

Whither Citizenship?

by Peter J. Spiro



Born in the United States but removed at an early age when his parents returned to Saudi Arabia, Yasser Hamdi did not even know that he was a U.S. citizen at the time of his apprehension in 2001 by U.S. forces in Afghanistan and his subsequent transfer to Guantanamo Bay. When discovered, his citizenship status resulted in his transfer to the mainland; the Supreme Court ultimately found him entitled to procedural due process, in a decision that by its terms hinged on the fact that he was an “American.” Hamdi was in no way a member of the community of Americans defined in any on-the-ground, organic sense. And yet most commentators accepted his status as a citizen and associated rights. Perhaps more surprisingly, no one in the Bush Administration or on the Supreme Court suggested that he should be considered otherwise.

That doesn’t bode well for citizenship as an institution. As the formal borders of community detach from actual solidarities, citizenship will lose ground as a location for governance and redistribution. If we don’t feel special bonds with our fellow citizens, we will be less willing to share resources and responsibilities with them.

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Globalization is the key driver here: it blurs the boundaries that once more distinctly separated the “us” from the “them.” There isn’t anything that can be done to reverse the slide. The primacy of the state is on its way to obsolescence.

In *Beyond Citizenship: American Identity After Globalization*, I describe this decline through the lens of citizenship practice. The book addresses the historical and contemporary meanings of birthright citizenship, naturalization, and dual citizenship, along with the differential treatment of citizens relative to aliens. The premise: before we can ask what it means to be American, we must consider who is an American. Our public discourse is replete with invocations of the citizenry, as in “my fellow citizens,” at the same time that there is a persistent but unspecified sense that the bonds of citizenship have weakened. But we rarely stop to think about the parameters of citizenship status and how those parameters bear or reflect on group solidarity. *Beyond Citizenship* attempts to explain and document the decline of national identity in these terms, contextualizing citizenship in a global perspective.

That contextualization is a crucial but often overlooked step in the analysis. Citizenship is about difference. In the global context, American identity was once distinctive. Today, it is less clear that being American is so much different from being a citizen of some other country. Without the backstop of ethnic or religious markers, globalization strips the American community of its girders, diminishing the importance of territorial location. Popular culture has been diffused transnationally, so that American icons are known the world over. Americans, in other words, no longer share a discrete knowledge set.

Likewise, if being American has historically been defined in civic terms, neither does that work to distinguish America from other polities that have now overwhelmingly taken the turn to constitutional democracy. In this respect, America’s fall is the consequence of its triumph. Once everyone is an American, no one is an American.

Birthright citizenship supplies an illuminating case study. U.S. citizenship has long been granted on a near-absolute rule of *jus soli*, under which anyone born in the United States (save the children of diplomats) is a citizen by that fact alone. Although the Supreme Court has never directly decided the question, this is taken as a matter of constitutional faith. But it is puzzling why location at the moment of birth should determine one’s membership in a polity. The practice makes sense only insofar as place of birth correlates with lifetime trajectories, that is, insofar as place of birth has supplied a proxy for community membership. That may have been true as a historical matter. If you were born in the United States, you were likely to remain here indefinitely. That empirical premise powerfully supported a human rights justification for a strong *jus soli* regime. The possibility of intergenerational caste would have been antithetical to America’s constitutional project and to the assimilative orientation of the immigration state.

But the premise looks shaky in contemporary perspective, and Hamdi’s case is not an outlier. As return migration increases a phenomenon that will be further fueled by the global economic meltdown, there will be many who are born in the United States but who leave permanently at an early age. The result is a nontrivial

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Migrants' Complex Affiliations

by Susan Bibler Coutin



Immigration has recently become a hot-button issue, with the 2006 immigrant rights marches, the mobilization of vigilante groups such as the minutemen, the increased criminalization of unauthorized

entry, and city- and state-level efforts to protect or prohibit the presence of the undocumented. Controversies over immigration are likely to intensify given the economic downturn, which has increased competition for jobs and subjected the most marginalized segments of the population to even greater hardship. Yet, while immigration policies have undergone increased scrutiny and debate, the basic terms in which immigration is conceptualized have remained relatively constant. Immigration is generally thought of as the movement of an individual from one country to another, a transfer of not only residence but also affiliation and social connections. Furthermore, U.S. immigration policies have tended to be evaluated primarily according to their impact on the United States. Recent immigration scholarship has nonetheless documented the increasingly transnational nature of migrants' affiliations and social networks, as well as the interdependency of the nations in which migrants circulate. How could such scholarship inform debates over immigration policies?

