlikely to ever become net contributors. The U.S Commission of Immigration Reform argued that they should be permanently denied all access to public support.

Susan Martin, the Executive Director of the U.S. Commission on Immigration Reform, also cautioned that this financial responsibility should not end when an elderly immigrant naturalized. Furthermore, she claimed that this stance represented a rational and evenhanded compromise: instead of denying elderly immigrants the right to immigrate, they attempted to develop a risk management strategy that would transfer costs from the federal and the state budgets onto individual sponsors. If immigrants really put a high premium on family values and desired to sponsor a parent, they would certainly be willing to pick up the tab.

On a similar note, Robert Rector added that “elderly and near elderly foreigners should be permitted to enter the U.S. only as guests of American relatives who sponsor them. Such elderly ‘guests’ would not have the option of becoming citizens and thereby becoming a future burden on the U.S.” (United States Congress, House, 1995b and Senate, 1996a). Since it would be unconstitutional for the U.S. government to deny naturalized citizens access to SSI, Rector reasoned, the U.S. should keep elderly immigrants from becoming U.S. citizens in the first place. Interestingly, Martin and Rector’s proposals emerged as family-friendly alternatives that had the potential to limit the financial risks and responsibilities of the federal government.

A third group did not stop at limiting access to welfare. Instead of trying to restrict elderly parents’ access to SSI and other public benefits, these speakers argued that it had become necessary to significantly reduce the number of elderly immigrants. Early on in the debate, Robert Rector explained that the reasons behind these proposed restrictions were purely economic and completely in line with the government’s larger objectives. He reasoned that “an advanced welfare state has to be very careful in designing its immigration policy. A welfare state will place great strains on its taxpayers if it encourages the immigration of large numbers of 1) elderly and near elderly persons; or 2) low-skilled persons” (United States Congress, House, 1995b). Even though the majority agreed with this way of thinking, many politicians added that lower immigration levels and a priority system that favored spouses and children under the age of twenty-one would also be more appropriate to ensure that nuclear families could be reunited in a timely fashion.

On January 5, 1995, Senator Richard C. Shelby (R-AL) became the first member of the 104th Congress to suggest a comprehensive immigration reform bill. His “Immigration Moratorium Act of 1995” (S. 160), which sought to provide relief for the American taxpayer, would have cut legal immigration from about one million to 325,000 immigrants per year for the next five years. This number would have included 175,000 spouses and minor children, 50,000 refugees and asylees, 50,000 highly skilled workers, and 50,000 other relatives of U.S. citizens. Parents represented one of the lowest priorities. The House version of the “Immigration Moratorium Act of 1995” (H.R. 373), which was sponsored by Bob Stump (R-AZ), would have reduced immigration levels even further. H.R. 373 ruled that, for the next five years, only 10,000 visas should be allotted to immediate family members per fiscal year.11 Parents were explicitly prohibited from obtaining a visa through sponsorship by their children.12 The “Immigration Reform Act of 1995” (S. 1394), which was introduced by Senator Alan K. Simpson (R-WY)

11 H.R. 373 also contained a provision that would have lengthened the moratorium indefinitely until “the President submits a report to Congress, which is approved by a joint resolution of Congress, that the flow of illegal immigration has been reduced to less than 10,000 aliens per year and that any increase in legal immigration resulting from termination of the immigration moratorium would have no adverse impact on the wages and working conditions of United States citizens, the achievement or maintenance of Federal environmental quality standards, or the capacity of public schools, public hospitals, and other public facilities to serve the resident population in those localities where immigrants are likely to settle” (H.R. 373, Section 2).

12 See section 7, which redefined “immediate relatives” as follows: “During the immigration moratorium, the term ‘immediate relatives’ for purposes of section 201(b) of the Immigration and Nationality Act means the children and spouse of a citizen of the United States.” (H.R. 373).
on November 3, 1995, wanted to reduce the annual level of legal, non-refugee immigration to about 540,000. This number would have included 90,000 employment-based visas, 150,000 visas to reduce the backlog of people who had already applied, and 300,000 visas for immediate family members, which S. 1394 defined as spouses and unmarried minor children of U.S. citizens and legal permanent residents.

