

ASYLUM SEEKING: HOW RACIALIZATION IMPACTS LATINE REFUGEE MIGRATION TO THE UNITED STATES

Mia Rogers, Department of Anthropology, College of Liberal Arts and Social Sciences
 Dr. Jara M. Carrington, PhD, Department of Anthropology, College of Liberal Arts and Social Sciences

INTRODUCTION

Racial categories in the U.S., developed through colonialism, center heavily on the idealism of “whiteness”, placing those who don’t assimilate to traditional European traits such as fair skin, and fluency in English further down the social, political and economic hierarchy in little to no position of power. Michael Omi and Howard Winant distinguish racialization as the process by which social, economic, political and at times phenotypical biological factors are utilized in the creation of racial categories. These categories are then used to justify the subjugation of one racial group over another (Omi and Winant 2015). Omi and Winant’s concept of racialization proves responsible for the ways in which Latine migrants and refugees are treated and perceived today. I utilize the term Latine in place of Latino to encompass gender neutrality within the impact of racialization of this racial grouping.

A strong intergenerational maintenance of cultural practices originating from Latin America and high birth rates not only discern Latines as non-white, but these factors also mark Latines as a threat to the United State’s identity, economic opportunity as well as social and political safety. This perceived threat can be identified as the Latino threat narrative, a concept Leo Chavez developed to encapsulate how news media portrays immigrants from Mexico and Central America (Chavez 2008). The prominent use of Spanish, practice of Catholicism, continuance of other cultural practices and close familial ties to their home country have raised concerns of Latine individuals’ loyalty to the United states, particularly after the events of 9/11 (Luibheid, Cantú and Randazzo 2007; Chavez 2008). As a result, Latine migrants are increasingly criminalized through public discourse within media platforms and through legal decisions. These legal decisions ostracize and prevent Latines in need from receiving legal rights and benefits that other groups are allowed.

The Latino threat narrative both impacts and is reproduced through legal decisions that block immigrants from applying for asylum. This prompts the necessary look into how the challenges of racialization specifically impact Latine refugees within the asylum seeking process today. If further prompts to ask the question of how might racialization in collaboration of sex, gender and sexuality produce an unlevel playing field for those within the Latine community?

METHODS

- Digital Ethnography on Immigration and Asylum resources, websites and media coverage
- Textual analysis of supporting documents and readings
- Participant Observation within the Refugee Support Network

THE ASYLUM PROCESS



(“Asylum Seekers Wait Days and Weeks at U.S.-Mexico Border” 2022)



(Robertson, Camerini, Schmeer and Osborn and et al. 2006)



(Robertson, Camerini, Schmeer and Osborn and et al. 2006)

The right to Asylum is granted based on the verification of “persecution or a well-grounded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion” through the following process:

Step 1: Arrive in the U.S.

Challenge: Many refugees are not aware asylum is an option and/or lack the funds to pursue asylum

Step 2: Apply for Asylum within one year of entry to the U.S.

Challenge: Many lack the funds and social network to start and complete the asylum process. Many refugees also are not aware there is a one year deadline.

Step 3: Fingerprinting and Background/Security Checks

Challenge: Documentation is often unattainable, destroyed or lost due to the nature of the refugee’s situation. Lack of documentation also further prevents the perception of an individual to be of “good character”.

Step 4: Receive an Interview Notice and Partake in Asylum credibility interview

Challenge: Asylum-seekers must repeatedly recount their most traumatic experiences that can go back decades to strangers without missing any details and at times are unsure they will not be criminalized and thereby further punished for the same reasons.

Step 5: Asylum Officer Makes a Determination reviewed by a Supervisory Asylum Officer

Challenge: Covid policies put into place under the Remain in Mexico program introduced by the Trump Administration has enabled the denial of thousands of Latine asylum seekers to make their asylum claim and forced displacement back to Mexico, where these asylum seekers face more abuse while they await their decision.