One key contribution that recent immigration scholarship can make to public policy debates is to highlight the implications of emigration for migrants' countries of origin. A case in point is the example of El Salvador, which has been the focus of my own research. An estimated

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25 percent of the population of El Salvador is outside of the country, due to a combination of factors including the 1980–1992 Salvadoran civil war, economic insecurity, natural disasters, and family members' desires to reunite with their relatives living abroad. Some 90 percent of these emigrants live in the United States. As a result of this mass exodus, numerous Salvadoran families experience lengthy separations, giving rise to a transnational family structure, according to which children are raised by a single parent, an aunt, or a grandparent, while one or both parents work abroad. The country of El Salvador suffers a loss of working-age youth and adults, as young people seek better economic opportunities elsewhere. Heavy levels of emigration also pose challenges to democratic governance, given that El Salvador currently does not allow its citizens to vote from outside of the country, while Salvadoran emigrants who have not acquired citizenship in their countries of residence cannot vote in elections there either. Furthermore, the Salvadoran economy has become dependent on migrant remittances, which, in 2008, totaled almost 3.8 billion dollars. Remittance levels are currently declining, presumably as a result of the global economic collapse, and this decline will further jeopardize the well-being of migrants' families.

The case of El Salvador demonstrates that rather than simply people moving from one country to another, migration both reflects and creates economic, political, social, and familial interconnections that span national boundaries. Such interconnections give migrants complex affiliations and identities. Migrants may reside in one country but be citizens of another. Families may be made up of individuals with differing immigration statuses. Individuals may have relatives in multiple national territories and therefore be deeply affected by events that occur outside their countries of residence. Household economic strategies may be transnational, relying on remittances that are earned abroad. Migrant associations may focus not only on gaining rights and providing services in their countries of residence but also on improving conditions in migrants'

homelands. Hometown associations, which raise funds for development projects in migrants' communities of origin, provide a key example of such work.

By drawing attention to migrants' complex affiliations, I do not mean to suggest that migrants do not adapt to their host country. On the contrary, sociologists Alejandro Portes and Rubén Rumbaut (2001) have conducted extensive research among the children of U.S. immigrants and have found that children typically speak fluent English, lose fluency in their native tongues, and assimilate to life within their local community—what Portes and Rumbaut refer to as “segmented assimilation.” Such linguistic and cultural shifts do not mean, however, that migrants simply exchange one national identity for another. Rather, as they undergo what is sometimes referred to as “ethnicization,” that is, the development of an identity as ethnic minorities within the United States, migrants retain, seek out, and produce knowledge and connections that make them a potent and creative cultural force. As journalist Héctor Tobar writes of immigrants, “We have come in so many numbers to California, America’s most populous state, filling its cities and towns with our flags, and pictures of our heroes, our language, our parades, and our prejudices, and so many other things that are uniquely ours, that even the notion of

Editor's Note: This issue of Focus explores the global themes of national boundaries and sovereignty, citizenship, and identity, in particular, the movement of people across borders. The contributing authors discuss the legal, policy, and cultural issues associated with migration to the United States and to other parts of the world.

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what it means to be an 'American' has begun to change completely" (2005, p. 6).