Later proposals contained provisions which would have made a very limited number of visas available to elderly parents. Spencer Abraham (R-MI), for example, offered an amendment to the “Immigration Control and Financial Responsibility Act of 1996” (S. 1664), which would have allowed parents to receive immigrant visas only if the more immediate family categories did not need all of them (United States Congress, Senate, April 15, 1996). As several representatives pointed out, this provision was unlikely to ever take effect since, in the past, there had always been more applications than visas. Despite dramatic numerical differences and slight variations in the exact nature of the preference system, the aforementioned bills (S. 160, H.R. 373, S. 1394, and S. 1664) would have effectively denied parents of U.S. citizens and legal permanent residents an opportunity to immigrate in the U.S.

Even though politicians were generally eager to express their own commitment to family values and, as we have seen in the previous section, repeatedly praised immigrants’ dedication to their families, these concerns were oftentimes outweighed by economic considerations. Throughout the legislative period, the discourse gradually shifted from economically-oriented proposals that contained sharp limitations for family-sponsored immigrants to comparatively more generous proposals. This shift is indicative of the larger tendency to combine economic objectives with other, more palatable considerations. In order to make bills more appealing to representatives from both ends of the political spectrum, the final reform proposals made almost no outright exclusions. Instead, they assigned less economically desirable groups - such as elderly parents - a very low priority and thus limited their admission numbers indirectly.

Despite the fact that all of the major immigration reform bills contained provisions that would have negatively affected parents’ chances to immigrate, the final version of the law (P.L. 104-208) did not change the family preference system. Up to this day, U.S. immigration policy holds that children, spouses, and parents of U.S. citizens are classified as “immediate relatives” and are thus not subject to numerical limitations. Parents of U.S. citizens still receive preferential treatment over many other groups - including spouses and unmarried sons and daughters of legal permanent residents - who are much more likely to develop into net contributors. In addition, the U.S. government did not pass any risk-management provisions that specifically applied to elderly immigrants (e.g. mandatory health insurance).

Instead, the IIRIRA made the affidavit of support legally enforceable, required sponsors to provide evidence that they could maintain the sponsored immigrants at an annual income no less than 125% of the poverty line and ensured that the affidavit was enforceable until a sponsored immigrant had naturalized or until they had worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act. The U.S. government had successfully shifted financial responsibility from the state to the individual sponsor. Especially in the case of elderly immigrants, whose naturalization rates have always been low, sponsors were likely to make a lifetime commitment when they signed an affidavit of support.

The affidavit of support could be expected to reduce the number of
elderly SSI recipients for four interrelated reasons: First, new arrivals would be ineligible to receive public support for a minimum of five years. Second, even if immigrants became eligible for public support, they might be reluctant to take advantage of this opportunity because of the likelihood that they would be deported as a public charge. Third, many potential sponsors would be unable to demonstrate that they had an income at or above 125 percent of the federal poverty line. And, fourth, even if sponsors had the necessary financial resources, they might be hesitant to sign a legally-enforceable contract for elderly parents who were unable to support themselves (Luibheid 2005). Consequently, a legally-enforceable affidavit of support represented an ideal mechanism to reduce federal spending, while – at least rhetorically – upholding a commitment to family values.

The repeated reference to family values served a number of important discursive functions. The bill’s proponents convincingly argued that this reform measure was neither biased nor mean-spirited. Sensing that the economically-oriented logic behind the new immigration policy might be controversial among certain groups, these politicians portrayed the affidavit of support as a generous compromise that allowed immigrants to bring additional family members into the U.S. If immigrants continued to put such a high premium on family ties, they should be willing to accept some additional financial responsibilities. At the same time, those people who were unwilling to sign an affidavit of support were apparently not particularly committed to their family members and thus not worthy of family reunification visas.

Contemporary immigrants: Prime examples of successful nuclear families?