MEDIA, LEGAL AND LITERARY ANALYSIS

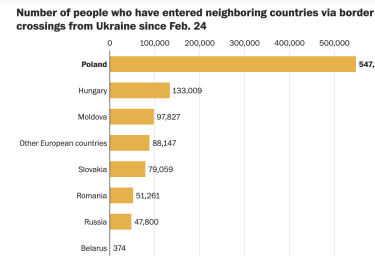
DISSECTING THE LATINO THREAT

Technological advancements have enabled globalization, facilitating the reach of media and thereby its influential power to commence social change. This vast connection of thoughts through media, particularly news media, fortifies the impact of racialization. Support networks are able to come together to either assist those they value or unite against those they view criminally. Comparisons between U.S. media responses to Ukrainian displacement due to the current conflict with Russia and reporting on Mexican and Central American migrants exemplify how the infiltration of the racialization behind the Latino threat narrative within American news coverage serves to produce negative consequences.

While the asylum process is meant to aid those experiencing racial, political, religious and social distress, a look into the distribution of resources indicates otherwise. Omi and Winant situate this as a racial project- an entity that represents racial dynamics and redistributes resources based upon these racial dynamics (Omi and Winant 2015). An analysis of migration statistics show that, even in light of COVID restrictions, European asylum-seekers remain the most successful group to achieve asylum status in the U.S. within the past 20 years. Latine asylum-seekers, on the other hand, are recorded to be least successful (TRAC 2021). Correspondingly, the Trump administration brought a strong wave of anti-Latine immigration sentiments that were consistently mirrored in news media coverage. Media frequently labeled Latine migrants as “job-stealers”, “illegal aliens” and “criminals”. These use of these labels, of which align with the themes introduced through the Latino threat narrative, allowed these sentiments to receive unified backing by primarily rural workers and conservatives.

Strong support from Trump administration base led to the implementation of new policies and programs that explicitly targeted the removal of Latine migrants. Among them, the Remain in Mexico Program and Title 42 policy greatly contributed to a 71% asylum denial peak in 2021 as it incited the expulsion of thousands of Latine refugees (TRAC 2021). The League of Latin American Citizens and the Human Rights Watch reported 213,000 Salvadoran asylum-seekers alone were deported between 2014 and 2018. Of the few cases on record of these deportations after returning to their home country, over 200 cases establish a clear connection between the harm or death of the asylum-seeker upon arrival to their home country for their initial reason of seeking asylum (“Deported to Danger” 2020; “Migrants” 2022).

ETHNOGRAPHIC ANALYSIS: IMPACTS OF RACIALIZATION IN THE UKRAINIAN HUMANITARIAN CRISIS



As of Mar. 3, 10 a.m.
 Source: United Nations High Commissioner for Refugees (UNHCR)
 (Faiola, Anthony, Noack and Adam 2022)

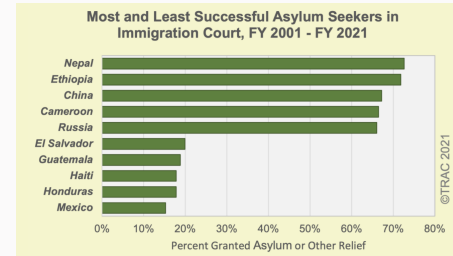


Figure 1. Most and Least Successful Asylum Seekers in Immigration Court Among Leading Nationalities, FY 2001 - FY 2021
 (TRAC 2021)

“THESE ARE NOT THE REFUGEES WE ARE USED TO... THESE PEOPLE ARE EUROPEANS... THESE PEOPLE ARE INTELLIGENT. THEY ARE EDUCATED PEOPLE... THIS IS NOT THE REFUGEE WAVE WE HAVE BEEN USED TO, PEOPLE WE WERE NOT SURE ABOUT THEIR IDENTITY, PEOPLE WITH UNCLEAR PASTS, WHO COULD HAVE BEEN EVEN TERRORISTS...IN OTHER WORDS, THERE IS NOT A SINGLE EUROPEAN COUNTRY NOW WHICH IS AFRAID OF THE CURRENT WAVE OF REFUGEES.”
 -BULGARIAN PRIME MINISTER KIRIL PETKOV, IN AN INTERVIEW BY ASSOCIATED PRESS IN FEB. 2022-

