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## I Pledge Allegiance to One Global Nation: Redefining Citizenship Through The Institutionalization of Cosmopolitan Principles In Response to the U.S. Immigration System

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I Pledge Allegiance to One Global Nation: Redefining Citizenship Through The  
Institutionalization of Cosmopolitan Principles In Response to the U.S. Immigration System

Senior Project Submitted to  
The Division of Social Studies  
of Bard College

by  
Giselle Avila

Annandale-on-Hudson, New York

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## Dedication

*Mamá, Papá ustedes son mi inspiración. Durante cada paso de este proyecto les he tenido en mi mente. Gracias por venir a este país arriesgando todo por un futuro mejor. Por sus sacrificios he podido cumplir mis sueños más grandes y mis logros son nuestros para compartir. El mundo no es justo y está lleno de odio, violencia y tristeza. Aún así, ustedes mantienen la esperanza de una mañana mejor y no pierden su sonrisa. Les prometo que dedicaré el resto de mi vida ayudando familias como nuestra y tratando de mejorar el mundo día por día. Les amo.*

*To my oldest sister Stephanie, thank you for being the glue that holds our family together. You are our parents' translator, lawyer, doctor and navigator. You are Angie's tutor and counselor. You are my first best friend. It is because of your personal sacrifices that I was able to leave home knowing our family was safe under your protection. You are the first in our family to graduate college and I am grateful to be following in your footsteps, changing the course of our family's history together.*

*To my youngest sister Angie, thank you for checking up on me when I was away. Your text messages always brought a smile to my face. I hope this project and my time at Bard inspires you to dream big and encourage you to choose your own path in life.*

*To my immigrant community, those who have been criminalized for seeking asylum, violently detained, deported to a place they no longer call home, to the families separated, the underpaid and unappreciated undocumented workers, and those who have lost their lives searching for a better future, I'm deeply sorry the world has let you down. You deserve(d) better. I will honor your journey, stories and life by dedicating my life's work to deconstructing the system that chained, silenced, and abandoned you. I see you. You are not invisible. You have not been forgotten.*



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Words cannot express the amount of gratitude I have for you coach. Thank you for your unconditional support and mentorship. You have shown me how to believe in myself and redefine limitations. Because of you, I leave Bard feeling confident in myself, my abilities, and all that awaits.

### **To my Cross Country Team and the Bard College Athletic Department:**

A big thank you to the athletic department for giving me a community where I felt supported, encouraged, and powerful. I will always wear my raptor colors with pride. Thank you to my teammates who have become my family, you all have made my Bard experience truly unforgettable. Hannah, Natasha, Azal, Henry, Rainer, Chelsea and of course, my sweet senior angel Emily, you will all have a permanent place in my heart and I await our future adventures together.

### **To my professors:**

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### **To the Office of Equity and Inclusion and my BEOP class:**

Wailly, Claudette, Kim, Divya thank you all for taking a chance on me. I don't think any of you realize the amount of change you bring into the world by doing the work that you do. Thank you for fighting the good fight and giving students like myself the opportunity to be someone they never imagined they could be. To my BEOP class, we started our college experience together and watched one another transform into the driven and passionate leaders we are today. Hold onto your resilience and continue to thrive.

### **To my best friend from Cambridge, Massachusetts:**

Thank you for being part of my journey. You were the stranger I recognized standing outside of Oberholtzer wearing a black denim jacket in the heart of summer. Until the train stops moving.



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## Introduction

On November 13, 1993 my father left Ecuador and began his migration to the United States. He said a prayer to the Virgin Mary, kissed his mother goodbye, and hugged his 8 younger siblings not knowing if he'd ever see them again. He got on a flight to Guatemala and began his 4-5,000km walk to the U.S.–Mexico border. On December 31, 1993 he arrived in the United States malnourished, exhausted, and absolutely terrified of what was to come. In the summer of 2018, after being in this country for 25 years, my father's petition for permanent residency was approved. The day our immigration lawyer called announcing the good news, the entire family and our closest friends had a celebratory dinner. While everyone cried tears of happiness, I cried tears of sadness. I could not celebrate my father's green card approval because it was a reminder of what was lost in the process of obtaining it. I was reminded of the sadness he carried for 25 years, unable to return to the family he left behind or attend the funerals of closed loved ones. I was reminded of the fear in his eyes everytime we left New York City for college tours. I couldn't escape the image of his working hands, a true testament to the various low-paying but body tasking jobs he accepted out of desperation. How could a man like my father who was so generous with what little we had, respected everyone he came into contact with, and volunteered in our local parish be perceived as a national threat? How was it fair that a small piece of paper or social security number had the power to determine the life he could lead?

As time passed, I quickly realized that my father was lucky for having survived the U.S. immigration system, despite all odds and now finally had a voice to tell his story. However, I think about those who weren't as lucky. I think about migrants who couldn't survive the unforgivable Southern

desert and were reduced to shoes, shards of bones, and eventually the seven letter word unknown.<sup>1</sup> All that is left of their existence are a handful of photographs capturing their bone remains which will be kept in a folder stored away along with thousands of its kind. I think about the asylum applicants who followed all legal proceedings and were still placed in civil detention, forced to wear orange jumpsuits, sleep in cells, and deprived of the outside world as if seeking asylum were a crime. I think about the migrant children, too young to speak but completely aware of the trauma they have experienced being ripped away from the arms of their mothers and placed in cages; alone and afraid. I think about my undocumented friends who live their life in fear of being deported to a place they no longer call home. Finally I think about my closest friends who are DACA recipients and feel immense pressure to be exceptional human beings in order to prove their worth to a country that rejects them. In all of these individuals I see my father, my family, and my community. They have been unjustly silenced by an oppressive and aggressive system designed to deter admission and denied basic human rights because they were born on the other side of the border.

I am not only challenging the U.S. immigration system but also the political relationship between sovereignty and territory. National sovereignty is confined to a set territorial space, limiting its resources and assistance to only citizens residing within its borders. However, citizenship should not determine the life an individual can lead or the opportunities available to them. Population growth, economic inequalities, persecution on religious and political grounds, and the effects of climate change are all factors that have led to forced migration, causing individuals to become displaced and stateless without a nation to offer them assistance. Forced migration is a global problem that requires a global solution. Nations must choose to prioritize human life over national interests and develop a system that responds to

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<sup>1</sup> Jason De Leon, *The Land of Open Graves: Living and Dying on the Migrant Trail* (Univ of California Press, 2015).

migration in a more effective and humane way. In doing so, the nation-state must also reconceptualize its notion of citizenship in order to look beyond territorial claims and extend its protection and assistance to non-citizens who are in need of immediate assistance.

We live in an interconnected and complex global world where political, social and economic aspects of life are based on international agreements. Shouldn't our political rights and claim for protection be expanded past our national borders as well? Shouldn't human movement be as free and accepting as our system of commerce? We must reconstruct the current system that fails to take responsibility for the thousands of migrants waiting at the border fleeing unlivable conditions. We must remember that these individuals have been purposefully silenced, abandoned, and left to fend on their own. I challenge every nation and individual to put away their passport, citizenship card, and national flag, and instead take out the membership card we were all born with; our humanity.

## **Chapter 1 The U.S. Immigration System Is NOT Broken: Analyzing Intentionality In Immigration Policy Changes Under the Trump Administration**

Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!

- Emma Lazarus, *The New Colossus*<sup>2</sup>

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<sup>2</sup> Academy of American Poets, The New Colossus by Emma Lazarus - Poems | Academy of American Poets text, accessed November 2, 2019, [https://poets.org/poem/new-colossus?gclid=EAlalQobChMI5qDjsKuU6QIVUI8NCh1GlwhYEAAYASAAEgJMGvD\\_BWE](https://poets.org/poem/new-colossus?gclid=EAlalQobChMI5qDjsKuU6QIVUI8NCh1GlwhYEAAYASAAEgJMGvD_BWE).

Everyday, dozens of people risk their lives attempting to swim across the Rio Grande, an alligator infested river with treacherous waters. Most, with only the clothes on their backs cross over on foot, and others with infants in their arms rely on low quality floaties for assistance. These people have traveled thousands of miles seeking for a better tomorrow. Although they come from different countries, have traveled different paths and are of different ages, they remain united through the violence they hope to escape. They travel with fear in their eyes, hope in their hearts and determination to achieve the American dream; a safe and prosperous life in the land of the free. Photographers have captured photos and videos of these individuals, reporters have grouped them as members of a caravan, and the president has declared them to be a national threat.

The American public is left asking: who are these people? Immigration law in the United States places these individuals into four different categories: migrants, asylum seekers, refugees and immigrants. A migrant is someone who is continuously moving from one location to another whether it's within their native country or through borders<sup>3</sup>. Migrants are defined as individuals that leave due to economic reasons like seasonal work and are not facing persecution. Instead they are leaving their native countries for better opportunities without the intention of permanently residing in their new home. Similarly immigrants are defined as individuals who make a decision to leave their home and move into a foreign country with the intention of settling there. Many immigrants become lawful permanent residents and eventually citizens. They have the opportunity to research their destination and take advantage of employment opportunities and programs. They have the ability to return to their native home whenever they choose<sup>4</sup>. Asylum seekers and refugees differ from immigrants and migrants in the sense that they are

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<sup>3</sup> International Rescue Committee, Migrants, Asylum Seekers, Refugees and Immigrants. Accessed on November 4, 2019

<https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference>

<sup>4</sup> International Rescue Committee, Migrants, Asylum Seekers, Refugees and Immigrants. Accessed on November 4, 2019

escaping persecution, war, or turbulence. Asylum seekers are individuals who are seeking “international protection from dangers in his or her home country, but whose claim for refugee status hasn’t been determined legally”<sup>5</sup>. Asylum seekers must have evidence to prove that they meet the criteria for refugee protection before they can be given assistance. A refugee is someone who has been forced to flee their homes because of war, violence or persecution, often without warning<sup>6</sup>. Similarly to asylum seekers, they are not able to return home due to the unsafe conditions of their native country. Only an official entity like the United Nations Refugee Agency or a government can conclude international protection on the basis of fear. Under protection refugees have the opportunity to become lawful permanent residents and even citizens. These definitions are following the U.S. immigration policy and it is worth acknowledging that more often than not, individuals will be misidentified or not recognized as members of such a category because they lack certain legal qualifications. For example, asylum seekers and refugees will be identified as migrants or immigrants, a strategy used to undermine the level of urgency necessary in their situation. Having the title of migrant or immigrant suggests that there is a level of individual choice to leave home and this is usually not the case. Throughout this paper, asylum seekers and migrants will be used interchangeably since migrants escaping persecution are seeking asylum regardless if they meet asylum qualifications. However, following immigration law as applicants they are legally referred to as migrants and all legal proceedings/policies acknowledge them as such. It is also important to note that the Trump administration has complicated the path to citizenship and residential status through the implementation of policies that target all individuals identified as non-citizens including: immigrants, migrants, refugees and asylum seekers. In other words, the current administration has implemented changes that impact all members within the immigration system regardless of which category they are in.

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<https://www.rescue.org/article/migrants-asylum-seekers-refugees-and-immigrants-whats-difference>

<sup>5</sup> International Rescue Committee, Migrants, Asylum Seekers, Refugees and Immigrants.

<sup>6</sup> International Rescue Committee, Migrants, Asylum Seekers, Refugees and Immigrants.

This chapter will focus heavily on the way the lives of immigrants, migrants, refugees and asylum seekers are further endangered by the U.S. immigration system and question the responsibility that U.S. citizens, as members of a democratic society, have towards these individuals. It is important to acknowledge that the U.S. immigration system has transformed rapidly under the Trump Administration and as a consequence, there currently exists an operational, humanitarian and policy crisis that extends from the U.S.–Mexico border, to the over 100 detention, processing and correctional centers in the country, and impacts the lives of millions<sup>7</sup>. The immigration policies and protocols introduced below are part of an intentional system that aim to do exactly what it accomplished; criminalize immigration and everyone attempting to navigate it. Therefore the U.S. immigration system is not broken and in contrast, has been very successful in achieving its goal of limiting the number of vulnerable individuals entering this country.

### **Changes Under the Trump Administration**

Under the Trump administration the United States has complicated admission into the U.S. refugee resettlement program, leaving vulnerable refugees without humanitarian assistance. The Trump administration has directly targeted refugees through the reduction of the maximum number of refugees allowed to enter the country. In 2017 the refugee ceiling declined from 110,000 (proposed under the Obama administration) to 45,000 in 2018, over a 50 percent decrease<sup>8</sup>. In 2019 this number fell to 30,000 and president Trump has declared the annual cap for the fiscal year 2020 to be 18,000, the lowest level

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<sup>7</sup> 287 Industrial Drive Jonesboro, LA, and 71251, Detention Facility Locator, accessed November 10, 2019, <https://www.ice.gov/detention-facilities>.

<sup>8</sup> “Trump Ending U.S. Role as Worldwide Leader on Refugees,” POLITICO, accessed November 5, 2019, <https://www.politico.com/news/2019/10/11/trump-refugee-decrease-immigration-044186>.



since the creation of the system in 1980<sup>9</sup>. In the official proposed refugee admissions for fiscal year 2020 report it states that 1,500 spaces of the 18,000 would be devoted to refugees from Guatemala, El Salvador and Honduras. 5,000 spaces will be set aside for people with a fear of religious persecution and 4,000 spaces to Iraqis who aided U.S. forces in that country<sup>10</sup>. This leaves 7,500 spaces for refugees outside of these selected countries. To understand how unreasonably small this number is, it is important to know that nearly 70.8 million people were displaced at the end of the 2018 due to war, violence and persecution

<sup>11</sup>.

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<sup>9</sup> "Trump Ending U.S. Role as Worldwide Leader on Refugees."