As the previous section demonstrated, the discourse surrounding elderly parents accentuated economic aspects. In accordance with the larger neo-liberal project, elderly immigrants were seen as less desirable because they had little potential to develop into net contributors. The “ideal” immigrant was described as a self-sufficient neo-liberal subject whose financial contributions outweighed their usage of public services. In addition, politicians praised heteronormative family structures as an important support network that could help to shift responsibility from the state to the individual family unit. In some cases, neo-liberal and family values mutually reinforced each other. Other discursive strands demonstrate that there was also a productive tension between these two aspects. As the following discussion will show, politicians who generally favored neo-liberal immigrant subjects did not hesitate to accuse immigrants of acting as rational neo-liberal subjects by abandoning their families at other points in the discourse.

The proponents of lower immigration levels indicated that often immigrants who attempted to sponsor a relative did not actually place much importance on the nuclear family. Senator Richard C. Shelby (R-AL) reasoned that “when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family” (United States Congress, Senate, 1996b). Accordingly, the U.S. government had no obligation to reunite a family that was broken up by immigrants themselves. John Bryant (D-TX) also believed that immigrants had to accept the negative consequences of their own decisions. According to him, every potential immigrant had to make a simple choice: “If you do not want to leave your brothers and sisters and do not want to leave your adult children, then do not leave them” (United States Congress, House, 1996a). If immigrants were truly attached to their extended family, they would simply stay in their home country.

Congress also struggled to reconcile pro-family rhetoric with their unwillingness to support “chain migration.” On March 21, 1996, for instance, Lamar Smith (R-TX) warned that “the admission of a single immigrant over time can result in the admissions of dozens of increasingly distant family members. Without reform of the immigration system, chain migration of relatives who are distantly related to the original immigrant will continue on and on and on” (United States Congress, House, 1996b). Later in the debate, Senator Alan K. Simpson (R-WY) painted an even more frightening picture. On April 15, 1996, he asserted that he had heard of cases where a single U.S. citizen or legal permanent resident successfully petitioned up to 70 family members and ten days later, he proclaimed that “the all-time record was 83 persons on a single petition” (United States Congress, Senate, 1996b).

Even though politicians like Representative Xavier Becerra (D-CA), and Senators Spencer Abraham (R-MI) and Mike DeWine (R-OH) repeatedly corrected these exaggerated statistics and alarmist examples and reminded their colleagues that family reunification was a very slow process, the concern about chain migration not only influenced policy decisions but it also validated several problematic assumptions: Simpson and Smith’s remarks seemed to suggest that most immigrants had large families with multiple children, siblings, cousins, aunts and uncles. Even though they did
not explicitly comment on cultural differences in this context, both speakers clearly implied that the U.S. government needed to be concerned about ‘uncontrolled Third World sexuality.’ Many politicians firmly believed that all of these family members would actually come to America if given the chance. They implied that distant family members were not only undeserving, but would put a burden on U.S. society. Congressional Debates thus set up a false dichotomy between family members and skilled workers and ignored the fact that many family-sponsored immigrants had a high level of education and professional experience.

As the aforementioned examples have shown, the discourse combined specific economic concerns with general anxieties about the social and cultural impact of a large, ethnically diverse immigrant population. Even though numerous speakers were not shy to point out that past generations of white Western European immigrants were far superior to current immigrants, they were obviously reluctant to suggest a return to racially exclusive laws as the solution to America’s perceived immigrant problem. Instead, Congress developed a complex rhetoric which suggested that contemporary immigrants had failed to succeed because they had refused to assimilate to mainstream American culture. In accordance with the economic reasoning of the larger neo-liberal project, politicians denied the importance of inherent characteristics – such as race and nationality – and instead focused on the negative choices made by certain individuals. Poor Mexicans were perceived as less desirable not because they were poor or of Hispanic descent, but because they supposedly had failed to act like responsible, neo-liberal subjects (i.e. like law-abiding, middle-class U.S. citizens who just happened to be overwhelmingly white).