Media representation of and the proactive response to the Ukrainian humanitarian crisis by the United States brings to light a stark contrast between the perception and treatment of Latine and Ukrainian asylum seekers. A multitude of world leaders, including U.S. politicians, have expressed higher concern towards Ukrainian refugees. I suggest that this is in part due to their whiteness. However, Bulgarian Prime Minister Kirvil Petrov’s recent statement in an interview by Associated Press explicitly embodies how Ukrainians are positively racialized in comparison to refugees of other racial and ethnic groups which are not perceived as white. Instead, refugees of color that comprise the accustomed refugee wave Prime Minister Petrov speaks of, inclusive of Syrians, Indians, Black people, Latines and more, are distinguished as prone to terrorism and unrefined qualities exemplified through Prime Minister Petrov’s misguided claim to lack of education (Anders and Knox 2022). Not only does this statement explicitly establish the existence of an idealism of whiteness which determines a racial group’s value and thereby protections of basic human rights, but it also justifies the disproportionate efforts to protect Latine refugees and other refugees of color.

The Ukrainian crisis is quickly earning the title of the world’s biggest humanitarian crisis with over 3 million people and counting seeking refuge in neighboring countries within weeks. In addition to several countries assisting the blockade of further Russian invasion of Ukraine and providing well-equipped hot spot stations to welcome Ukrainian refugees, the U.S. has allocated more than \$1 billion towards humanitarian assistance of Ukrainian refugees. As neighboring countries like Czechoslovakia and Poland reach capacity due to an influx of Ukrainian refugees, U.S. government officials are pushing to prioritize and accept more Ukrainian refugees over the thousands of Latine refugees that must await to file a claim or for their asylum hearings at the U.S.-Mexico border (Faiola, Anthony, Rick Noack and Adam 2022). President Biden has even announced plans to accept 100,000 Ukrainian refugees despite a 125, 000 restriction Biden put in place of how many refugees the United States is willing to admit in a fiscal year (The Daily Show 2022; Haulslohner, Miraf and Ashley Parker 2022).

Reported at the U.S.-Mexico Border, Ukrainian refugees have been prioritized in line, permitted entry and granted refugee or asylum status over primarily Latine migrants and refugees (Al Jazeera English 2022; Reuters 2022). While Ukrainian refugees have surpassed over 400,000 migrants, within the refugee and asylum processes. These 400,000 migrants are comprised of many Latine asylum seekers that have been denied the chance to make their claims alongside over 72,000 Latine asylum seekers who have been expelled to Mexico to await their asylum hearings (Human Rights Watch 2021). Ukrainian refugees have also been granted humanitarian parole to allot more access to health care, jobs and time frame of legality in regard to their stay in the U.S. The fact that Latine refugees are often fleeing similar situations in unofficial war zones due to long standing gang violence and political corruption that have existed longer than the Ukrainian crisis appears to be overlooked in this prioritization of Ukrainian refugees. This is evident as Latine migrants face the highest unlikelihood of being granted asylum under the lasting impacts of the Remain in Mexico Program put in place under the Trump administration (Trac 2021).

Correspondingly, an analysis of news media coverage such as ABC, CNN and the Washington Post further indicate that Ukrainians have been coined “brave” and “selfless” for traveling thousands of miles or sending their unaccompanied children to another country for safety, yet Latines are labelled “irresponsible” and “criminals” for the very same acts. There presents a clear acceptance of Ukrainian refugees as innocent due to their whiteness as Latines are lumped into being the cause of such inexplicable violence they experience due to their lack thereof. The extra lengths the U.S. has gone to resettle and assist Ukrainian refugees proves that there has always been room and resources to assist such a large number of refugees, particularly Latine refugees who have repeatedly risked their lives asking for assistance. However, the allocation of such resources rely on the association between the idealization of whiteness and innocence and the magnitude of which that is shared.

INTERSECTIONAL CHALLENGES

While racialization proves to have a large impact on the experiences of all Latine asylum seekers, it is evident that Latine asylum seekers of different identities and socioeconomic backgrounds experience different realities and hardship when it comes to asylum. The duration of the asylum process can last several years, meaning that there is a high cost of expenses associated with the asylum process. With challenges of language comprehension and unfamiliarity with U.S. law, a lawyer is necessary to increase one’s chances of being successfully granted asylum. The costs of a lawyer, sometimes beginning at \$12,000, in addition to affording housing, food and often the cost of supporting additional family members both within the states and in one’s home country is a tall feat for a Latine asylum-seeker of lower class (Luibheid, Cantú and Randazzo 2007). These individuals often enter the country using what little funds they have to simply transport to the United states, having to establish a new social network for support, resources and job opportunities. Because of this the act of filing for asylum within a year becomes an unrealistic task to accomplish.