<sup>10</sup> "Trump Ending U.S. Role as Worldwide Leader on Refugees."

<sup>11</sup> "Figures at a Glance - UNHCR Philippines," *UNHCR* (blog), accessed December 3, 2019, <https://www.unhcr.org/ph/figures-at-a-glance>.

Fiscal Year	Africa	Asia	Europe	Former Soviet Union	Latin America Caribbean	North East South Asia	Total
2000	17,561	4,561	22,561	15,103	3,232	10,129	73,147
2001	19,020	4,163	15,794	15,978	2,975	11,956	69,886
2002	2,551	3,512	5,459	9,969	1,934	3,706	27,131
2003	10,714	1,724	2,506	8,744	455	4,260	28,403
2004	29,104	8,084	9,254	0	3,577	2,854	52,873
2005	20,745	12,076	11,316	0	6,699	2,977	53,813
2006	18,126	5,659	10,456	0	3,264	3,718	41,223
2007	17,483	15,643	4,560	0	2,976	7,620	48,282
2008	8,935	19,489	2,343	0	4,277	25,147	60,191
2009	9,670	19,850	1,997	0	4,857	38,280	74,654
2010	13,305	17,716	1,526	0	4,982	35,782	73,311
2011	7,685	17,367	1,228	0	2,976	27,168	56,424
2012	10,608	14,366	1,129	0	2,078	30,057	58,238
2013	15,980	16,537	580	0	4,439	32,390	69,926
2014	17,476	14,784	959	0	4,318	32,450	69,987
2015	22,472	18,469	2,363	0	2,050	24,579	69,933
2016	31,624	12,518	3,957	0	1,340	35,555	84,994
2017	20,232	5,173	5,205	0	1,688	21,418	53,716
2018	10,459	3,668	3,612	0	955	3,797	22,491
2019	16,366	5,030	4,994	0	809	2,801	30,000

Figure 1: Summary of refugee admissions as of September 30-2019<sup>12</sup>.

The number of individuals seeking refugee status continues to increase, however, as shown in “Figure 1”, the number of refugees accepted remains low. People from Africa, Asia, Europe, North East South Asia, and Latin America Caribbean are living in life threatening conditions and are denied assistance due to limited acceptance. Although there currently may exist a stereotypical “face” to the refugee, refugees come from all over the world with the sole mission of reaching safety. In other words, the Trump administration’s immigration policies have global consequences as they impact individuals from different regions. There is an aggressive transition taking place in the U.S. immigration system where acceptance into the country is shifting from need base to merit base. Current immigration policies are acting under the ideology that one must earn their entrance into the United States and once approved, should not act as a public burden. Instead of aiming towards offering relief to vulnerable communities, it’s main concern is assessing who belongs in the country through economic and social factors. This can directly be seen in the public charge policy that the Department of Homeland Security (DHS) has been following for years. This policy allows the DHS to “determine whether an ‘alien’ applying for admission or adjustment of status is inadmissible to the United States under section 212(a)(4) of the Immigration and Nationality Act (INA or Act),” because he or she is likely at any time to become a public charge<sup>13</sup>. In other words, DHS conducts a public charge inadmissibility test that is designed to test an individual's likelihood of becoming dependent on the government as their main source of support, making them a public charge. This test is used to stop individuals seeking admission in the U.S. from entering and is

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<sup>12</sup> The Incredible Shrinking Refugee Cap, in One Chart - The Washington Post, accessed November 12, 2019, <https://www.washingtonpost.com/>.

<sup>13</sup> “Public Charge Fact Sheet,” USCIS, February 27, 2020, <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>.

used to deny legal immigrants lawful permanent residence status<sup>14</sup>. This policy restricts legal immigrants from obtaining a green card because they participate in social net programs such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), comparable state or local programs, and government-funded long-term institutional care<sup>15</sup>. This policy also takes into account age, income, education, skills, health and family size. The “public charge” policy directly attacks the rights of all immigrants and discriminates against low-income individuals who rely on social net programs for assistance. Ironically, the U.S. accepts refugees asking for assistance into the country, but immigrants seeking economic security are not allowed to participate in federal programs, designed to help people in need, without risking their ability to receive permanent residency status. This policy is further encouraging the idea that one must prove themselves worthy of joining the American public, not through loyalty, but through economic prosperity.

As of February 25, 2020, the Department of Homeland Security has redefined the conditions of public charge, extending it to recipients of public benefits such as cash benefits for income maintenance, Supplemental Security Income, Temporary Assistance to Needy Families, Supplemental Nutrition Assistance Program, most forms of Medicaid and certain housing programs<sup>16</sup>. It is estimated that 22.7 million people in the United States rely on Medicaid benefits and 10.3 million are noncitizens. These 10.3 million Medicaid enrollees are now considering dropping their coverage or simply not applying in order to avoid endangering their chances to remain in the country<sup>17</sup>. The current U.S. Immigration

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<sup>14</sup> Public Charge: A New Threat to Immigrant Families, National Immigration Law Center (blog), accessed November 20, 2019, <https://www.nilc.org/issues/economic-support/pubcharge/public-charge-a-new-threat-to-immigrant-families/>.

<sup>15</sup> “Public Charge: A New Threat to Immigrant Families”

<sup>16</sup> “DHS Implements Inadmissibility on Public Charge Grounds Final Rule,” Department of Homeland Security, February 24, 2020, <https://www.dhs.gov/news/2020/02/24/dhs-implements-inadmissibility-public-charge-grounds-final-rule>.

<sup>17</sup> “‘Public Charge’ Rule: A Blatant Attack on Immigrants’ Rights with Severe Reproductive Health Consequences,” Guttmacher Institute, September 27, 2019,

policies in place, and even proposed policy changes that have been blocked, operate out of the fear that they invoke. People who enter the country, legally or illegally remain in fear that one day a new policy will force them to leave. They rather live invisibly and remove themselves from society in order to prevent deportation. Even if one were to remove all of the discriminatory policy changes proposed under the Trump administration, the fear that every non-citizen living in the U.S. carries would still remain. There must be a change in ideology on the treatment and place of non-citizens who are members of American society and live on American soil. What do we owe them as American citizens who share the same spaces as these individuals? What do we owe them as members of a democratic government who advocate for the equal well-being of all individuals regardless of gender, class and racial differences?

### **U.S. Immigration Policy Crisis**

It is no surprise that refugees who can no longer apply for refugee status due to the overflow of applications must apply for asylum instead. Although refugees can apply from their native country, asylum seekers are required to be present at a port of entry to the United States in order to apply. There exists the misconception that individuals waiting at the Southern border are illegally entering the country. This is false. Migrants at the border are following the affirmative asylum process where they apply through a port of entry, multiple found in the Southern border<sup>18</sup>. There does not exist a way to request for a visa or a form of authorization beforehand. U.S. asylum law states that anyone who steps foot in the

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<https://www.guttmacher.org/article/2019/10/public-charge-rule-blattant-attack-immigrants-rights-severe-reproductive-health>.

<sup>18</sup> "Fact Sheet: U.S. Asylum Process," National Immigration Forum, accessed December 3, 2019, <https://immigrationforum.org/article/fact-sheet-u-s-asylum-process/>.

U.S. has the ability to request asylum<sup>19</sup>. However, Customs and Border Protection (CBP) have taken advantage of this law and set limitations on the number of people who can request asylum at a port of entry through the practice of metering. Metering is the process of having CBP guards stationed at border crossings and telling asylum seekers to place their names on a waitlist due to insufficient space and resources at such a port of entry. In other words, CBP guards are regulating the flow of asylum seekers through this metering policy that has been in effect under the Trump administration since April of 2018<sup>20</sup>. By blocking asylum seekers from stepping into American soil, they are not only delaying the process but directly removing their right to immediate assistance. The consequences can be seen in the massive lines that stretch from the port of entries and the overflow of migrants in Mexican local shelters. In the month of August of 2019, the waitlist extended to over 10,000 names and through metering only an average of 34 people were allowed to cross daily<sup>21</sup>.

One of the most impactful unprecedented changes under the trump administration has been the Migrant Protection Protocols (also known as Remain in Mexico/MPP). This policy change has drastically transformed the way migrants apply for asylum since it forces them to wait in Mexico not only for their asylum claims (like before) but now for the duration of their immigration proceedings<sup>22</sup>. According to DHS, “aliens attempting to enter the U.S. illegally or without documentation, including those who claim asylum, will no longer be released into the country and instead, these aliens will be given a *Notice to Appear* for their immigration court hearing and will be returned to Mexico until their hearing date<sup>23</sup>.”

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<sup>19</sup> “‘Metering’ At The Border,” NPR.org, accessed November 5, 2019, <https://www.npr.org/2019/06/29/737268856/metering-at-the-border>.

<sup>20</sup> “‘Metering’ At The Border”

<sup>21</sup> Jason Kao and Denise Lu, “How Trump’s Policies Are Leaving Thousands of Asylum Seekers Waiting in Mexico,” *The New York Times*, August 18, 2019, sec. U.S., <https://www.nytimes.com/interactive/2019/08/18/us/mexico-immigration-asylum.html>.

<sup>22</sup> “Migrant Protection Protocols,” Department of Homeland Security, January 24, 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

<sup>23</sup> “Migrant Protection Protocols”

Waiting in Mexico, even for the duration of a few weeks is very difficult for people who have been traveling with nothing other than a small backpack filled with only necessities. DHS argues that the migrant protection protocols will reduce the number of “aliens taking advantage of the U.S. law”. After a migrants’ claim to asylum has been filed, it can still take up to years until a judge receives their case and rules a final decision. In the past, this level of frustration and desperation has pushed individuals into crossing the border or swimming through the river illegally. They wouldn’t hide when they’d see the Customs and Border Patrol guards but instead hand themselves in because they knew they would be placed into the defensive asylum process. After an individual has been apprehended by U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) agents at a port of entry or in the U.S., they can apply for asylum as a defense against removal<sup>24</sup>. However, this is no longer possible since everyone is being sent to Mexico to wait.

Instead of fostering a more efficient system of protection and legal assistance, the Trump administration has further complicated the asylum process through the implementation of temporary solutions. MPP temporarily solves the overcrowded detention centers in the U.S. but does so at the cost of endangering the 47,000 individuals who have already been sent to Mexico under this policy. They are left stranded in another country asking for protection and continuously ignored by the United States. The “Remain in Mexico” Immigration policy was implemented in early January 2019 but has officially expanded to the rest of the border since the beginning of 2020<sup>25</sup>. According to the Department of Homeland Security, migrants who are returned to Mexico will be given notices in two to four months to appear at a temporary immigration court there<sup>26</sup>. This means that Mexico’s border cities are not only

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<sup>24</sup> “Fact Sheet.”

<sup>25</sup> “‘Remain in Mexico’ Immigration Policy Expands along Texas Border,” UPI, accessed December 3, 2019, [https://www.upi.com/Top\\_News/US/2019/10/29/Remain-in-Mexico-immigration-policy-expands-along-Texas-border/6241572349644/](https://www.upi.com/Top_News/US/2019/10/29/Remain-in-Mexico-immigration-policy-expands-along-Texas-border/6241572349644/).

<sup>26</sup> “Migrant Protection Protocols.”

temporary homes for migrants waiting to apply for asylum, but also for migrants who already applied but await their court hearing. This process further separates asylum seekers from immigration attorneys and civil and immigrant rights groups who want to offer their assistance but are now unable to provide direct representation to their clients. In other words, this policy further limits access to free/affordable legal assistance and representation, leaving vulnerable individuals to legally defend themselves. DHS also states that “Mexico will provide them (asylum applicants) with all appropriate humanitarian protections for the duration of their stay”<sup>27</sup>. This is worth analyzing because it shifts responsibility from one side of the border to the other. Since these individuals have not touched American soil or stand on the American side of the border, the United States is no longer responsible for offering protection/assistance. This also raises the question of what Mexico is doing to protect migrants who are susceptible to torture, rape and kidnapping in Mexican border cities? As of now there are over 24,000 remain in Mexico cases with less than 1 percent resulting in asylum protection<sup>28</sup>. Human Rights First reports that there has been at least 816 incidents of murder, torture, rape and kidnapping of asylum seekers who were returned to Mexico by DHS officials. They cite a US Immigration Policy Center study that reports 1 in 4 asylum seekers in Tijuana and Mexicali are threatened with violence<sup>29</sup>. Migrants are targeted by drug cartels and are easily identified with the help of DHS. During confrontation with DHS, a migrant’s shoe laces are removed and their possessions are placed in clear plastic bags. Once they leave Mexico’s immigration center, they are directed to nearby shelters where cartel members can easily identify them by simply looking at their feet.

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<sup>27</sup> “Migrant Protection Protocols”

<sup>28</sup> “Torture, Rape, and Kidnapping at the Border: A New Report Lays Bare the Horror of Trump’s Asylum Plan – Mother Jones,” accessed May 2, 2020, <https://www.motherjones.com/politics/2020/01/migrant-protection-protocols-remain-in-mexico-trump/>.

<sup>29</sup> “Marking One Year of the Horrific ‘Remain in Mexico’ Policy – Over 800 Violent Attacks on Asylum-Seekers | Human Rights First,” accessed May 2, 2020, <https://www.humanrightsfirst.org/press-release/marking-one-year-horrific-remain-mexico-policy-over-800-violent-attacks-asylum-seekers>.



The American government fails to consider the current immigration problem as a humanitarian crisis because if it did, there would be a larger push for systematic efficiency.