I do not mean to idealize such changes. Any celebration of transnationalism must be tempered by an awareness of the human costs of migration itself. And, such celebrations abound. Migrant remittances, for example, have been depicted as the most democratic form of foreign aid, as a way of enabling the poor to help themselves. Devesh Kapur and John McHale write, "During economic crises, when developing countries most need the money, it is not powerful wealthy countries or sophisticated financial markets that they can depend on, but rather the millions of otherwise powerless working class emigrants" (2003, p. 50). Similarly, the country of El Salvador has praised migrants for being anonymous heroes who support the country from afar. In fact, a monument to the *hermano lejano* or "distant brother" was erected in San Salvador, the capital city. In international financial circles, remittances appear to be what Kapur and McHale describe as a "free lunch." As a Salvadoran Central Bank official told me during an interview, "With the remittances, you don't have to subtract anything. That is, it's a transfer, in economic terms, right? ... It's not like a loan or a sale of goods, in which we receive currency but we give away the good, or a loan in which we receive currency but we have to pay it back in the future. Here, there is no payment. It is a pure transfer."

Such optimistic depictions of remitting as cost-free and as the most democratic form of foreign aid fail to acknowledge the fact that many and perhaps even the majority of remitters migrate without authorization. To do so, they risk dying in the sealed compartments of vehicles, drowning in rivers or oceans, or becoming dismembered while hopping a train. Some 128 dead bodies were found along the U.S.-Mexico border during the six-month period between October 1, 2008, and March 31, 2009 (MSNBC 2009). Unauthorized migrants who escape such fates must often endure exploitative working conditions and an uncertain legal future. Some scholars argue that it is precisely unauthorized migrants' willingness to work "hard and scared" that makes them valuable employees and that thus, indirectly, makes remitting possible. The financial costs of migrating without authorization are also

high. Alien-smugglers reportedly currently charge \$8,000 to \$11,000 to bring migrants from El Salvador to the United States. The difficulty of reentry traps unauthorized migrants within U.S. borders, making it less likely for them to engage in cyclical migration, following the harvest season, for example.

Current immigration laws in countries such as the United States do not always take these social and economic realities into account. Although many migrants have complex affiliations, with ties in their countries of origin and residence, U.S. authorities view migrants as either citizens or aliens. The citizen/alien dichotomy is deeply problematic for migrants who desire knowledge of their homelands but who cannot travel there due to their immigration status. This dichotomy is also a

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problem for migrants who have grown up in the United States and who may even be legal permanent residents, but who have been convicted of a crime. In 1996, changes in U.S. immigration laws expanded the range of criminal convictions that made a person ineligible to acquire or retain U.S. residency and eliminated the waivers that had previously enabled crim-

inal aliens to argue that their equities in the United States outweighed the severity of their crimes. As a result, numerous long-time U.S. residents with criminal convictions face deportation to countries that they may only dimly remember. In 2008, I interviewed one such individual in San Salvador. Victor Castillo (a pseudonym) immigrated to the United States as a legal permanent resident in 1967 when he was four years old. When he was adopted at the age of eight by his stepfather, a U.S. citizen, Victor assumed that he became a U.S. citizen at the same time. Victor went to school in the U.S., voted in U.S. elections, and worked as a carpenter. Unfortunately, Victor also joined a gang and became addicted to drugs. In 2004, after accumulating several drug-related convictions, Victor was stripped of his U.S. residency and deported to El Salvador. There, he was regarded as a foreigner. He reentered the United States, only to be deported a second time. Struggling to survive, Victor lamented what he experienced as a devastating rejection from the country where he had lived most of his life: "I was ready to serve my country, I was a registered voter, I voted for governor of California, I voted for presidents, my whole life was over there, my wife, my kids, I was a total American, I was American in my heart, my mind. And for them to just uproot me, and just throw me [away].... I've been *banished* from my country ... and they said forever!"