“JUST IN MY SMALL PRACTICE, I WAS SEEING LOTS AND LOTS OF PROSPECTIVE ASYLUM SEEKERS WHO EITHER LACK THE RESOURCES OR FOR REASONS HAVING NOTHING TO DO WITH THE ACTUAL DEGREE OF DANGER IN THEIR COUNTRY WERE NOT LIKELY TO PREVAIL IN APPLICATIONS FOR ASYLUM, BUT I HAD LEARNED YEARS EARLIER, INDEED DECADES EARLIER, THAT SOMETIMES IN AN IMMIGRATION COURT YOU CAN COME MIGHTY CLOSE TO WINNING YOUR CASE SIMPLY BY LOSING SLOWLY. WHILE APPLICATIONS FOR ASYLUM ARE PENDING, FOLKS CAN’T BE REMOVED AND SO IT WAS BREAKING MY HEART SEEING ALL THESE FOLKS WALK OUT OF MY OFFICE WHO I KNEW HAD REASON TO APPLY FOR ASYLUM EVEN IF THEY LACKED THE RESOURCES TO HIRE ME OR A CLAIM WHICH FIT THE NEAT TIDY CATEGORIES THAT ENTITLE SOMEONE TO ASYLUM IN THIS COUNTRY. IN FACT, A LOT OF THESE YOUNGSTERS AND FAMILIES WERE LEAVING MY OFFICE WITHOUT A LAWYER BECAUSE THEY MIGHT DIE, BUT IT WOULDN’T BE FOR THE ‘RIGHT’ REASON.”
 -PAUL ZOLTAN, LAWYER AND CO-FOUNDER OF DALLAS’ REFUGEE SUPPORT NETWORK (MARCH 2022)-

Gender and sexuality offer an additional layer of concerns. A record of 86 asylum grants given to women in comparison to 686 men as recent as 2007 show that women have a more difficult time even reaching the U.S to file a claim (Luibheid, Cantú and Randazzo 2007). Women not only are statistically expected to earn less money than their male counterparts, but face the difficulty of escaping their spouses. Some countries even require women to retain consent from their husbands or male family members to travel. These problematic policies require women to receive approval to leave the very situations or people they are trying to escape from (Hondagneu-Sotelo 1994; Luibheid, Cantú and Randazzo 2007).

The Supreme court only recently in the mid 1990s distinguished sexual orientation as an inherent quality fundamental to an individual’s identity and conscience to qualify for grounds of asylum (Hondagneu-Sotelo 1994; Luibheid, Cantú and Randazzo 2007, 31). Those that identify as outside of being heterosexual and apply for asylum on the grounds fear of prosecution due to their sexuality still face the obstacle of proving ones “gayness” based on U.S. standards. However, Lionel Cantú’s ethnography revolving around gay Mexican men prove that what it means to be gay is culturally relative. The identification “gay” or “homosexual” as a type of person is a western concept and doesn’t account for how other cultural groups might make sense of gender/sexuality. What identifies Mexican men as gay is not solely based on the sexual interest of one man to another but can also be a factor of which role during sex a man occupies (Cantú 2009). Additionally, a lot of asylum seekers who are fleeing from prosecution on the grounds are not aware that sexuality provides a legitimate reason to pursue asylum. Therefore, they adapt their story in an effort to gain asylum, but if the truth or any new information arises during their court case, these same individual’s are perceived as liars. An experience that has been witnessed by Lawyer Paul Zoltan repeatedly throughout his career that more often than not results in the immediate denial of asylum for the individual (“Pro Se Asylum” 2022).

BIBLIOGRAPHY

Anders, Caroline, and Olivier Knox. “Analysis | Don’t Forget the Ukraine Refugee Crisis.” The Washington Post. WP Company, March 15, 2022. <https://www.washingtonpost.com/politics/2022/03/15/dont-forget-ukraine-refugee-crisis/>.