The Trump administration has not only pushed asylum seekers into remaining outside of the United States but continues to target individuals who have been approved to stay in the country as they await their court date. President Trump is aiming to remove an asylum seeker's right to work as they wait for their cases to close. As of now anyone seeking asylum in the United States can become eligible for a work permit 150 days after filing their application<sup>30</sup>. The U.S. Citizenship and Immigration Services then has 30 days to process these permits. However, in September the Trump administration proposed that it would end this set 30-day deadline, an effort to keep asylum seekers unemployed and pressure them into relinquishing their asylum claims<sup>31</sup>. This policy would also force asylum seekers to work illegal jobs, making them susceptible to exploitation and unfair wages. This is yet another example of the way the U.S. government fails to prioritize the well-being and security of non-citizens living on American soil.

The Trump administration is generating tactics to drive asylum seekers away from their natural right to seek help. Migrants seeking safety have traveled miles in worn out shoes, ripped up clothing and tired bodies. They reach the border and step onto American soil, the land of the free, only to be either returned to Mexico or placed in American detention centers. In Mexico they face the risk of physical assault, rape, violence or exploitation. In the U.S. they are kept jobless, held in detention centers, and overall placed under unjust conditions. The land of life, liberty and the pursuit of happiness does not apply to these vulnerable individuals until they are able to prove their fear and misery. How does one show the emotional scars caused by a lifetime of violence and terror? How does one explain the feeling

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<sup>30</sup> Nicole Narea, "A New Trump Administration Proposal Could Put Asylum Seekers out of a Job," Vox, September 11, 2019, <https://www.vox.com/policy-and-politics/2019/9/11/20853362/trump-work-permit-asylum>.

<sup>31</sup> Narea.

of fear that has driven them to leave everything they know in hope of staying alive? Is the terror in their eyes and horrifying tales of home not enough for immediate assistance?

I am not the only one raising these questions. Across the country, “asylum officers are calling in sick, requesting transfers, retiring earlier than planned and quitting— all to resist Trump administration immigration policies<sup>32</sup>.” Under MPP, asylum officers who were previously responsible for conducting credible fear screenings, must now conduct MPP interviews that further restrict the type of individual qualified for asylum. *The Los Angeles Times*, in collaboration with *This American Life*, a popular radio program, interviewed asylum officers in hopes of understanding their perspective on the new immigration policies<sup>33</sup>. One of the asylum officers expressed that their primary mission is to make sure that the government is not returning people to harmful conditions, a foundational principle in U.S. and international law (principle of non-refoulement)<sup>34</sup>. However, under new regulations, they were placed in the difficult position of sending back individuals who they believed would be harmed in their home country. The asylum officer argues that MPP counters previous laws passed by Congress, their oath to the Constitution and their training to detect fraud or potential national security concerns<sup>35</sup>. MPP interviews differ from credible fear interviews by following a different procedure. Unlike credible fear interviews, not everyone is entitled to receive one. Only migrants with proof are allowed to be interviewed. In addition, instead of being asked about the dangers they encountered in their home country, migrants must speak about the dangers they faced in Mexico<sup>36</sup>. In other words, they are being

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<sup>32</sup> “Asylum Officers Rebel against Trump Policies They Say Are Immoral and Illegal,” *Los Angeles Times*, November 15, 2019, <https://www.latimes.com/politics/story/2019-11-15/asylum-officers-revolt-against-trump-policies-they-say-are-immoral-illegal>.

<sup>33</sup> “Goodbye, Stranger,” *This American Life*, November 16, 2019, <https://www.thisamericanlife.org/688/the-out-crowd/act-one-5>.

<sup>34</sup> “Goodbye, Stranger”

<sup>35</sup> “Asylum Officers Rebel against Trump Policies They Say Are Immoral and Illegal.”

<sup>36</sup> “Asylum Officers Rebel against Trump Policies They Say Are Immoral and Illegal”

asked, why can't you receive assistance in Mexico or any other country you passed on your way here? The asylum officer describes this process as searching for a 'unicorn case' where migrants must use specific words to be allowed to apply for asylum. For example, instead of saying that they are being threatened by gangs in Mexico, migrants must state that their membership in national, racial, political or social groups places them in danger. Language plays a crucial role in the asylum process and without legal assistance, many migrants are left confused and clueless of what experiences should be stressed in these interviews. Even when an asylum officer finds this 'unicorn case', oftentimes their supervisor will overrule the acceptance and migrants are still sent back. In conclusion, MPP standards are designed to keep migrants out. There exists little knowledge on how to pass MPP interviews and this is done intentionally. As of January 2020, DHS has released that there are currently 47,000 MPP cases, 37,000 of which are pending and only 11 of which were granted asylum<sup>37</sup>.

### **U.S. Immigration Operational Crisis**

The physical action of simply applying for asylum (reaching a port of entry) can take months and result in serious injuries, sometimes even death. The submission of the application is only the first step of an extremely restrictive process. Before MPP, once the application was received, asylum seekers had to prove their fear of persecution due to reasons of race, religion, nationality, political opinion or membership in a particular social group<sup>38</sup>. If asylum seekers failed to demonstrate a "well-founded fear" of persecution in their home countries during a credible fear interview with Immigration authorities, they

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<sup>37</sup> "Refugees and Asylees," Department of Homeland Security, April 5, 2016, <https://www.dhs.gov/immigration-statistics/refugees-asylees>.

<sup>38</sup> "Fact Sheet."

were immediately ordered for removal<sup>39</sup>. Regardless of whether an asylum seeker applies through the affirmative or defensive process, acceptance or rejection may take anywhere from 6 months to several years. This process has now been extended under MPP. Under the affirmative process, the United States Citizenship and Immigration Services (USCIS) must schedule an interview within 45 days after the application is received and approve/reject the application within 180 days<sup>40</sup>. Under the defensive process, “applicants must go through the immigration court system, which faces significant backlogs. As of July 2018, there were over 733,000 pending immigration cases and the average wait time for an immigration hearing was 721 days<sup>41</sup>.” Apart from the delays in immigration hearings, asylum seekers are not appointed immigration lawyers. This means that if they are unable to pay for an attorney, they will not be provided with one. Considering the fact that asylum seekers are escaping persecution, the U.S. immigration system sets these individuals up for failure by declining their right to legal representation.

In the fiscal year of 2016, which holds the most recent year of data available, 20,455 individuals were granted asylum, only 28 percent out of 73,081 cases received<sup>42</sup>. Taking a closer look at these numbers, 11,729 out of 115,339 affirmative asylum applications were approved and 8,726 through defensive asylum applications<sup>43</sup>. Government officials who shame asylum seekers for attempting to enter illegally, fail to understand how the current immigration policies pressure these individuals into taking drastic measures to reach safety. They wouldn’t have to break the law if the law allowed for immediate protection and assistance or a fair chance at obtaining admission. The immigration policies in place do not encapsulate the critical situation that asylum seekers face because it fails to understand the lives of these individuals. If immigration policies took into account the number of miles asylum seekers traveled,

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<sup>39</sup> “Fact Sheet: U.S. Asylum Process”

<sup>40</sup> “Fact Sheet: U.S. Asylum Process”

<sup>41</sup> “Fact Sheet.”

<sup>42</sup> “Fact Sheet: U.S. Asylum Process”

<sup>43</sup> “Fact Sheet: U.S. Asylum Process”

the homes they left behind and the loved ones they were forced to say goodbye to, it wouldn't demand for further proof. Instead of fostering a more efficient system that aims to protect the safety of these individuals, honor their journey and offer easier access to legal assistance, the Trump administration continues to delay assistance and instead concentrate federal funding on the building of a wall.

### **U.S. Immigration Humanitarian Crisis**

The humanitarian crisis surrounding U.S. immigration has expanded to multiple locations both inside and outside the United States. It stretches from the homeless migrant families living in tents within Mexico's border cities to the bodies of border crossers left to rot in U.S. deserts, reaches the separated families placed in multiple for-profit detention centers and migrant shelters throughout the United States, and finally reaches several countries that now hold rejected asylum seekers who will be deported back. No matter which narrative is told, the fear, suffering and even deaths surrounding the lives of these individuals are a direct bi-product of U.S. immigration policies.

According to the U.S. Customs and Border Patrol, approximately 7,216 people have died crossing the U.S.—Mexico border between 1998 and 2017<sup>44</sup>. This number does not take into account the additional number of individuals who die in Mexico from violent acts of assault, theft, and murder. This year alone, according to the International Organization for Migration, 20 children have died alongside the US—Mexico border and at least 6 children have died in the detention centers from illness<sup>45</sup>. The U.S. continues to highlight the differences that separate us instead of promoting the common values we share. Media outlets promote the average migrant as a foreigner and use careful terminology to separate them

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<sup>44</sup> "Stats and Summaries | U.S. Customs and Border Protection," accessed May 2, 2020, <https://www.cbp.gov/newsroom/media-resources/stats>.

<sup>45</sup> International Organization for Migration, accessed November 20, 2019, <https://www.iom.int/>.

from American society. If the American public can not relate to migrants then there is no feeling of obligation to help them. These people fade into statistics and as long as they remain outside our borders, the American public has the privilege to ignore their cries for help. It is through this push towards isolation that policies like “zero-tolerance” can be implemented. Since its start in the Spring of 2018, a total of 2,652 children have been separated from their parents and placed in the care of the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS)<sup>46</sup>. Their parents were placed in Federal detention centers and then deported to their native country on the argument that they were unfit to raise a child and dangerous individuals<sup>47</sup>. These families underwent incredible violence in their home countries and were ultimately subjected to abuse at the hands of immigration officials.

Currently there are more than 200 migrant prisons and jails in the United States<sup>48</sup>. Some detention centers are housed in correctional facilities and operated by either the federal government, the state, or an outsourced private company. The amount of time an individual spends in a detention center can be as short as a day or as long as 5 years, depending on their ability to convince a judge to release them on bond, reasonable supervision, or granted the right to remain lawfully in the U.S.<sup>49</sup>. Since detainees are not given the right to representation, it is difficult to know much information about the possibility of having a bond hearing or being released on a supervision order. In these detention centers detainees are treated like prisoners and identified through their bed number or alien registration number. Their property is removed and they are forced to wear a jumpsuit uniform. Since most detention sites are located in rural settings, immigration court hearings can be conducted through a video conference instead of physical interaction.

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<sup>46</sup> “Separated Children Placed in Office of Refugee Resettlement Care (OEI-BL-18-00511; 01/19),” n.d., 24.

<sup>47</sup> “Separated Children Placed in Office of Refugee Resettlement Care”

<sup>48</sup> Dagmar R. Myslinska, “Living Conditions in Immigration Detention Centers,” [www.nolo.com](http://www.nolo.com), accessed December 5, 2019, <https://www.nolo.com/legal-encyclopedia/living-conditions-immigration-detention-centers.html>.

<sup>49</sup> “Living Conditions in Immigration Detention Centers”

This process further dehumanizes detainees as it disregards their name, right to self expression and representation. The United States, preachers of democracy and proud believers in an individual's natural right to happiness, not only treats asylum seekers as criminals, but directly removes their right to happiness through family separation policies. Supporters of such policies fail to realize that if they choose to ignore this humanitarian crisis, then they are ultimately relinquishing their humanity in the process. I urge them to ask themselves: who are we without our humanity?

The democratic party leaders Nancy Pelosi and Chuck Shumer have publicly expressed their disappointment with Trump's immigration policies. Nancy Pelosi has stated multiple times that investing billions of dollars on a physical wall is a waste of resources and will only deepen the immigration crisis<sup>50</sup>. The democratic party does agree with President Trump that immigration reform is necessary for improving border security and providing protection from foreign dangers. However, Pelosi has pushed for policies that hold American values accountable and honor the rights of all individuals living in the United States. For example, in regards to the deportation raids ordered by the Trump Administration, families continue to be separated. These families usually contain mixed statuses where children are American citizens but parents are undocumented. When the parents are deported, the lives of American citizens are directly impacted and their right to live with their family members is violated. Apart from the protection of American citizens, Democrats have proposed the building of infrastructure and roads in different port of entries, the installation of new technology to scan cars and trucks for drugs, and hiring more workers to facilitate trade and immigration at the border. There exists this understanding that women and children at the border are not a security threat and should not be treated as criminals. Pelosi

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<sup>50</sup> Pelosi Has Won and Shes Now the Only One Able to Secure the Border | TheHill, accessed February 2, 2020, <https://thehill.com/opinion/immigration/434524-pelosi-has-won-and-shes-now-the-only-one-able-to-secure-the-border>.

calls immigration at the border a humanitarian challenge. She proposes immigration reform through the prioritization of border security alongside the implementation of a clear path towards citizenship.

However, liberalizing the U.S. immigration system through programs fostering citizenship status is not enough to solve the global crisis of displacement. In fact, American citizenship has always had a complicated and discriminatory history regarding who is admitted citizenship status. According to Evelyn Glenn, author of “Citizenship and Inequality”, there have always existed two major trends in American thought regarding membership into the community<sup>51</sup>. One tradition is that of “civic citizenship, a definition based on shared political institutions and values in which membership is open to all those who reside in a territory. The second is an ethno-cultural definition based on common heritage through blood descent.<sup>52</sup>” The Declaration of Independence professes equality and the natural rights of all individuals, in theory following a civic citizenship model. However, Glenn argues that the United States can not follow a civic citizenship model because since its very formation, it has politically excluded vulnerable groups such as Native Americans, Mexicans, and Blacks. It is important to note that Native Americans were already living here, Mexicans were incorporated through territorial expansion and Blacks were forcibly transported, yet members of these categories were denied citizenship because they were not free white individuals<sup>53</sup>. American citizenship follows the ideology that one must earn the right to be part of American society or must be undergoing incredibly difficult circumstances to be considered an exception.

Even following a model of civic citizenship is not enough to protect the lives of migrants and refugees seeking assistance. This crisis is endangering the lives of thousands of individuals everyday and proposed solutions of establishing more migrant worker programs, equal trade deals with other nations,

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<sup>51</sup> Evelyn Glenn, “Citizenship and Inequality: Historical and Global Perspectives,” *Social Problems* 47, no. 1 (2000): 1–20, <https://doi.org/10.2307/3097149>.