Redefining immigration as a transnational phenomenon and acknowledging the complex ties held by individuals such as Victor, who, though technically an alien who lived in the United States as

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A Paper Trail to Citizenship

by Kamal Sadiq



Who is Abu Hanif? Is he an Indian or a Bangladeshi illegally living in India? In June 2000, Delhi police accused Abu Hanif of being a foreigner and insisted that he prove his citizenship. In response, Abu Hanif produced a variety of paper proofs of Indian citizenship: a ration card, a voter identity card, a Delhi administration card, and a passport (No. Y037960) (*Abu Hanif alias Millan Master v. Police Commissioner of Delhi & Others*). Is Abu Hanif an Indian who can stay in his country, or is he an illegal immigrant who must be deported? For the state, the answer lies in his documents.

Scholarly discussion on citizenship rarely ever acknowledges the presence of a document-producing infrastructure of citizenship. Discussions on citizenship rights, privileges, welfare, or national identity such as Linda Bosniak's *The Citizen and the Alien*, Lisa García Bedolla's *Fluid Borders*, Leo Chavez's *The Latino Threat*, Rey Koslowski's *Migrants and Citizens*, and Saskia Sassen's *Territory, Authority, Rights* have completely overlooked the infrastructure on which depends the practice, shape, and evolution of citizenship. A majority of our theories of citizenship are based on experiences of western states, drawing citizenship from an assumed legal relationship between the individual and the state. However, such legality barely exists in developing countries. The web of legality and regulations that binds members together, regulating entry into a territory and membership in a polity, is barely present in developing states. Weak institutions cannot draw boundaries of citizenship, separating eligible members from ineligible foreigners. In short, we have a discussion on citizenship as if *proofs of citizenship* neither exist nor matter.

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Most discussions on citizenship assert that citizenship is a privilege that the state bestows on individuals within its borders. Traditional understandings of citizenship continue to assume that only legal immigrants, *not* illegal immigrants, are eligible for naturalization and thereafter the privileges of national citizenship. I argue this is incorrect. Citizenship is contingent on documentary proofs, some real, others fake. As long as they appear legitimate, and local authorities often cannot distinguish, they enable the practice of citizenship. Repeated practices of rights accom-

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panied by the gradual accumulation of paper proofs inevitably give access to citizenship. If Abu Hanif is, in fact, an illegal immigrant from Bangladesh, he has bypassed all institutionalized paths to citizenship and become an Indian citizen through a paper trail of documentary proofs.

Immigrants may be illegal or unauthorized, but they are rarely undocumented; the vast majority possess some form of documentation. Characterizing them as “undocumented” is symptomatic of the many ways in which we have misunderstood the process of illegal immigrant settlement. The existence of a document-based polity, the polity that is characteristic of the modern state, requires a complete reworking of our understanding of citizenship and the immigration process. Illegal immigrants, too, can become citizens.

Rights and the Production of Paperwork

One of the central features of citizenship is its document-producing tendency. Institutions of citizenship are inherently document-producing regimes. The birth certificate, driver's license, voter registration card, and student ID all embody eligibility to the practice of some right, i.e., driving, voting, education. Each life event is marked by mandatory or prescriptive regulations and laws that produce paper proofs: a birth certificate, a high school graduation certificate, a university graduation certificate, a driver's license, a marriage license, a retirement pass, a death certificate. Individuals are certified throughout their lives. This bundle of regulations, norms, and paper proofs are the modern infrastructure of citizenship.

In many developing countries, any attempt to distinguish between a “citizen” and a “foreigner” is compromised because membership is weakly institutionalized. For example, the birth certificate is the first identity marker of individuals in modern states. At-home births, geographical distance to registration centers, and cultural factors all contribute to the lack of birth registration in developing countries. In

Documents for Suffrage in India

1. Passport;
2. Driver's license;
3. Income tax identity card;
4. Identity card for employees of state/central government, public sector units, local bodies, or public limited companies;
5. Passbook issued by public sector banks/post offices/Kisan (farmer);
6. Ration card;
7. Caste certificate;
8. Student identity card;
9. Land document;
10. Arms license;
11. Transport conductors' license;
12. Pension document (for dependent of ex-servicemen);
13. Railway identity card;
14. Freedom fighters' identity card;
15. Physically handicapped certificate;
16. Permanent resident certificate;
17. Tea Gardens Association certificate;
18. Panchayati Raj (local councils) certificate;
19. School Certificate;
20. Revenue certificate; and,
21. Domicile certificate.

turn, other documents procured later in life come to embody individual identity. A multiplicity of documents indicating the practice of rights circulates. For example, in India, about twenty-one *alternate* documents (see sidebar box on page 4) can be produced on election day to exercise suffrage, ranging from student identity cards to bank passbooks. This legal flexibility is designed to accommodate the nonstandardized, weakly structured claims on citizenship.