In this context, politicians also made a sharp distinction between the public and the private realm. In an interesting twist on the outdated but still very popular notion of America as a melting pot of different cultures, Alan K. Simpson (R-WY) argued that “terms like ‘assimilation’ and ‘Americanization’ should not be ‘politically incorrect’” (United States Congress, Senate, 1995b). Multiculturalism was a great thing, as long as it was practiced in the confines of a person’s own home or in their ethnic community. On the condition that immigrants respect the American flag and use the English language in public, “we don’t care what you do in your private culture. If you want go home at night and worship the great eel, that is your business” (Alan K. Simpson (R-WY), United States Congress, Senate, 1994b). In keeping with the larger political climate, no one suggested that contemporary immigrants should be forced to abandon their own private values and beliefs. At the very least, though, Senator Simpson’s sarcastic comment suggests some of these cultural practices and beliefs were too bizarre to be taken seriously by the American public. In continuation of a long history of anti-Catholic sentiments, Mexican Catholicism was included in this group of bizarre religious practices that, according to mainstream U.S. standards, bordered on the occult. If we read this comment in the context of the underlying concern about immigrants’ out-of-control sexuality, Senator Simpson’s reference to the “great eel” can be read as a sexual innuendo as well. By equating immigrants’ sexuality with a quasi-religious practice, Simpson stresses the cultural divide that separates the traditional Judeo-Christian values of U.S. families from the uncontrolled, pagan sexuality that is supposedly practiced by Third World immigrants.

In addition, politicians argued that diversity and multiculturalism were only helpful to a certain degree. While even the most conservative politicians agreed that the United States had benefited from the rich cultural backgrounds of past generations of immigrants, they were much more critical of current immigrants. After nostalgically acknowledging America’s roots as a nation of immigrants, many politicians concluded that it was no longer acceptable, or even desirable, for immigrants to hold on to their traditions. On one rare occasion, Senator Richard Shelby (R-AL) actually said that European immigrants were more desirable because “our domestic population’s cultural and ethnic heritages were more similar to those of new immigrants” (United States Congress, Senate, 1996b). For the most part, though, the proponents of more restrictive immigration laws left their comments about the optimum racial and ethnic ingredients of a diverse society intentionally vague.

Rather than focus on race, Congressional Debates in 1995-1996 emphasize concern about different nationalities and cultures. Early on in the debate, Governor Lawton Chiles (FL), one of the most fervent supporters of lower immigration levels, painted a particularly frightening picture. He claimed that, in Florida “many of our public school teachers are in classrooms which resemble a UN general assembly of children. Imagine – one teacher faced with handling children of as many as 14 nationalities, languages and cultural differences.” He goes on to say that in the waiting room at Jackson Memorial Hospital in Dade County, “we have people with diseases often unknown in the U.S.; people who have not seen a medical professional in years; people who have no medical records or history and certainly no insurance” (United States Congress, Senate, 1994a). Despite the fact that Governor Chiles was most likely referring to Haitian and Cuban immigrants, who had migrated from areas that are geographically close to the U.S., and Florida and in particular, his comment about “unknown roots & routes 63
diseases" seems to imply that the current immigrant population was composed of people from more remote areas of the world. Regardless of the specific reference, Governor Chiles believed that too much diversity posed a visible threat to U.S. society.

Even though politicians tended to voice their concerns in race-neutral terms, the aforementioned examples demonstrate that race and ethnicity were clearly an issue in the immigration discourse. For example, it is pretty obvious that Governor Chiles' concern about unknown diseases was not directed towards European immigrants. Despite the clearly discernible racial undertones in the immigration debate, most politicians were reluctant to mention, much less discuss, the fact that the contemporary generation of immigrants was mainly of Latin American and Asian descent. Instead, they used the public's opposition to multiculturalism as a way to talk publicly about race.

Conservative politicians were not shy to voice their negative opinions about multiculturalism in very concrete terms. They argued that America's current emphasis on multicultural programs had made "assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants' diversity, multiculturalists now push to retain newcomers' different cultures" (Richard C. Shelby (R-AL), United States Congress, Senate, 1996b). This argument is problematic on a number of levels. First, Senator Shelby downplays the fact that America has never truly melded all immigrants' traditions into a larger American culture. If there was ever such a thing as a melting pot, a highly selective process that prevented most cultures from contributing. Second, this type of reasoning does not acknowledge the continued importance of racial characteristics. For instance, even if Asian immigrants eagerly adopt American culture, as visible racial minorities, these immigrants will always remain outside of the national community to a certain degree. Third, and most importantly, Senator Shelby also implied that "multiculturalists" encourage minorities to position themselves in opposition to the majority culture. However, research on immigrants' roles in U.S. society has clearly demonstrated that most immigrants are eager to engage with the majority culture and claim membership in U.S. society (Espinosa and Massey 1997, Flores and Benmayor 1997, Olsen 2000, Portes and Rumbaut 1996). For instance, William C. Flores and Rina Benmayor have argued that, while Latinos have established a distinct social space for themselves, they also perceive themselves to be part of the larger society. Clearly, these two aspirations are not mutually exclusive.