<sup>52</sup> “Citizenship and Inequality: Historical and Global Perspectives”

<sup>53</sup> “Citizenship and Inequality: Historical and Global Perspectives”



or increasing the number of accepted asylum applications is not enough of a solution. The only way to guarantee the equal protection and rights of migrants is by reconceptualizing citizenship. Migrants need an inclusive form of citizenship that will declare all members of the world, regardless of nationality, equal to one another and deserving of humane treatment. Migrants need a form of citizenship that will grant them a political voice to hold nations responsible for their injustices and allow people to regain their political autonomy.

## **Chapter 2 Reimagining Membership: Institutionalizing Cosmopolitan Principles and Global Citizenship**

As global citizens, it is our responsibility to become active participants in our democracy, and to make sure that everyone's civil rights are protected

- Robert Alan Silverstein<sup>54</sup>

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<sup>54</sup> Robert Alan Silverstein - Do One Thing - Heroes for a Better World - Quotes, accessed April 2, 2020, <https://www.doonething.org/heroes/pages-a/alan-quotes.htm>.

In the process of reimagining the current U.S. immigration system, the concept of citizenship and rights administered under citizenship claims must be challenged and revised in order to construct a just and equal system. Citizenship operates as an exclusive force that places limitations onto individuals who do not meet certain requirements. It is not only utilized to determine the political rights that individuals are eligible for but also used to restrict the opportunities and life one is able to have. In this chapter, I challenge the notion of citizenship by exploring different claims to membership and question the responsibilities that members of a democracy have towards non-members. I use elements of cosmopolitan theory to investigate these questions and study the way different theories have approached the incorporation of cosmopolitan principles into government practice and social life.

### **Reconceptualizing the Nation-State**

The current notion of citizenship operates under a nation-state's claim to power that is confined to a territorial space. The U.S. as a democratic sovereign state has the authority to punish and restrict the rights and privileges of citizens that live within this said territorial space<sup>55</sup>. Citizens that reside within the country have agreed to live under a social contract with set moral and political rules of behavior. As a member of the social contract, one is expected to obey community rules and the government under the assumption that the government's authority has been granted by the people. This model suggests that the state operates through democratic self-determination where the people are directly included in all political decisions. However, this model fails to take into account individuals who have become stateless and are non-members of the social contract. As a consequence, these individuals live or temporarily

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<sup>55</sup> "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power by Juliet P. Stumpf :: SSRN," accessed May 1, 2020, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=935547](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=935547).

reside on American soil without any claim to political rights. They are unable to participate in federal safety net programs and are denied the same opportunities as citizens. As demonstrated in the previous chapter, the U.S. has made membership into the social contract intentionally difficult for migrants and refugees. Oftentimes, no path towards admission is even declared possible to the majority of individuals applying for asylum or refugee status as they are simply turned away. Due to this, national sovereignty must be challenged through global intervention to ensure the protection and safety of human lives. It is important to recognize that we exist as members of a global order where human activity and political, economic, and social developments operate within an interconnected process. Therefore, the nation's right to self-determination, which justifies their right to implement the current inhumane immigration system, becomes automatically challenged by globalization as national decisions now have regional and global impact. In other words, because globalization has pushed the effects of the U.S immigration system past the national border, the responsibility of resolving this problem extends to global leaders outside of the U.S.

Globalization complicates accountability as it challenges the political agency of the nation-state. To reiterate, the nation-state follows a classic model of sovereignty where the state has effective power over a unified territory<sup>56</sup>. However, globalization has pushed for the separation of the political relationship between sovereignty and territory. Due to the current intertwined global system, the nation-state has lost its effective power and control over its citizens because it can no longer solely determine their fate<sup>57</sup>. Instead, international factors such as trade deals, political alliances, and economic dependency between nations determine the life an individual can lead. The classic model of sovereignty can no longer be accepted because it no longer has full autonomy over the protection and well-being of

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<sup>56</sup> David Held, *Cosmopolitanism: Ideals and Realities* (John Wiley & Sons, 2013), 55

<sup>57</sup> *Cosmopolitanism: Ideals and Realities*

individuals within its boundaries. Similarly, the nation-state can no longer limit its protection or authority to a set territory since it impacts the lives of individuals outside boundary lines and therefore has the responsibility of offering assistance to non-citizens.

This outdated model of sovereignty allows the U.S. to deny entry to thousands of asylum seekers and ignore their desperate calls for help under the fact that they exist outside of territorial boundaries. As an effect 47,000 migrants have been removed from American soil under the migrant protection protocols and placed in Mexico, shifting the responsibility of providing adequate care and protection from the U.S. to the Mexican government<sup>58</sup>. The model of the nation-state allows for a migrant's eligibility for assistance to be based on their location or nationality. This results in exclusion instead of urgent assistance that is necessary for migrants escaping life threatening circumstances. There must be a global acknowledgment that the rights, satisfaction of human needs, respect and concern of an individual is not limited to certain geographical or cultural locations<sup>59</sup>. In other words, members outside of the nation-state that are impacted by its laws should have some form of political agency. To put this into context, Mexican residents of border cities like Tijuana should have the political and human right to challenge U.S. immigration policies that impact their economy, education system, and overall lifestyle.

The time has come to accept the fact that global migration is not going anywhere. Population growth, economic inequalities, persecution on religious and political grounds, and the effects of climate change are all powerful forces that lead to migration. The U.S., along with other nations must implement a new system that responds to migration in a more effective and humane way. The nation-state and its notion of citizenship must be reconceptualized in order to break its territorially bounded political authority that restricts and prevents change from occurring. To clarify, I am not arguing for a full

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<sup>58</sup> "Remain in Mexico' Immigration Policy Expands along Texas Border."

<sup>59</sup> Held, *Cosmopolitanism*.

breakdown of the current global order but instead using its reliance on interconnectedness to distribute the responsibility of addressing and solving the global refugee crisis, as well as other life threatening problems. I am bringing attention to the negative consequences of globalization, specifically the failure to hold national leaders responsible for disorder and the violation of human rights. I am also asking for the recognition that self-determination is complicated as nations now have problems that are caused and/or further impacted by global circumstances, and are therefore unable to solve their problems on their own. In a way, the unethical conditions of the U.S. immigration system is pushing for the reconceptualization of the nation-state, raising the question: what do we as members of a democratic society owe individuals outside our borders? What rights are they entitled to and under what conditions should they be granted membership?

### **A Different Approach to Membership**

Political theorist Joseph Carens, author of *The Ethics of Immigration* argues that as a democratic state, we have the moral responsibility to protect the general human rights of everyone living within our jurisdiction regardless of their legal status<sup>60</sup>. Democratic states must respect the moral claims that its members have and according to Carens, the clearest form of membership is social membership. The theory of social membership follows the argument that any individual living within territorial boundaries of a state for a long duration of time receives social membership and through this social membership can make moral claims in relation to the political community. Under this ideology, the biggest component in determining an individual's legal status and legal rights in a democratic political community is their

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<sup>60</sup> Joseph Carens, *The Ethics of Immigration* (OUP USA, 2013).

social membership that comes from residency over time. This is more important than birthplace, ancestry or any executive decision made by political leaders. Carens offers the example of a child who has immigrated into the United States and becomes educated within its political community. Under these conditions, the state has had an important role in the child's social formation and therefore has given them social membership. Even adults after a certain amount of time are able to plant their roots in a community and become socially declared a community member. Carens' version of membership is rather interesting because it places agency onto the people of a set community to expand the sphere of membership. By removing the right to grant membership from government officials, membership becomes determined through human interaction and communitarian contributions. This theory challenges the basis of U.S. deportations as it protects long term migrant residents from removal. Using social membership as an argument against deportation also honors the lives that non-citizens have built and their contributions. Carens urges the democratic state to accept the fact that the longer a temporary worker, as well as any individual without legal residency stays within a society, the stronger their claim to remain becomes<sup>61</sup>. Carens is suggesting that the basis for moral claims or legal rights should not be national citizenship, but instead social membership, which can only be granted by community members instead of the federal government.

It can be argued that the theory of social membership already plays a small role within our immigration system since many immigration policies and procedures use proof of residency for eligibility. For example, the current U.S. citizenship application process for U.S. permanent or conditional residents/green card holders places value upon the time an individual has resided in the country and their ability to grasp American culture<sup>62</sup>. Green card holders can not apply for naturalization

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<sup>61</sup> Carens.

<sup>62</sup> English and Civics Requirements for Naturalized U.S. Citizenship, accessed April 2, 2020, <https://www.lawyers.com/legal-info/immigration/citizenship/english-and-civics-requirements-for-naturalization.html>.

until they have lived in the country for exactly five years<sup>63</sup>. Once they meet eligibility requirements, they will have to prove to a U.S. government official that they have a basic knowledge and understanding of U.S. history and the way the U.S. government operates. This is known as the “civics” section and is accompanied by an English test where the applicant must prove that they can read, speak and write basic English. The only people who can be exempted from satisfying the English requirement are individuals who are 1) 50 years or older and have lived in the U.S. as a permanent resident for at least 20 years or 2) 55 years or older and have lived in the U.S. as a permanent resident for at least 15 years<sup>64</sup>. Similarly, applicants over the age of 50 with long term residency (15 years or more) can take the civics portion in their native language<sup>65</sup>. Overall there is a clear acknowledgement that anyone who wishes to become a citizen must have had long term residency and adapted elements of American culture. By setting these requirements, the naturalization process is following social membership theory as it is confirming that there is value in the time a “foreigner” spends in their community. Here social membership is seen in one’s ability to learn the language, history, and system of government of their residing country. When applicants confirm their personal information during the interview, they are also confirming their involvement within their community. Their home address and occupation are proof of the contributions they bring to their community and the life they’ve built there. I would like to look beyond the naturalization process and expand the way citizenship is declared using Carens’ theory of social membership. Instead of following a federal naturalization process, citizenship should be determined by the community after the individual applying for citizenship has resided in such community for a long period of time. Social membership should be the deciding factor towards citizenship as it places

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<sup>63</sup> English and Civics Requirements for Naturalized U.S. Citizenship

<sup>64</sup> English and Civics Requirements for Naturalized U.S. Citizenship, accessed April 2, 2020, <https://www.lawyers.com/legal-info/immigration/citizenship/english-and-civics-requirements-for-naturalization.html>.

<sup>65</sup> English and Civics Requirements for Naturalized U.S. Citizenship



importance onto the life an individual has led in their community, instead of the life they've had prior to arriving in the U.S. or their method of arrival.

Although Carens argues for the expansion of membership status, he does not share the classical cosmopolitan ideology that advocates for the automatic protection of human rights and equal legal rights for all members within a state. Instead he argues that there is a distinction between human rights, like the right to practice religion and have a fair trial, and legal rights such as one's right to work or have access to social programs<sup>66</sup>. Unlike human rights, legal rights are member-specific rights between a member and their community and must be decided by the individuals of that community. In other words, not everyone is automatically entitled to legal rights and must rely on declared social membership to obtain them. I critique Carens proposed method of distributing legal rights under the basis of social membership because it places one's ability to obtain legal rights under a form of membership, he is only changing the way membership is declared. Instead of using social membership for the affirmation of legal rights, I propose using social membership to legitimize one's claim to maintain their legal rights and residency. By immediately granting equal legal rights and protection to migrants upon arrival, they will not face limitations that restrict their contributions and presence within the community. Entering with the same rights as other community members allows migrants to have the same opportunity to establish themselves and truly showcase their ability to live a successful and satisfying life alongside native born individuals.

Similarly to Carens, Jacques Derrida, author of *Cosmopolitanism and Forgiveness* argues for the dismantling of state sovereignty in determining membership<sup>67</sup>. Derrida proposes the idea of establishing cities of refugees for foreigners, immigrants, and exiled, deported, stateless individuals. By doing so he is not only questioning the way individuals become members of a community but also the power that cities

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<sup>66</sup> Carens, *The Ethics of Immigration*.

<sup>67</sup> Jacques Derrida, *On Cosmopolitanism and Forgiveness* (Routledge, 2003).

have as members of a state. In theory, these ‘cities of refugees’ are places where people under the threat of injustice can retreat to. The city itself would be given greater sovereignty than the state and would devote its higher political authority to the protection of these individuals. It would determine its own laws but specifically follow the law of hospitality, which orders for borders to be open to everyone without the need of proof, documentation or questions<sup>68</sup>. Under this proposition, the right to asylum is being reenvisioned as it now welcomes anyone regardless of their personal journey or circumstances. If New York City for example were to become a ‘city of refugees’, all migrants applying for asylum in the U.S.–Mexico border would automatically be transported over and given immediate assistance. Members of the city would not be subjected to deportation or placed under special restrictions.

Derrida uses Immanuel Kant’s version of hospitality as a basis for his argument, but notes that Kant does not extend hospitality to citizenship or residency. Instead, Kant argues that foreigners are entitled to the right of presenting themselves to any society that belongs to mankind, however, they are not entitled to being welcomed as guests. Derrida challenges this argument by stating that hospitality should not be dependent on and ultimately controlled by the law or state police. This would mean that U.S. border patrol, ICE agents, and asylum officers, all of which have been reported to manipulate a migrant’s eligibility for asylum will be removed from the admission process in the hope of establishing a more fair and inclusive immigration system. Similar to Carens’ argument for social membership, hospitality should not be administered by government officials and instead should be downsized to a city. However, Derrida differs from Carens by viewing hospitality as an ethical obligation that extends to everyone without conditions. Derrida’s argument for hospitality is unconditional but certain conditions must be taken into account, such as an increase in the number of schools, hospitals, and residencies

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<sup>68</sup> Derrida, 18.

available to accommodate increasing numbers. Although Derrida may not have a direct blueprint to address these conditional factors, he still believes that ‘cities of refugees’ must be enacted in order for nations to immediately respond to the current displacement crisis. ‘Cities of refugees’ may be a temporary solution but it will be an immediate response to the crime, violence, and persecution that asylum seekers and refugees face. In addition, they will offer a space for reflection on the question of asylum, hospitality and the way law and democracy are tested by these factors.