“Asylum Seekers Wait Days and Weeks at U.S.-Mexico Border.” CBS News. CBS Interactive, June 7, 2018. <https://www.cbsnews.com/news/asylum-seekers-wait-days-and-weeks-at-u-s-mexico-border/>.

Cantú, Lionel. 2009. The Sexuality of Migration: Border Crossings and Mexican Immigrant Men edited by Nancy A. Naples and Salvador Vidal-Ortiz. New York, NY: New York University Press.

Chavez, Leo R. 2008. The Latino Threat: Constructing Immigrants, Citizens, and the Nation. Stanford, CA: Stanford University Press.

“Deported to Danger.” Human Rights Watch, February 5, 2020. <https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>.

Faiola, Anthony, Rick Noack, and Karla Adam. “Suddenly Welcoming, Europe Opens the Door to Refugees Fleeing Ukraine.” The Washington Post. WP Company, March 1, 2022. <https://www.washingtonpost.com/world/2022/02/28/ukraine-refugees-europe/>.

Hondagneu-Sotelo, Pierrette. 1994. Gendered Transitions: Mexican Experiences of Immigration. Berkeley and Los Angeles, CA: University of California Press.

Luibheid Eithne, Cantú Lionel, Alexandra Minna Stern, Luibheid Eithne, and Cantú Lionel. “Well-Founded Fear: Political Asylum and the Boundaries of Sexual Identity in the U.S.-Mexico Borderlands.” Essay. In Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings, 61–74. Minneapolis: University of Minnesota Press, 2007.

Luibheid Eithne, Cantú Lionel, and Timothy Randazzo. “Social and Legal Barriers Sexual Orientation and Asylum in the United States.” Essay. In Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings, 30–60. Minneapolis: University of Minnesota Press, 2007.

“Mexico: Abuses against Asylum Seekers at US Border.” Human Rights Watch, March 5, 2021. <https://www.hrw.org/news/2021/03/05/mexico-abuses-against-asylum-seekers-us-border#>.

“Migrants Deported by Trump Administration Have Been Killed upon Returning to Dangerous Conditions in Home Country.” LULAC. Accessed March 25, 2022. https://lulac.org/news/pr/Migrants_Deported_By_Trap_Administration_Have_Been_Killed_Upon_Returning_To_Dangerous_Conditions/.

Montoya-Galvez, Camilo. “What Is Title 42, the Covid-19 Border Policy Democrats Want Biden to End?” CBS News. CBS Interactive, March 18, 2022. <https://www.cbsnews.com/news/title-42-immigration-border-biden-covid-19-cdc/>.

“Obtaining Asylum in the United States.” USCIS, March 15, 2022. <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/obtaining-asylum-in-the-united-states>.

Omi, Michael and Howard Winant. 2015. “Racialized Formation in the United States”. New York, NY: Routledge.

“Pro Se Asylum Clinic Volunteer Training.” ODIS Opening Doors International Services Inc., 2022. <https://www.youtube.com/watch?v=C5cTE4C6F8&t=2710s>.

Rep. Asylum Grant Rates Climb Under Biden. TRAC Reports, Inc., November 10, 2021. <https://trac.syr.edu/immigration/reports/668/>.

Rep. The Impact of Nationality, Language, Gender and Age on Asylum Success. TRAC Reports, Inc., December 7, 2021. <https://trac.syr.edu/immigration/reports/668/>.

Wagner, David. “Asylum-Seekers in California Wait for Their Day in Immigration Court.” NPR. NPR, January 9, 2019. <https://www.npr.org/2019/01/09/683328305/asylum-seekers-in-california-wait-for-their-day-in-immigration-court>.

Robertson, Shari, Michael Camerini, Karen Schmeer, Christopher Osborn, Suzanne Pancrazi, and Mark Suozzo. 2006. “Well-founded fear”.

ACKNOWLEDGEMENTS

UNT Office of the Provost
 UNT Office of Research and Economic Development
 UNT Honors College

UNT College of Liberal Arts and Social Sciences
 UNT Department of Anthropology
 Dr. Jara Carrington, PhD