This tendency to favor simplistic distinctions is representative of the larger neo-liberal discourse. Throughout the immigration debate, politicians were reluctant to discuss more complex issues. Instead of critically interrogating the notion of a "nuclear family" in order to develop a more inclusive concept, for example, politicians based their reform proposals on their own, narrow definitions. In addition, Congress did not define immigrants' exact contributions and they did not talk openly about immigrants' sexuality, nationality, and race. This refusal to engage with the complexities of the matter is indicative of a general belief that politicians should be concerned with their constituencies and the U.S. government's perspective, not with immigrants themselves. What counts in this instance is the fact that a certain behavior has on society at large, not the motivations behind this behavior. Even more importantly, the neo-liberal framework denied the importance of inherent characteristics. Instead of talking about race or sexuality, immigrants were judged by their ability to navigate the U.S. labor market and their eagerness to become a part of mainstream culture. Accordingly, if immigrants struggled to succeed by U.S. standards, this was interpreted as their own fault, not as the result of racism or discrimination.

While the issue of multiculturalism in general caused considerable controversy, expert witnesses and politicians were even more concerned about the future of the English language. As one possible reaction to the growing linguistic diversity in the U.S., Charles T. Canady (R-FL) proposed an amendment that would have required future immigrants to pass an English language proficiency exam before they entered the U.S.18 Even though Canady was unable to provide specific evidence that immigrants were indeed unwilling to learn the English language once they arrive in the United States, he insisted that the current immigrant population showed a lack of initiative. In support of the Canary-Amendment, Toby Roth (R-WI) also added that the language requirement was not meant as a punishment, but an incentive to learn English. Supporters of the amendment hailed English language exams as an excellent opportunity to pre-select certain educated individuals and encourage immigrants to take responsibility and make an investment into their future.

18 Interestingly, Charles T. Canady chose to limit the scope of his amendment to the diversity visa lottery and the employment preference category, instead of requiring family-sponsored immigrants to pass the same test. At no point in the debate did he offer an explanation for this decision. However, he added that it would be a possibility to give preferential treatment to those family members who already possessed superior English-language skills.
In addition, several representatives pointed to the fact that the English language was much more than a simple tool to communicate. In an attempt to highlight the importance of the Canady Amendment, Newt Gingrich (R-GA) suggested that “you are not born American in some genetic sense. You are not born American in some racist sense. This is an acquired sense. You are not born American in some racist sense. This is an acquired pattern. English is a key part of this” (United States Congress, House, 1996a). While the first part of this statement is certainly a correct depiction of American culture and society, Gingrich’s seemingly positive message stands in direct opposition to the intentions behind the proposed amendment. Instead of allowing immigrants an opportunity to join the national English language, the amendment was clearly biased in favor of highly educated European, Indian and Filipino immigrants, who were more likely to have an advanced knowledge of the English language. Notably, Representative Robert A. Underwood, a strong opponent of the Canary Amendment, was the only person to point to this racial bias. He described the amendment as “a backdoor attempt that introduces an ethnic element into the discussion of immigration policy” (United States Congress, House, 1996a).