Derrida is placing hospitality above all, advocating for the rights of members of vulnerable communities because they are people in need. Unlike other theorists, Derrida does not place importance on knowing or trying to understand refugees and migrants before offering hospitality. His argument operates on the basis that the individual seeking help is a stranger, an unfamiliar person who may even be the complete opposite of ourselves. Something exists fundamentally within that urges us to offer hospitality without asking any questions. Derrida’s politics of citizenship/membership revolve around the idea that one should not need to disclose information to be offered hospitality. This is a very powerful argument as it places the importance of human life over standardized protocol. The current U.S. immigration system specifically requires asylum seekers to undergo credible fear and MPP interviews to ensure that individuals who are granted asylum meet specific standards. When a teenage boy from Honduras arrives at the U.S.–Mexico border tired, hungry, and dehydrated with fear in his eyes he should not be interrogated for hours before being offered assistance. Instead he should be welcomed, given aid and sent to a ‘city of refugees’ where he can start a new life. Although Carens’ version of membership operates off of knowing who these people are within the community, I think there exists a space where both arguments can complement one another. For example, once refugees are relocated into a safe sanctuary city, they can begin to familiarize themselves with other people and understand the new

community they are now a part of. After they are safe and settled, they can begin to gain social membership within the community and use this form of membership as proof that they belong in this country. Under this proposal, there is no reliance being placed on set pre-conditions for admission, but social membership is still being used to confirm acceptance and ensure communal satisfaction.

Some may argue that Derrida's 'city of refugees' will act as a temporary stop to offer shelter and assistance for these individuals instead of offering long term membership. There also exists the fear that these cities will act as holding centers as they isolate members from society. However, Derrida's vision of hospitality is aligned with values of equality and freedom. He is not envisioning a city with housing and security that meets minimum living conditions. Instead he is proposing a city that follows a type of politics that is dedicated to granting each member the freedom to establish themselves. People will have the freedom to live where they choose, obtain welfare, establish a career, and have the same rights as any native born resident. In a way, Derrida is proposing a universal citizenship that everyone can qualify for. His proposal is interesting because it grants equality, yet continues to limit this offering to a territorial space, one city with open borders or many cities in multiple countries. It can be presumed that Derrida would be in favor of a borderless world where the law of hospitality exists outside of a few cities. However, he recognizes that conditional rights will always exist outside of the 'city of refugees' and other nations will implement their own versions of admission. He does not offer any guidelines or rules to ensure that nation-states are offering reasonable paths towards membership because he is not trying to challenge the nation-state directly. Influenced by Hannah Arendt's perspective on international law, he does not believe that a politics centered on hospitality law can be implemented globally and does not believe in world government. Nation-states will never be able to come together and offer probable

solutions. This is why he turns to cities, urging them to follow the law of hospitality because international law is and will always be restricted by treaties and compromises between sovereign states.

## **Global Governance**

Although Derrida's proposal for 'cities of refugees' offers immediate assistance to all refugees and migrants currently living in fear under life-threatening conditions, it still acts as a temporary solution. These cities will most definitely save lives and ease the consequences of forced migration, but they will prove to be ineffective in ending the current displacement crisis. We must challenge the system that produces the conditions for forced migration instead of solving one by one, the problems that emerge as a consequence. These cities of refugees should be the first step of many more to come and the creation of a global political structure will help facilitate necessary changes. I challenge Derrida's argument that achieving world governance is unfeasible due to the globalized and overlapping world we live in today. Instead of viewing globalization as a disruptive force towards political unity, the current global order can be seen as a potential blueprint for a unifying world that is simply in need of revision. There already exist international agreements like the Nuclear Non-Proliferation Treaty and the Chemical Warfare Convention that both limit the use of nuclear power and ban the use of chemical weapons, both agreements have been signed by the majority of the world<sup>69</sup>. These agreements exemplify the way the prevention of global catastrophes can be prioritized over national interests. Although these treaties aim to stop the potential endangerment of human life, because they are just agreements states are neither obligated to sign or stay in agreement. As a consequence, states like the U.S. can easily sign out of

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<sup>69</sup> Treaty on the Non-Proliferation of Nuclear Weapons (NPT), accessed April 22, 2020, <https://www.un.org/disarmament/wmd/nuclear/npt/>.

treaties like the PARIS agreement that pushes for voluntary reductions in carbon emissions and keeping global temperature increases low<sup>70</sup>. In order to truly place global improvement over national interests, a system must be created to hold all nations responsible for the enforcement of necessary treaties that offer solutions to pressing global matters, displacement being only one of several.

Some may argue that the United Nations provides an already existing global structure where all countries have committed to maintaining international peace and security. Although the UN has a respectable structure composed of 193 member states, peacekeeping soldiers, and operates under numerous government branches, it still is often declared to be ineffective in providing long term solutions to leading global problems<sup>71</sup>. Specifically analyzing past responses to the global refugee crisis, the UN has taken more of a humanitarian aid approach. For example, they have pushed for the establishment of refugee camps and sent over UN peacekeepers to protect and ensure the access of food, water, sanitation and health care in these sites. Although immediate assistance is essential in protecting the lives of refugees and migrants, it must be only one of the many ways global leaders respond. In 2016, the UN held a general assembly on refugees and migrants, the first in history of its kind, to convince nations into committing to the New York declaration of refugees and migrants<sup>72</sup>. The New York declaration was created to 1) share the burden and responsibility of hosting and supporting the world's refugees and 2) expand refugee existence towards access to education, jobs, and future<sup>73</sup>. However, this commitment quickly fell as countries like Germany, Greece, the United States began to develop anti-immigrant sentiment during the rise of a new administration. The failure to put the commitments of the New York

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<sup>70</sup> U.S. Formally Begins To Leave The Paris Climate Agreement, accessed April 25, 2020, <https://www.npr.org/2019/11/04/773474657/u-s-formally-begins-to-leave-the-paris-climate-agreement>.

<sup>71</sup> About the UN | United Nations, accessed April 25, 2020, <https://www.un.org/en/about-un/>.

<sup>72</sup> "New York Declaration," Refugees and Migrants, September 15, 2016, <https://refugeesmigrants.un.org/declaration>.

<sup>73</sup> "New York Declaration," Refugees and Migrants

declaration into practice proves that we must not simply focus on solving the outcomes of forced displacement, but also restructuring the institutions that generate forced migration. There needs to be a more efficient global political entity that ensures the continued commitment to such proposals and holds nations accountable when violations occur.

David Held, author of *Cosmopolitanism: Ideals and Realities* agrees that a global governance is necessary to combat modern transnational problems and proposes the incorporation of cosmopolitan principles<sup>74</sup>. Cosmopolitanism operates on the basis of commonality that exists between all individuals such as shared interests, desires, passions and also shared needs like hunger and good health. Cosmopolitanism forces us to recognize the commonalities that we share as members of the human race and in doing so, also allows for the recognition of our shared defencelessness towards illness, hunger, and loneliness. Once we acknowledge the way the human race can be unified through shared interests and weaknesses, it becomes everyone's responsibility to ensure that the current global interconnected system is binded by common principles and fair democratic processes. Held suggests using a cosmopolitan framework focused on law-governed relations and political cooperation to find resolutions for shared pressing problems. Once this structure is in place that nation-state and the international governance can hold national leaders accountable for their contributions to terrorism, human rights violations, global economic turmoil, pandemics, and climate change. Held stresses the fact that we already live in a complex global system that operates on intergovernmental arrangements, overlapping public agencies and ambitious trade deals between global, regional, national and local agencies<sup>75</sup>. We need global policies that not only aim to honor and preserve human life but also recognize the equal worth and dignity of all humans, foster individual agency, and seek accountability. This needs to be done through collective

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<sup>74</sup> Held, *Cosmopolitanism*.

<sup>75</sup> David Held, *Cosmopolitanism: Ideals and Realities*

decision-making, “voting procedures, inclusiveness and subsidiarity, avoidance of serious harm and sustainability”<sup>76</sup>. How can this be done?

Held argues that in order to institutionalize cosmopolitan principles we must 1) revise current rules, codes and procedures “concerning health, child labour, trade union activity, environmental protection, stakeholderr consultaton and cooperate goverance” and 2) adapt an all encompassing citizenship that binds us to these responsibilities<sup>77</sup>. Held is not dismantling the current way of order, but instead providing a system of oversight to ensure that this form of operating is in alignment with our human commitments to one another. For example, instead of changing the existing legal system within all states, an interconnected global legal system can be formed to embrace elements of criminal, human rights and environmental law. States can maintain the structure of their legal system as long as it does not contradict the values presented in the global legal system. In a similar manner, Held does not propose the end of free markets but instead criticizes the way the nation-state follows a framework that violates shared values to support and uplift their free market system. When the free market system is placed outside the nation-state and in respect to the constructed global political system, it can result in the construction of an economic agenda that “calibrates the freeing of markets with poverty reduction programmes and the protection of the vulnerable.<sup>78</sup>” This way, specific actions are proposed to guarantee the state’s commitment to uplifting humanity over national interest and place accountability on false claims of protection. What is interesting about Held’s proposal is that it is following a top down approach where changes are being generated from higher authority. However, his proposal still allows the nation-state to have freedom in making their own investment strategies, utilizing their resources, and maintaining domestic policy choices as long as they are in agreement with set universal standards. By

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<sup>76</sup> David Held, *Cosmopolitanism: Ideals and Realities*, 97

<sup>77</sup> David Held, *Cosmopolitanism: Ideals and Realities* (John Wiley & Sons, 2013), 62

<sup>78</sup> David Held, *Cosmopolitanism: Ideals and Realities*, 167



institutionalizing cosmopolitan principles on a global scale, states will be forced to not only acknowledge their contributions to global problems but propose effective solutions that can be solved through international efforts. This will force states like the U.S. to reflect on the way their immigration policies contribute to the current global displacement crisis.

Although Held's proposal follows a top down approach, he stresses the importance of incorporating a democratic public law in the proposed global structure to ensure that a political voice is given to not only states but each individual residing in one. Changes in the current global order will ensure that people's urgent needs will be met and they will no longer be in direct harm. However, their secondary needs such as their political rights and individual agency must also be met. By incorporating a democratic public law, all members of the world will receive political autonomy to protect their ability to participate fully in their communities and demand change when the state fails to enforce this right. In a way, Held is calling for global acknowledgment that an individuals' right to opportunities, equality and ability to live a satisfying life is a priority<sup>79</sup>. This cosmopolitan form of politics is aiming towards not only providing a safer and more united world, but also more content and politically active individuals. Institutionalizing cosmopolitan principles will support one's democratic right to self-determination and declare all members to be free and equal individuals. How can we ensure that everyone is able to participate and gain protection under this public democratic law?

Held's proposed democratic law, like all laws within a democracy, is only applicable to members or citizens of such state. In order to ensure that all members of the world are bound to the protections and commitments of public democratic law, a new form of membership must be envisioned. Unlike the nation-state that offers an exclusive form of membership and is confined to a territorial community, this

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<sup>79</sup> David Held, *Cosmopolitanism: Ideals and Realities* (John Wiley & Sons, 2013)

new version of citizenship must be limitless in territorial confinement and all encompassing. Held proposes the incorporation of a global citizenship that declares all individuals citizens of the world. Under this form of citizenship, everyone is entitled to equivalent rights and protection regardless of national borders. Global citizenship allows all individuals to participate in the decision-making process and extends the responsibility of ensuring the protection of common values onto the people. The proposed global government system relies on a cosmopolitan citizenship to ensure that all individuals have political agency and are not left defenseless or voiceless. Under this form of citizenship, the labels of migrants, refugees, asylum seekers and immigrants, as well as national identities become irrelevant when administering humanitarian assistance and aid. The status of global citizen takes precedence over national policies, ensuring that the human value and right to political representation will not be compromised due to location of residency, ethnicity, or nationality.

Many may argue that restructuring the current global order is unfeasible, however it is important to remind ourselves that globalization is not a natural phenomenon or part of the natural order of human progress. The current global structure composed of intergovernmental arrangements was a decision made by national leaders. In order to honor the individuals who have lost their voice as a consequence of the power dynamics within globalization, a new system that prioritizes accountability and common human values must be implemented. An efficient system that properly addresses pressing global matters requires multiple layers of governance and a global commitment to accountability. National leaders must commit to implementing government and social policies that ease the difficulties of displaced individuals, while also participating in a global system that aims to overcome economic and security issues; two of the leading factors in forced migration and displacement. In other words, this system does not directly provide a solution to the thousands of migrants waiting alongside the U.S.–Mexico border but aims to

solve the general migration crisis in regions such as Central America. Direct relief for these individuals would come from the efforts of multiple nations through both humanitarian aid and guaranteed admission. One of the leading arguments against U.S. immigration reform is the fear that the U.S. economy is unable to withstand the large number of newcomers<sup>80</sup>. However, under a global governance that follows cosmopolitan principles there would be less efforts placed on the construction of migrant shelters and detention centers that act as temporary holding cells, and more efforts placed on making countries like El Salvador more stable. Money would be invested in the improvement of the humanitarian and economic crisis in El Salvador, making it a place people are less likely to leave. In addition, the responsibility of offering assistance to migrants will extend to other stable nations of the world, easing the pressures placed on the U.S. to accommodate high numbers of new arrivals. The overall idea of global citizenship is that the migrant crisis at the border is neither Mexico's or the U.S. 's but the responsibility of everyone.