Undocumented Natives

Yet, numbers of native-born individuals in developing countries have no legal paperwork, while others have multiple papers, none standardized, indicating their status as local natives. Citizenship understood as status, as a legal claim, is fleeting for many practicing rights in the developing world. In India, Bangladesh, Pakistan, Thailand, Indonesia, and Malaysia, there exists a state-authorized legal infrastructure of citizenship that confers citizenship status. This infrastructure leaves out many natives who may or may not be able to practice their rights—the *undocumented natives*. For them, citizenship is a struggle for basic rights.

Uneducated, illiterate, and extremely poor, these communities of landless rural, homeless urban, internally displaced migrants often escape state legibility. They have no passports, voter IDs, high school certificates, or birth certificates. Born at home in rural communities, they have never been certified, immunized, or educated. The benevolent post-colonial state in Africa, Asia, and Latin America has completely bypassed them. Often, they comprise a variety of marginalized and minority groups.

In such contexts, rules, regulations, and legal paperwork all become important in establishing coherent legality for the state, but inasmuch as these individuals neither interact often with state agencies nor rely on state agencies for their survival, they remain outside these state-instituted standards. Undocumented natives represent incomplete state formation. Given the absence of proof of citizenship in some regions and the varying nature of documentation in other parts, it becomes impossible for government authorities in developing

states to monitor and distinguish those who are legal citizens from those who are not.

Documentary Citizenship

Even as natives exist without basic identity documents, illegal immigrants are often the first to acquire a multiplicity of apparently legal documents. Documentary citizenship is the process through which citizenship status is ascribed to a noncitizen by the acquisition and possession of seemingly legal documents that prove juridical membership in a state. Documentary citizenship is an informal device, a back channel, to many of the benefits associated with the narrower and more difficult path to legal citizenship.



Pakistani paramilitary soldiers check documents of car drivers as they cross into Afghanistan shortly before the August 20, 2009, presidential election.

It is through this process that illegal immigrants from Bangladesh are voting in national and state elections in India. They have all the proofs of Indian citizenship. Across the border in Pakistan, Afghans bearing Pakistani passports are being deported to Pakistan. Farther east in Malaysia, the widespread voting by Indonesians and Filipinos holding Malaysian identity cards is riling up indigenous natives in Sabah. Documentary citizenship depends on two conditions: (1) the existence of immigrant networks that infiltrate and facilitate complicity by sections of the state, and (2) the presence of weakly institutionalized membership. When these two conditions are met, immigrants can and will illegally acquire citizenship-signifying documents. Eventually, with passports in their possession, they can travel abroad under their new paper identities. By transforming illegal immi-

grants into citizens, documents challenge the traditional view of the relationship between immigrants and the state.

Additionally, from a security perspective, if illegal Bangladeshis can easily acquire Indian citizenship documents, then what prevents criminal organizations or militant groups from doing the same? Militant groups in “neutral” states such as India, Thailand, Indonesia, and the Philippines could fraudulently acquire the identity paperwork of these states and then get legitimate visas to enter the United States or any other target country. Afghans carrying Pakistani passports or Pakistanis using Afghan refugee cards to claim political asylum are already blurring the distinctions between Afghans and Pakistanis. If it is impossible to distinguish between an Afghan and a Pakistani, it is impossible to address sources of illegal immigration, drug trafficking, militancy, and a range of national security concerns.