Conclusion

As the previous sections have demonstrated, the immigration reform discourse in the mid-1990s was characterized by a productive tension between different values and objectives. As Foucault has argued in *The Archaeology of Knowledge*, discourse is always, “from beginning to end, historical – a fragment of history, a unity and discontinuity in history itself, posing the problem of its own limits, its divisions, its transformations” (Foucault 1972, 117). As such, a discursive formation consists of multiple discursive strands which, even though they are interconnected, are characterized by widely different foci, concerns, and opinions. However, even though there are these divergent foci, discourse also works systematically. In the case of immigration reform in the 1990s, although there were many heated debates about every proposed item of legislation, there was a complete consensus about one thing: the worth of an immigrant had to be measured in economic terms. In the case of the debate about elderly parents, politicians did not even try very hard to hide the fact that they were primarily concerned about the costs and benefits associated with this particular group. In other cases, Congress took great pains to mask some of their underlying concerns.

In addition, politicians were reluctant to problematize the role that race and ethnicity played in these economically-oriented reform initiatives. The focus was always on immigrants’ behaviors and lifestyles, not on inherent characteristics such as race. Immigrants were described as less desirable if they failed to assimilate to U.S. culture, use the English language, and live in married two-parent family units. The neo-liberal rhetoric seemed to suggest that these aspects were merely a matter of personal choice and individual merit, not a question of an immigrant’s racial or ethnic background. Most politicians successfully framed their policies as merit-based, color-blind, and thus unproblematic – even though their proposed reforms targeted primarily poor, non-white immigrants from Asia, Latin America, and the Caribbean who would have a much harder time living up to this neo-liberal ideal.

In contrast to this general reluctance to talk openly about race, Congressional Debates about immigrants and immigration reform were heavily influenced by a larger discourse about family values. Obviously, the concept of family values is inherently flexible and dependent on a society’s economic, political, cultural, and religious systems and beliefs. In a U.S. context, the term family values has been used to justify a wide variety of perspectives, including everything from conservative Christian values to calls for parent-friendly employment laws, affordable child care, and support of alternative family and kinship structures. By the mid-1990s, however, family values had become largely synonymous with a conservative ideology that promoted the traditional nuclear family as the only living arrangement worthy of governmental support and protection. Within the context of the immigration reform debate, the emphasis on family values ultimately helped to create laws which regulate the immigrant population and produce desirable behaviors and economic effects.

The current debate about a possible guest-worker program and a “streamlined” legal immigration system is not much different. President George W. Bush has repeatedly called for the U.S. government to continue America’s historical commitment to immigration and immigrants, whose adherence to traditional family values represents a welcome and much needed addition to the national community. In addition, President Bush seems to subscribe to the same abstract and color-blind ideal of cultural pluralism that was so popular in mid-1990s. In his presidential address on May 15, 2006, for instance, he stressed that:

we must honor the great American tradition of the melting roots & routes
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pot, which has made us one nation out of many peoples. The success of our country depends upon helping newcomers assimilate into our society, and embrace our common identity as Americans. Americans are bound together by our shared ideals, an appreciation of our history, respect for the flag we fly, and an ability to speak and write the English language.

While there is a discursive emphasis on American values and historical commitments, explicit economic concerns lie near the surface. Every politician who has introduced an immigration reform bill in the 109th Congress has explicitly stated that their reform proposals are best suited to meet America's economic needs. President George W. Bush, for example, has recently suggested that the U.S. should rethink their priorities and develop a point system that measures immigrants' merit and their potential to develop into self-supporting, responsible neo-liberal subjects. Instead of upholding the traditional distinction between employment-based visas and the family reunification system, this new approach would inextricably link economic objectives with the commitment to reunite families. Obviously, this kind of policy would favor those immigrants who are already relatively wealthy, highly educated, proficient in English, and who have family ties to the United States. Hence, it would reduce the number of immigrants from Mexico, China, Cuba, Vietnam, the Dominican Republic and other countries that have supplied large number of immigrants over the last few years.

In contrast, guest-worker programs, which would most likely benefit unskilled workers from Latin America and the Caribbean, usually ensure that these individuals would not be allowed to bring their families and stay permanently. Instead of expecting them to become an integral part of American culture, these individuals are relegated into vulnerable positions outside of the American mainstream, away from everyone else. Not only do current reform measures plan to deny these "guest workers" access to welfare and health care benefits, but they do not even grant them the right to rely on their families as an informal support network. When discussing undocumented immigrants and future "guest workers," politicians do not even try to mask their economic objectives with a more palatable rhetoric about family values.

References