Held offers a blueprint on how institutionalized principles of cosmopolitanism can be facilitated through the implementation of global governance and global citizenship<sup>81</sup>. He carefully takes into account the changes that these policies will have on the legal system, economy, and social order of a nation-state. His top down approach ensures the participation of all nations, however, fails to consider the participation of the people. What good is having a nation-state declare itself a member of this globalized government system if its people reject their title as global citizens? Can this system operate effectively if national leaders commit but their people don't? Held's proposal is missing a key element; social acceptance of global citizenship. Martha C. Nussbaum, author of *For Love of Country; Debating the*

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<sup>80</sup> K. Grace Hulseman, "Trump's Border Wall Is an Expensive, Ineffective Application of Eminent Domain," Center for American Progress, April 25, 2019, <https://www.americanprogress.org/issues/immigration/news/2019/04/25/469026/trumps-border-wall-expensive-ineffective-application-eminant-domain/>.

<sup>81</sup> Held, *Cosmopolitanism*.

*Limits of Patriotism* offers a more personal approach to cosmopolitanism and global citizenship, focusing less on the way global citizenship is legally institutionalized through higher authority and more on the way an individual internally accepts to identify themselves as a global citizen<sup>82</sup>.

In the same manner as Held, Nussbaum proposes the adoption of a global citizenship where one's primary allegiance is to the moral community made up by humanity rather than their nation. When one commits themselves to their nation they are embracing their national identity and following a politics centered on patriotism. When one commits themselves to the world community they are following a politics based on "what we share as both rational and mutually dependent human beings."<sup>83</sup> Richard Rorty, an American philosopher, argues that American patriotism can lead to national unity in the devotion of positive concepts of morality, justice and equity. Under this unity, people with ethnic, racial, religious divisions become part of one American identity. Nussbaum challenges this argument by suggesting the "possibility of creating an international basis for political emotion and concern"<sup>84</sup>. In other words, this national unity should be expanded outside the nation-state and used to create one global identity. By expanding patriotism, the notion of one shared identity is able to exist between people all over the world. This way, every individual will be regarded as fellow citizens, each with their own moral obligation to one another and the world they live in.

Nussbaum recognizes that there exist hesitation to accept one's place as a world citizen because in doing so, they are declaring themselves as exiles and escaping the comfort of patriotism. When an individual is bound to one nation they are expected to become well versed in its history, culture, and problems. As a world citizen, the responsibility increases as now one must learn about complex interregional problems. However, Nussbaum emphasizes that one does not necessarily have to relinquish

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<sup>82</sup> Martha Craven Nussbaum and Joshua Cohen, *For Love of Country?* (Beacon Press, 2002).

<sup>83</sup> *For Love of Country?*, 5

<sup>84</sup> *For Love of Country?*, 4

themselves of their local identities to become a citizen of the world. She understands that these local identities can have personal impacts on our lives. This is why she supports the Stoic argument of separating our identities into a series of concentric circles. The first circle holds the self, the second includes our immediate family, and the third is composed of subgroups like neighbors, race, gender, sexuality, ethnicity and so on. However, the largest circle that exists outside of all of these is humanity. The goal is to push the outside circle inwards by thinking of all humanity as members within our inner circles. Under this perspective, we are able to find commonality with all human beings and make them part of our community. This will help us recognize humanity everywhere we encounter it.

Nussbaum is placing value on understanding the different circles and layers that define not only us but migrants, refugees, immigrants; anyone perceived as a stranger<sup>85</sup>. She understands that cosmopolitan values can not simply exist in structural governmental changes but must also be socially embedded in order to truly invoke change. Something internal must undergo change before larger societal changes can be implemented. She proposes a cosmopolitan education to help foster this change and teach people to not only offer assistance when someone is in a life threatening situation, but to always carry the desire and duty to learn about the lives of others and the problems of other nations. A cosmopolitan education will also grant people the opportunity to become part of different circles and find similarities with *the stranger*. They will no longer be labeled as foreigners or aliens but global citizens like everyone else, each holding a piece of ourselves within. A cosmopolitan education will change the way the United States perceives displaced individuals. By learning about the world outside of our national borders, we are able to look at ourselves through the lens of others. Nussbaum's proposition of seeing ourselves within the other is very different from Derrida's argument that the other should always be the other.

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<sup>85</sup> Nussbaum and Cohen.

Derrida's proposition of extending hospitality towards refugees and migrants, individuals who are not part of our community, relies on the basis that these individuals are in fact strangers. It is because they are strangers that they are entitled to receive assistance without needing to prove or explain anything about themselves. Derrida does not believe that the basis for offering assistance to fellow human beings should lie on the connections that we form with them. This is an interesting distinction because Nussbaum's push for understanding *the stranger* can undermine the journey that migrants and refugees undergo to reach safety. They may have personal trauma, deep injuries, permanent scars and language barriers, all factors that make social interaction difficult. Sometimes we need to understand that migrants and refugees are different because they have had a difficult life and faced unimaginable situations. However, Derrida's approach encourages a distance between individuals and *the stranger* as it suggests that they will always be different from us and incapable of fully understanding. However different these approaches may be, both theorists advocate for the acceptance, assistance, and protection of vulnerable individuals who are often perceived as different by the general public. Both perspectives follow the ideology that these differences should not be used to justify the exclusionary practices.

Once we receive liberation from the confinements of the nation-state, we are free to study the nation, its history, political decisions and government structure, and decide if we support it<sup>86</sup>. We are also able to learn more about global problems that don't solely affect the nation-state but the entire world. Problems such as climate change and air pollution do not obey national boundaries and we must come together to gain the appropriate knowledge in order to propose a solution<sup>87</sup>. As global citizens, it also becomes our responsibility to gain knowledge in the geography and ecology of other nations, as well as

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<sup>86</sup> Nussbaum and Cohen.

<sup>87</sup> *For Love of Country?*

the culture, traditions, and lifestyles of its people. It is through this newly discovered understanding of one another that world issues can be solved and accountability can be held.

In conclusion, citizenship is defined as one's legal membership or admission into a sovereign state. Citizenship allows an individual to have direct claim over national rights and defend such rights in the presence of government authority. However, citizenship can also promote exclusion and act as an oppressive force by denying political rights to people who do not meet a nation's citizenship standards. Under this argument, the nation-state does not hold the responsibility of providing security or protection towards anyone who is not a citizen or on a legally regulated path towards citizenship, even if they are under life threatening circumstances. In pursuing this ideology, the nation-state fails to place safety of human beings above national restrictions and limits its assistance within territorial boundaries. Carens, Derrida, Held, and Nussbaum challenge the notion of citizenship by disrupting national sovereignty and promoting a membership both larger than national citizenship.

Only through the implementation of cosmopolitan policies on both social and political aspects of society can protection and equal rights be granted to all individuals. National citizenship must be replaced with global citizenship in order to foster a new form of membership that challenges us to look beyond national identity and reconnect with our humanity. Accepting this form of citizenship places ourselves in equal standing with the rest of the world despite our differences. The time has come to accept a new form of global politics that seeks to not only protect but uplift the human race. Only through the direct implementation of cosmopolitan policies can equal rights be guaranteed to refugees, migrants, asylum seekers and undocumented individuals living within the U.S. Following the arguments presented in this chapter, I am arguing for a global citizenship that offers immediate protection to displaced

individuals, expands the democratic right of freedom and equality past the nation-state, and allows people the opportunity to live a happy and satisfying life.

This can be accomplished by following Held's blueprint of global governance to ensure the protection of human values in all legal, social, and economic aspects. This would place accountability on countries like the U.S. that have implemented a life-threatening and unjust immigration system designed to deny admission to refugees and asylum seekers. It would also allow the estimated 14.3 million undocumented individuals living in the U.S. to come out of the shadows and receive political representation as equal members of a democratic society<sup>88</sup>. Under this new form of protection undocumented individuals could lead a life with the same rights as U.S. citizens. They wouldn't have to resort to low-skilled jobs that often exploit and underpay their workers, or be denied a driver's license, the ability to travel, and government assistance programs, all opportunities designed to uplift a person's social and economic standing. Under Held's democratic public law, the Department of Homeland Security, including its subdivisions (Immigration and Customs Enforcement, U.S. Citizen and Immigration Services, Customs and Border Patrol) would be deconstructed. Instead of having one dysfunctional national immigration system that places children in cages, separates families, silences undocumented immigrants, and is responsible for the death/dissapearences of thousands, there would be a system of authority on local, state and regional levels ensuring safe migration. However, before we can implement Held's restructure of global order, we must start with Derrida's city of refugees that will offer immediate assistance to endangered asylum seekers currently waiting in Mexico without protection. These cities would function as sanctuaries and welcome all migrants regardless of their nationality, previous occupation, or personal past. By implementing a city that operates on the basis of hospitality,

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<sup>88</sup> How Many Illegal Immigrants Are in the US? | FAIRus.Org, accessed April 20, 2020, <https://www.fairus.org/issue/illegal-immigration/how-many-illegal-aliens-united-states>.



there would no longer be the need for detention centers since seeking asylum wouldn't be treated as a criminal offense. Derrida's vision of sanctuary cities would allow for refugees, asylum seekers and migrants to come together as members of one shared space.

Once these cities are in place, I would continue to push for global citizenship to go beyond government structural changes and inspire personal/social changes. I think there is much value in Nussbaum's proposal of a cosmopolitan education and the way it fosters personal connections between individuals and *the stranger*. Before we can create a world government or think about expanding sanctuary cities, we must first think about how we see one another and our relationship to the world. Unlike Nussbaum's version of a cosmopolitan education centered on the way we see one another in relation to ourselves, I would support an education that follows Derrida's argument of how we should view *the stranger* in relation to all of humanity. Instead of looking for potential human connection, we must live our lives expanding hospitality to all individuals and educate ourselves about the world regardless of our personal interests. Hospitality can't simply exist as a subject matter in an educational system but it should also be embedded within our cultural and social life. The fact that the U.S. has elected a president who publicly ran on a racist, misogynistic, and violent campaign demonstrates the desperate need for cosmopolitan influences. The fact that our immigration system that intentionally promotes exclusion, precipitates physical/mental harm and sometimes death remains supported by a large population of the American people exemplifies the need for change. Have we truly lost our humanity? Do we not feel empathy when we learn that there are over 3,500 documented deaths of migrants crossing the U.S.–Mexico border, over 37,000 migrants detained (the majority held in private-funded prisons), children placed in cages separated from their family, and 14.3 million undocumented members of our

communities living in fear<sup>89</sup>? We must implement a form of global, regional and local cosmopolitan politics in order to regain our title of a democracy and complete our human duty of protecting and welcoming all displaced individuals.

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<sup>89</sup>“Custom Map of Arizona Migrant Deaths,” accessed April 15, 2020, <https://humaneborders.info/app/map.asp>.

## **Chapter 3 The Stranger in the U.S.: Studying The Way Fear and Profit Contribute To Preconceived Notions of Immigrants**

Fear is indeed a thief. It robs the subjects of their capacity to act with or against others. It leaves them shaken, sometimes permanently traumatized. And when large numbers fall under the dark clouds of fear, no sun shines on civil society. Fear saps its energies and tears and twists at the institutions of political representation. Fear eats the soul of democracy

- John Keane, Power and Humility, *The Future of Monitory Democracy*<sup>90</sup>

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<sup>90</sup> John Keane, *Power and Humility: The Future of Monitory Democracy* (Cambridge University Press, 2018).

The U.S. immigration system is built to confuse, oppress, and exhaust. Families are separated, detention centers are filled, asylum seekers wait unprotected in Mexico, and the increase in application costs makes it rather impossible to navigate the system regardless of which side of the border you're in. This intentionally difficult system is meant to invoke fear onto the individuals forced to become a part of it. This fear does not stop with members of the immigrant community but also spreads onto U.S. citizens and eventually becomes part of American society. Before we can implement cosmopolitan policies into our government system and the way we operate as a community, we must first address the two main reasons why the immigration system has successfully continued to operate in an aggressive and unforgiving manner. In this chapter I propose that immigration reform remains unimaginable because 1) the current system of following zero-tolerance proceedings is profitable and 2) there exists an underlying notion of fear embedded within our institution.

### **A Profitable System**

It is important to acknowledge that the immigration system does not just impact the lives of individuals who are subjected under immigration law, but also private companies and organizations that contribute administratively. When analyzing the role that such actors play in the system it becomes rather clear that profit is prioritized over the safety and well-being of human lives. Therefore reluctance towards immigration reform derives from the protection of profit generated through exploitation and detainment. Since the U.S. immigration system operates through mass deportation, confinement, and surveillance under multiple subdivisions, it requires the assistance of multiple organizations and corporations to build

and staff new detention centers, migrant shelters, and offices. This raises the question: who is profiting from the current immigration system?

When the zero-tolerance immigration policy was adopted across the border under the Trump administration, the catch and release protocol was replaced by catch and detain, changing the average number of detainees held in a year from an estimated 3,000 to 45,000<sup>91</sup>. In order to accommodate the growing number of detainees Walmart stores were converted into shelters, enforcement officers in detention facilities doubled, and billions of federal dollars were allocated to multiple security departments, creating a growing industry built on the incarceration of immigrants<sup>92</sup>. This change gave rise to private prisons, tech firms, security contractors, and telecommunication companies. The largest for profit prison operator in the country is GEO Group, a real estate investment trust company that has become a multimillion-dollar beneficiary to the aggressive immigration policies currently in place<sup>93</sup>. However, GEO Group does not just limit itself to real estate business but also has subsidiary companies such as BI inc, an electronic monitoring company that profits from ICE contracts to manufacture ankle bracelets, alcohol-detecting breathalyzers, and other devices<sup>94</sup>. Although BI inc. started in 1978 specializing in cattle-monitoring services, its major profit came from million dollar contracts with ICE, both before and after GEO Group purchased the company in 2010 for \$415 million dollars<sup>95</sup>. GEO Group also has their own in-house transportation division known as GEO Transport that offers service to local, state and federal government. GEO Group exemplifies the way one single private company can profit

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<sup>91</sup> Detention Statistics, Freedom for Immigrants, accessed May 1, 2020, <https://www.freedomforimmigrants.org/detention-statistics>.