The consequences for democratic politics are equally problematic. When document-wielding illegal immigrants exercise franchise using fake or real but fraudulently acquired voter IDs, is democracy to be celebrated for its easy extension of protected rights to noncitizens, or should it be criticized for devaluing citizenship? It is clear that documentary citizenship expands and accelerates the incorporation of illegal immigrants into the citizenry of a state. More importantly, it allows many illegal immigrants access to safeguarded citizenship rights, including political suffrage. By absorbing millions of illegal immigrants into their citizenship, weak institutions in developing countries offer a flexible path to membership, one that may be challenged by the recent attempts to introduce national identity cards (IDs) in several developing countries.

Toward a National ID

A standardized identity and citizenship document and database infrastructure is increasingly a feature of states in a globalizing world. From the European Union to Asian states such as Malaysia and Singapore, a high-tech biometric national identity card firmly establishing the identity of an individual is becoming the norm for global travel.

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Making a Living and a Life: Stories of Undocumented Immigrants

by Christian Zolniski



Few topics seem to stir more passionate reaction nowadays than undocumented immigrants coming to the United States, especially those coming from Mexico. Often labeled “illegal aliens,” undocumented Mexican immigrants are blamed for using stolen or phony Social Security numbers to work and claim tax refunds; for drug dealing; for costing millions in taxpayer money for education, health, welfare, and other public services; for coming from south of the border to give birth to children to get government-funded health care and aid; and for posing a security threat. Activists who sympathize with the cause of undocumented immigrants are portrayed as radical, open-borders amnesty advocates who put the interests of illegal aliens ahead of the public interest. Meanwhile, others who defend immigrant rights portray undocumented Mexican workers as the victims of unscrupulous employers who exploit them because of their vulnerable status. Undocumented immigrants are said to keep a low political profile, afraid of confronting the policies that criminalize them.

How can undocumented Mexican immigrants generate such conflicting views? How do they manage to make a living in the United States despite their vulnerable status? Do they adapt to life in this country or live in their own world without integrating into mainstream society? I address these questions based on fieldwork research I conducted among undocumented Mexican workers and families in San Jose, California. Following the tradition of anthropological research, I spent almost two years in the field to learn about the everyday lives of these workers and families, their cultural values and norms,

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and their customs and practices. While what I report is based on the experiences of Mexican workers in Silicon Valley, my findings resonate with the accounts of recent studies by other scholars such as Robert Smith and Travis Du Bry about the lives of Mexican immigrant families in different urban and rural settings.

Going to Silicon Valley

Shortly after arriving in San Jose, I met Luis, Anselmo, Guillermo, and Manuel. They worked as janitors during the night shift cleaning an office building owned by Sonix, one of the largest electronics companies in Silicon Valley. They were employed by Bay Clean, one of the cleaning contractors for Sonix. Like many other

Undocumented ...

Latino

immigrants ...

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high-tech corporations in Silicon Valley, Sonix used to have its own in-house custodial workers. In the late 1980s, however, to reduce costs, the company started replacing them with subcontracted janitors employed by independent contractors. Sonix's incentive to use subcontracting was obvious: while in-house custodial workers earned an average of \$10.00 per hour and received a generous benefits package that included insurance, subcontracted janitors at Bay Clean were paid an average of \$5.50 per hour and received no health insurance or any other benefits. By the early 1990s, Sonix had contracts with more than a dozen nonunionized cleaning firms, mostly small and middle-size companies that relied almost exclusively on undocumented Mexican workers such as those employed by Bay Clean.

The case of Sonix reflected a general trend in Silicon Valley, where restructuring of janitorial work led to a sharp decline

in wages and labor benefits for workers employed in the private sector and to demographic changes in the whole industry. Outsourcing also allowed high-tech corporations to delegate the legal responsibility for determining the labor conditions and the immigration status of janitorial workers to its contractors. By the late 1980s, the building-cleaning industry in Silicon Valley that was once firmly in the hands of minority and well-established Mexican immigrants had been radically transformed into a labor niche for recent undocumented Mexican and Central American workers. Thus, in the early 1990s, more than 70 percent of janitors working for private contractors in Silicon Valley were Hispanic, and about 60 percent of them were foreign, non-U.S. citizens. Selective labor demand for Mexican and other Latino immigrant workers, not the search for welfare benefits, was the main magnet attracting undocumented Mexican workers and their families to Silicon Valley.