<sup>92</sup> Detention Statistics, Freedom for Immigrants

<sup>93</sup> "ICE," accessed May 2, 2020, <https://www.geogroup.com/ICE>.

<sup>94</sup> Hauwa Ahmed, "How Private Prisons Are Profiting Under the Trump Administration," Center for American Progress, accessed April 20, 2020, <https://www.americanprogress.org/issues/democracy/reports/2019/08/30/473966/private-prisons-profiting-trump-administration/>.

<sup>95</sup> "How Private Prisons Are Profiting Under the Trump Administration"

immensely from immigration policies. Specifically this company generates over \$44 million in annualized revenues and has received over half a billion dollars through contracts with ICE<sup>96</sup>. This business profits from the holding of undocumented immigrants and asylum seekers, which under current policies has become a requirement for the majority of asylum applicants. Not only does GEO Group profit from individuals who are detained, but also those who are in the process of being transported to a detention center, and even after their release date through mandated monitoring devices.

GEO Group is only one of the technology and software companies that ICE contracts with in order to continue operating detention centers. ICE also contracts with data analysis firms such as Palantir Technologies that collect and synthesize data used for arrests and investigations on suspected violations of immigration law. Palantir Technologies, along with other long-lasting contracted companies have not reported profit within the last decade, indicating that income is being generated solely through contracts with ICE. Palantir's largest contract was an award of \$53 million dollars given for the design of software services during the height of Central American migration in 2014<sup>97</sup>. There is a clear dependency being generated through these long term contracts with ICE, reinforcing the argument that the immigration system has become a profitable business. Businesses that benefit from administering aggressive and oppressive immigration policies become inclined to protect their profit by lobbying for such policies. It has been reported that GEO Group spent \$1.56 million on lobbying in 2018, a major increase from the \$275,000 donated to Rebuilding America Now (a pro-Trump political action committee) in 2016<sup>98</sup>. Immigration law has allowed a cycle to form where profit is generated through aggressive immigration policies that are supported by the very businesses that profit from it.

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<sup>96</sup> The Center for Responsive Politics 1300 L. St NW and Suite 200 Washington, "Palantir Technologies Profile: Summary," OpenSecrets, accessed April 15, 2020, <https://www.opensecrets.org/orgs/summary?id=D000055177>.

<sup>97</sup> "Palantir Technologies Profile: Summary"

<sup>98</sup> The Center for Responsive Politics 1300 L. St NW and Suite 200 Washington, "GEO Group Profile: Summary," OpenSecrets, accessed April 16, 2020, <https://www.opensecrets.org/orgs/summary?id=D000022003>.

Current immigration policies do not only benefit companies contracted to assist with the facilitation of such policies, but also companies that profit from the hardships that these policies invoke. Although these companies often denounce immigration policies and market their assistance as a form of relief, they too exploit the desperation and vulnerability of their clientele. Examples of such companies range from as small as vendors in detention centers that charge high rates for telephone services to as big as companies like Libre by Nexus that provide loans for release bonds<sup>99</sup>. Both take advantage of the circumstances that their clients are under and intentionally increase their service fee knowing that their services are necessary. For example, the phone company at the Santa Ana City Jail charges 69 cents per minute and an additional \$3.30 connection fee under contract with the facility<sup>100</sup>. The center encourages high rates because it collects a commission on all earnings. Not having any other option, detainees are forced to pay high prices to communicate with their loved ones and lawyers about their case. Instead of highlighting the way phone companies exploit detainees, these services are deemed helpful by DHS because they allow detainees to contact the outside world. Similarly, Libre de Nexus also markets its business as a fight against injustice and claims to advocate for the freedom of detained immigrants. In order to gather a better understanding of the way Libre de Nexus advertises its services, here is a direct transcription of their commercial (originally aired in Spanish and translated by the New Yorker)<sup>101</sup>:

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<sup>99</sup> "The Company Offering Detained Migrants Freedom—at a Price | The New Yorker," accessed April 25, 2020, <https://www.newyorker.com/news/news-desk/the-high-price-of-freedom-for-migrants-in-detention>.

<sup>100</sup> "Dialing with Dollars: How County Jails Profit From Immigrant Detainees - Outside News - Immigration Law - LexisNexis® Legal Newsroom," accessed April 27, 2020, <https://www.lexisnexis.com/legalnewsroom/immigration/b/outsidenews/posts/dialing-with-dollars-how-county-jails-profit-from-immigrant-detainees>.

<sup>101</sup> "The Company Offering Detained Migrants Freedom—at a Price | The New Yorker," accessed April 25, 2020, <https://www.newyorker.com/news/news-desk/the-high-price-of-freedom-for-migrants-in-detention>.

“Libre by Nexus has reunited more than two thousands families since last year. We specialize in helping people in immigration custody to pay their bond. It doesn’t matter where you come from or what mistakes you’ve made. We can help you or your loved one pay the bond and it’s possible that our team of expert lawyers can help secure your bond free of charge. Call today and reunite your family tomorrow!”

Libre by Nexus takes advantage of the emotional distress caused by family separation to persuade detainees or family members of detainees to utilize their services. They release detainees who qualify for bond by using outside licensed bond companies to pay the bond through loans. Detainees are freed under the condition that they must use G.P.S. tracking devices on their ankles and pay the loan through installments. Libre by Nexus then rents the device to detainees for \$420 a month, not acting as a deduction to the initial bond fee. Since the average time for an immigration case to process is a little over two years, their clients pay over \$10,500 in rental fees and still owe bond payments that can range from \$7,500 to \$20,000<sup>102</sup>. Libre by Nexus relies on the poor conditions of detention centers and a detainee’s desire to be reunited with their family members to trick them into a long term dependency with their services. Detainees leave the confinements of a holding cell only to be enslaved by a modern shackle that must be recharged constantly and leaves burn marks when it overheats.

The examples previously stated only scratch the surface of the endless ways in which immigration policies generate profit and business. They do not include the expenses that migrants endure traveling to port of entries to begin their application process and the thousands of dollars necessary for legal representation. It is important to remember that even individuals who “legally” apply for admission are

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<sup>102</sup> “The Company Offering Detained Migrants Freedom—at a Price | The New Yorker,”



required to apply at a port of entry and spend time in a detention center until their hearing, leaving them also vulnerable to high telephone rates and false bond release advertisements. In addition, the U.S. also profits from the contributions of undocumented immigrants that not only make up a recognizable portion of the labor force but also contribute an estimated \$11.6 billion a year in taxes<sup>103</sup>. Undocumented individuals do not qualify for public benefits offered through social safety net programs, therefore their federal tax dollars will not be used to benefit themselves through federal assistance programs. The immigration policies currently in place take advantage of the collective contributions made by undocumented immigrants and are designed to ensure profit by denying eligibility to major federal safety net programs.

One of the leading arguments against immigration reform is the fear that admitting immigrants will hurt the economy. However, it seems that the worry is less about the admission of immigrants and more about the deconstruction of a profitable immigration system. What happens to the software and security companies, detention centers, and all enforcement officers when detainees are released and admission no longer requires the holding and separation of individuals? Although the immigration system does generate profit that may seem to be uplifting the economy, studies suggest that liberalizing immigration is actually more profitable. The National Academies of Sciences, Engineering and Medicine released a report concluding that the laborer contributions of immigrants in the United States from 1990 to 2010 (both documented and undocumented) “produced net benefits worth \$50 billion a year to the native population.<sup>104</sup>” In addition, immigrants working in the labor force have been reported to be

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<sup>103</sup> Michelle Chen, “Undocumented Immigrants Contribute Over \$11 Billion to Our Economy Each Year,” March 14, 2016, <https://www.thenation.com/article/archive/undocumented-immigrants-contribute-over-11-billion-to-our-economy-each-year/>.

<sup>104</sup> Engineering National Academies of Sciences, *The Economic and Fiscal Consequences of Immigration*, 2016, <https://doi.org/10.17226/23550>.

younger, therefore slowing aging in the workforce and providing stability in the jobs they obtain. By continuing the rejection and detainment of immigrants, the U.S. is not only giving up these benefits but also losing money in doing so. According to the President's Fiscal Year 2020 Budget Request, \$51.7 billion was requested for the Department of Homeland Security<sup>105</sup>. \$51.7 billion federal dollars is being invested in a restrictive, inhumane and criminalizing immigration system that proves to be responsible for the deaths and disappearances of thousands<sup>106</sup>. This money should instead be invested into the structuring of a new immigration system, one that doesn't support the funding of a wall or sends applicants seeking admission to other countries. The \$51.7 billion can be used to create a more effective system where asylum applications can be processed faster under fair standards, legal representation and without detainment.

With the incorporation of cosmopolitan policies into the structuring of a new immigration system, there will be no limitations on the number of migrants admitted into the country or the level of assistance offered. The original DHS funds will be used to provide living spaces, medical assistance, educational opportunities and anything else necessary to protect the lives and rights of vulnerable individuals escaping persecution or living in silence within our very own community. Of course, once the political structure transforms under the implementation of global citizenship and world governance, funds will continue to be redistributed to other pressing concerns such as access to affordable housing, healthcare and college education, and the right to earn a livable wage. All of these sectors can be revised under a cosmopolitan form of politics that seeks to ensure the equal protection and rights of all members, both inside and outside the nation. Once again, I understand that these transformations may be deemed as radical but I think it is necessary to acknowledge that the current abusive immigration system requires

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<sup>105</sup>"FY 2020 DHS Budget in Brief.Pdf," accessed April 25, 2020, [https://www.dhs.gov/sites/default/files/publications/fy\\_2020\\_dhs\\_bib.pdf](https://www.dhs.gov/sites/default/files/publications/fy_2020_dhs_bib.pdf).

<sup>106</sup> FY 2020 DHS Budget in Brief.Pdf"

radical change. I understand these changes will take years and multiple presidential administrations to administer, however, I wish to reiterate that the funds to undergo such transformations are available. Once this form of politics expands past the nation-state, the responsibility of respecting *the stranger* will fall onto multiple countries and further make this vision a reality. Cosmopolitanism does not necessarily require the entire world to come into agreement about everything, but even just a few countries or cities agreeing to value human well-being and life over profit will generate the first steps necessary for change.

A main component in cosmopolitan theory is the acknowledgment of everyone as a member of one larger and all encompassing community. It is truly about living in a world where injustice is addressed by all members of the globe and human rights overpower national interests. Under cosmopolitanism, the lack of national citizenship can no longer be used to criminalize immigrants and deprive them of essential needs. If this is the solution to solving the currently dysfunctional U.S. immigration system, then we must ask ourselves what is stopping the U.S. from implementing cosmopolitan policies into its system of government? Although economic profit is one of the biggest arguments presented against immigration reform, it is important to remember that only a small portion of the country benefits from the type of business that is generated by these policies. Key participants in already successful businesses and administrative officials are the only ones who profit immensely meanwhile the majority of Americans lose money as their tax paying dollars are used to sustain an oppressive system. If only a small percentage of the country is economically benefiting from these policies, why are they supported by a larger portion?

I propose that there is something greater than economic profit that prevents individuals from accepting a cosmopolitan form of politics. These values can not only exist within government but must also be incorporated into social life. People must internally accept the notion of global citizenship and

universal acceptance in order to advocate for the elimination of the current immigration system.

However, people choose to remain indifferent or in favor of this system because they have inherited fear towards *the stranger* and this fear acts as a separating force. This fear has become part of our institution, history and culture, and shapes the way we imagine *the stranger*. In this chapter I have been using the term *the stranger* to represent not only migrants entering the U.S. but all immigrants residing in the U.S. who are actively discriminated against and targeted for not being “American” enough.

### **Institutionalized Fear**

The building of a physical wall alongside the U.S.–Mexico border received support from the American public because it promised security and protection. To be more specific, it offered protection from outsiders, *strangers*, people presumably determined to harm Americans by stealing their jobs and inflicting violence upon the general public. When president Trump based his presidency campaign on the building of a physical wall and the deportation of undocumented immigrants he confirmed two things. 1) He showed how people’s inner fears of *the stranger* are rooted in personal feelings of insecurity and the way this translates into support for discriminatory and exclusionary policies. 2) Less obvious than the latter, he showed how our government system doesn’t only generate fear among the public but also relies on this fear to operate. The problem is therefore less about individual perceptions of *the stranger* and more about the way our government system purposefully generates these perceptions to justify inhumane immigration procedures.

Political theorist Iris Young, author of “Global Challenges: War, Self-Determination, and Responsibility for Justice”, writes about the way the U.S. government uses fear to function as a security

state and promises protection in exchange for cooperative obedience<sup>107</sup>. As a security state, there is one sovereign authority that decides what is necessary for the protection of the commonwealth. This form of authority follows Thomas Hobbes' philosophy of the social contract theory, where actions or opinions that contrast the authoritarian power are declared threatening to the order and peace of a society. In other words, anything that questions the authoritarian rule is endangering the peace that exists within the commonwealth and must be eliminated. Under this argument, anyone that challenges the authority of Customs and Border Patrol, as well as Immigration Customs Enforcement agents or the decisions implemented by the Department of Homeland Security is seen as a potential disruptor of peace and must be closely analyzed. In following this ideology the government is using the presence of an unknown enemy to push for drastic surveillance and silence criticism under the promise of protection. This keeps the public from questioning the way these security measures exist within a democracy, the amount of power that CBP and ICE officials are granted, and the fairness in removal proceedings. Instead people are asked to trust that the government is inflicting violence upon guilty foreigners who are deserving of such treatment.

The fear of *the stranger* is not new to the U.S., however, it can be argued that there has been a drastic change in security measures following the terrorist attacks of 9/11 in 2001. One of the first drastic changes was the creation of the Department of Homeland Security and all of its subdivisions, which needless to say have become the prime actors in shaping the current immigration system. It is hard to expect a fair and just immigration process to emerge from a department that was literally created as a response to a terrorism attack. How can America reimagine *the stranger* if the very system that determines their admission into the country, is based on the mistrust and paranoia surrounding *the*

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<sup>107</sup> Iris Marion Young, *Global Challenges: War, Self-Determination and Responsibility for Justice* (Wiley, 2006).

*stranger?* Another drastic change was the USA Patriot Act that “reduces the power of courts to review and limit executive actions to keep organizations under surveillance, limit their activities, search and seize, or detain individuals<sup>108</sup>.” This act enabled the DHS to have access to records of individuals/organizations, government files, and the power to seize assets without any protest or restrictions. Some may argue that access to federal information is not enough of a reason to challenge the security state. However, they fail to understand that by granting unlimited access to information, DHS is able to locate and deport thousands of undocumented immigrants and diminish all protection programs established in sanctuary cities. Since they have their own form of authority, these deportations often go unnoticed and unchallenged. As a consequence, the American public remains oblivious to the thousands of people detained, interrogated or jailed by law enforcement or immigration officials. This raises the question of why DHS operates in secrecy instead of working publically alongside state officials? This level of confidentiality is necessary for DHS because they’re following undemocratic procedures. Maintaining a level of discretion is part of the U.S. Immigration and Customs Enforcement’s guidelines and keeps the American public from asking questions. As long as the public continues to envision members of DHS as heros, then they don’t have to imagine deported individuals as anything more than criminals.

Young then raises the question, how can U.S. citizens and their representatives in a democracy allow such challenges to their political principles and institutions with little discussion and protest? She responds with the argument that the American public, often isolated from detention centers and migrant shelters, truly develop the belief that their rights and freedoms are safe from being threatened by DHS and therefore remain silent. However, there are records that prove that many of those who have been

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<sup>108</sup> Iris Marion Young, *Global Challenges: War, Self-Determination and Responsibility for Justice* (Wiley, 2006), 126

seized or detained are actually U.S. citizens. ICE and CBP agents racially profile individuals who look like *the stranger*, or are non-white and ask for proof of documentation in public spaces. If one is unable to provide identification or refuse to answer their questions, they will be detained until their identity is determined using facial recognition technology. It is rather ironic that the very institution that claims to protect us declares us a potential threat the moment we refuse to cooperate. Young stresses that these new guidelines do not offer immunity to U.S. citizens and will only continue to impact the lives of everyone who is declared to be a potential threat regardless of documentation status.

This institutionalized fear enters the lives of the American public and persuades them into labeling all *strangers* or non-Americans as enemies. When this happens, valued and respected democratic practices become endangered. As Young states, “We assume the position of subordinates rather than democratic citizens equal to and not above our neighbors, equal to and not beneath our government<sup>109</sup>.” Democratic citizens must resist the pressures placed onto them by the security state to relinquish their right to question authority and demand accountability. They must accept the fact that no state can make anyone feel truly safe and the responsibility of offering protection should fall onto themselves. Citizens must protect their right and the right of *the stranger* to decide the lives they wish to lead and the authority they wish to be under. Social relationships that promote respect and political equality towards *the stranger* can only exist after the security state is relinquished. In addition, valued democratic practices can be honored only after all members living within the nation reclaim their political voice. The American public must acknowledge the way fear is institutionalized and reconstruct the notion of *the stranger* on a public and personal level. They must remember that *the stranger* does not have one face or one story. *The stranger* can be both your documented and undocumented neighbors who are members of

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<sup>109</sup> Iris Marion Young, *Global Challenges: War, Self-Determination and Responsibility for Justice* (Wiley, 2006), 132

your community. *The stranger* can be the DACA recipient student in your advanced multivariable calculus class or the five year old Salvadorian boy sitting on the floor of a migrant family shelter in San Diego, California. *The stranger* can be a person who may not look, speak, dress or act “American”. Regardless of who *the stranger* in one's life is, they are worthy of our compassion and assistance. Individuals must not let their internal fears that have been forced onto them by higher power, overrule the opportunities and rights that others are entitled to as fellow members of one larger global community.

## **A Global Pandemic**

During the finalization of this project the world was hit by COVID-19, a virus that has infected over 1 million individuals and resulted in over 68,000 deaths in the United States<sup>110</sup>. New York has the most confirmed cases in the world and the entire nation sent medical supplies, healthcare workers, and essential cleaning products to support overwhelmed hospitals and medical staffs<sup>111</sup>. The public health and economic crisis caused by COVID-19 nationally showcased the way low-income immigrants and their families were disproportionately impacted by COVID-19 despite playing essential roles in the pandemic response. While the World Health Organization publicly announced nations to implement social distancing, pause unnecessary movement, and follow standard hygiene practices to stop the spread, the U.S. president continued to target migrants by excluding them from relief packages and declaring DHS essential. At a time when the world and the nation needs to be unified to combat a global pandemic, the government's decision to ignore the American public's concerns towards the safety of detained migrants,

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<sup>110</sup> “New York Has More Virus Cases than Any Country,” *BBC News*, April 10, 2020, sec. US & Canada, <https://www.bbc.com/news/world-us-canada-52239261>.

<sup>111</sup> “New York Has More Virus Cases than Any Country,”



undocumented workers, and individuals at the border further proves that the immigration system is not interested in prioritizing human life.

The first relief package passed was a \$2 trillion COVID-19 emergency bill that did not provide any assistance to undocumented immigrants, including individuals who pay federal taxes or are essential frontline workers<sup>112</sup>. Even the supreme court decision determining the fate of DACA recipients, 27,000 of which are healthcare workers was not placed on hold and remains scheduled for June 2020<sup>113</sup>. The U.S. would rather deport qualified medical students, physician assistants, and doctors who are all key resources in fighting this pandemic than placing the importance of their documentation status on hold. In the eyes of the system, these individuals are still *strangers*, not worthy of assistance and more dangerous to keep than deport. However the real danger derives from perceiving immigrants and migrants as a threat instead of accepting that the nation actually relies on their contributions to operate.

As of May 3rd, there are currently 522 confirmed cases of COVID-19 among the 30,000 detainees in the country<sup>114</sup>. ICE has the authority to release these individuals into the care of already established sponsors and family members, however, has chosen to release a small selection through a case by case basis and maintain the majority of individuals in crowded and unsafe facilities. Briseida Salazar, a detainee at Otay Mesa Detention Center, expressed her fear of contracting the virus due to lack of protective gear and access to soap/sanitizer<sup>115</sup>. When she was finally offered a mask after relying solely

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<sup>112</sup> "What Happens If Undocumented Immigrants Get Infected With Coronavirus?," NPR.org, accessed May 1, 2020, <https://www.npr.org/2020/03/29/823438906/what-happens-if-undocumented-immigrants-get-infected-with-coronavirus>.

<sup>113</sup> Ariane de Vogue Reporter CNN Supreme Court, \uc0\u8220{}DACA Recipients Ask Supreme Court to Consider Their Work in Fight against Coronavirus,\uc0\u8221{} CNN, accessed April 22, 2020, <https://www.cnn.com/2020/03/27/politics/dreamers-health-care-workers-coronavirus-daca-supreme-court/index.html>.

<sup>114</sup> "ICE Guidance on COVID-19," accessed May 3, 2020, <https://www.ice.gov/coronavirus>.

<sup>115</sup> "Detainees Were Offered Masks, but Only If They Signed Contracts - Los Angeles Times," accessed April 16, 2020,

on bra straps and pieces of cloth, she had to sign a contract written in English stating that “detainees agree to ‘hold harmless’ CoreCivic and its agents and employees ‘from any and all claims that I may have related directly to my wearing the face mask.”<sup>116</sup> Salazar’s testimony shows how ICE prefers to endanger the lives of detainees instead of temporarily releasing them, the majority of which qualify for bail but simply can not afford to pay the fee. Because ICE perceives detainees as criminals instead of human beings, the Otay Mesa Detention Center now has a total of 104 confirmed cases<sup>117</sup>. Even the 3,100 migrant infants, children, and teens in the Office of Refugee Resettlement custody and 3,300 kids being held in migrant family residential facilities have not been immediately released<sup>118</sup>.

COVID-19 has impacted the way we operate as a society. Students are learning from their bedrooms, parents are working from home, artists are having virtual concerts, and restaurants are delivering orders. Yet the immigration system continues to function as before. Deportations didn’t end, arrests didn’t stop, and the majority of detainees weren’t released. This crisis has shown us that we are capable of changing and adapting our way of life, yet we continue to operate a violent and life-endangering immigration system. We need to challenge preconceived notions of migrants and *the stranger* that have been used to construct and support the current U.S. immigration system. Only after we deconstruct our internal perceptions and the systems that perpetuate them, will we be able to ensure the protection of all individuals within our community.

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<https://www.latimes.com/california/story/2020-04-11/detainees-at-otay-mesa-detention-center-were-offered-masks-but-only-if-they-signed-contracts>.

<sup>116</sup>“Detainees Were Offered Masks, but Only If They Signed Contracts - Los Angeles Times,”

<sup>117</sup> “ICE Guidance on COVID-19.”

<sup>118</sup> Miriam Jordan, “Judge Urges Release of Migrant Children After 4 Test Positive for Coronavirus in Detention,” *The New York Times*, March 29, 2020, sec. U.S.,

<https://www.nytimes.com/2020/03/29/us/coronavirus-migrant-children-detention-flores.html>.

## Conclusion

The goal of this project is not to make people question their ethics and develop compassion for migrants, refugees, and immigrants. Instead, it is to make people acknowledge that fighting for the protection and rights of their fellow human beings, regardless of their personal views, is part of their human obligation. We owe it to one another to not only acknowledge but challenge the institutions and systems that perpetuate fear, injustice, and endanger the lives of thousands. The U.S. immigration system purposefully seeks to deny admission and assistance to migrants, violating their international right to seek asylum. It discourages admission by enforcing policies that make applicants wait in Mexico, mandates detainment, separates families, and charges thousands of dollars in application fees. Although I appreciate the efforts of incredible nonprofits and organizations who have dedicated their time and efforts into providing life saving resources to migrants in need, the current displacement crisis demands a different approach.

The time has come to establish a system of world governance that unites all nations through the shared commitment of prioritizing human life and common values over national interests. We must incorporate cosmopolitan principles into our government system, economy, and social life to ensure that all individuals of the world are acknowledged and entitled to protection. The U.S. immigration system exemplifies the way thousands of migrants have been abandoned by the U.S. government, as they have been relocated from one nation to another without receiving adequate assistance and denied a voice to demand accountability. By establishing a system of world governance, the state's authority to deny individuals human and political rights on the basis of citizenship claims becomes challenged. Once we place the responsibility of ensuring the well-being of all individuals, including migrants and refugees, over national sovereignty, the state will no longer have the right to deny membership because national

borders will no longer determine the confinements of its community. Membership will expand past the nation-state and declare migrants members of a larger global community, entitled to membership claims of protection and rights that expand past national borders. By accepting a universal form of citizenship centered on cosmopolitan principles of inclusion, all individuals regardless of their national identity or location will regain their political autonomy and determine the life they wish to lead.

Global displacement is a global problem and requires the cooperation of all countries to establish a system that efficiently responds to economic turmoil, climate change, war; all leading contributors to forced migration. Instead of providing temporary solutions such as the establishment of refugee camps, worker programs, and humanitarian aid, a global effort is required to give migrants and refugees a future. National leaders must be held accountable for their contributions to forced migration and the responsibility of protecting humanity from global problems must be distributed to all national leaders. However, institutionalized change is not enough to reorder society. There must also be an internal and social change made within the American public to deconstruct preconceived notions of *the stranger* that have existed since the formation of the nation. People need to self-identify as global citizens and accept the responsibility that comes along with the title. Cosmopolitanism will be the solution to America's fear of *the stranger* and act as a unifying force.

I would like to take this time to state that the proposed ideas presented in this project are not solely theoretical and elements of cosmopolitanism have already been incorporated into our global order. The creation of the UN emerged as a response to the disastrous world wars between global powers. Threats of nuclear incineration and the deaths of thousands pushed the region into forming a multilateral community in hopes of preventing further destruction. Although war proved to be inevitable, this system allowed conversation between nations to continue and allowed for progressive negotiations and

agreements to be passed. However, the world has changed since 1945 and we now face global problems that even our best scientists do not fully understand and our national government systems are not designed to respond accordingly to. Conversations between nations are no longer enough and national proposed solutions change as national leaders enter and leave office. Some have argued that nation-states are “too small for big problems and too big for the small problems in life”, proving that both larger and smaller systems are required to ensure efficiency.

Moving forward with this project, the next idea to consider is how this proposed institutional structure will operate in relation to the valued democratic rights of self-determination? How can the nation protect its individuality while also prioritizing collective decisions? How must the world respond to individuals and nations who reject or violate set commitments to the preservation of human life? Perhaps the answer lies in the way global governance is established. If social movements take rise in the next decade, protesting the current system and demanding accountability, will this be enough to establish a new global order? Or must cities like Derrida’s lead the way to global agreements? The world continues to become progressively warmer, sea levels are rising, pandemics are forming, and people are dying from these consequences. We must advocate for change, if not for ourselves then for others.

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