Making Ends Meet

Janitorial and other low-income Mexican workers often take up second and even third jobs, working different day and night shifts. Others work in the informal economy, those income-generating activities that escape the control of the state and local government authorities to provide a supplemental income to their regular jobs. The proliferation of informal economic activities is a common feature in many urban neighborhoods where Mexican immigrants live. While in San Jose, I documented a large variety of such activities. Some were illicit, such as selling drugs in the neighborhood I was studying, but the vast majority consisted of small-scale, street vending of homemade food and other products by area residents.

Pundits often contend that Mexican immigrants who work as day laborers, street vendors, and the like are people with little education and poor occupational skills who cannot find employment in the mainstream economy. The case of Arturo, a thin and talkative man who works peddling *paletas* (frozen fruit bars) in San Jose, serves to illustrate the erroneous assumptions of this view. Soon after arriving in the city, Arturo started working in several

casual jobs, the most stable of which was given to him by a local cleaning firm that paid \$5 per hour and offered no benefits. After several months he quit the job because, he said, “I could not get used to work on a night shift and because I had constant problems with my supervisor.” Resolved to find a better alternative, he became a frozen-fruit-bar vendor for Delicias de Jalisco, a fruit bar company that mostly uses Mexican immigrants as self-employed workers to market its products. With time he was able to generate an income similar to what he had earned while employed as a full-time janitor in a local nonunion cleaning company.

Nevertheless, Arturo confronted numerous risks beyond his control. The single most important factor that determines sales of frozen fruit bars is the weather. During the warm season, he worked more than ten hours each day, but in the winter he had to look for alternative sources of income in casual and short-term jobs in construction, landscaping, and cleaning. The risk of being caught by the police working without a license presented a more important danger. According to local regulations, all street peddlers have to be licensed by the city government. Most street vendors, however, are immigrants like Arturo who do not speak English and are unaware of the permit process or afraid of dealing with government officials. The risk of being caught by immigration officers is an even more frightening prospect. On one occasion, an immigration agent stopped and asked Arturo for his authorization to work in the United States. Being an undocumented worker, he was deported the following day to Tijuana, Mexico. Shortly thereafter, he came back to San Jose, the whole adventure having cost him time, money, and the distress of not knowing for sure if he would be able to cross the border again.

Arturo’s case is an example of the many immigrants I met in San Jose who preferred to work in the informal sector rather than in low-paid and exploitative jobs in the formal economy. From this perspective, street vending is a response to the low-paid jobs in the formal sector. Informal economic activities cannot be reduced to either illicit activities or survival occupations by undocumented immigrant work-

ers without access to employment opportunities in the formal sector. More often, Mexican immigrants use income generated by work in the informal economy to supplement wages from low-paid jobs in the formal sector, as there is a symbiotic relationship between the two. Saskia Sassen, a leading expert in the informal economy, contends that policy makers should stop approaching the informal economy as an anomaly and instead view it as an outgrowth of advanced capitalism. Rather than treating it as a deviation from the law, they should develop policies that recognize the contributions of this type of informal economic activity and its workforce.

Fighting for Rights

Contrary to conventional wisdom, undocumented Mexican and other Latino immi-



Striking janitors picket high-tech companies in Silicon Valley to demand adequate wages and health benefits. May 23, 2008. Courtesy of San Francisco Bay Area Independent Media Center.

grants are not just passive victims of capitalist economic forces that exploit them. Despite their vulnerable economic and legal status, they have forged a culture of resistance as they struggle to defend their labor and civil rights. With time and as they settle down, Mexican immigrants, men and women alike, engage in different forms of civic and political participation in their local communities. A case in point is Luis and his co-workers at Bay Clean. After years of enduring harsh working conditions, stagnant wages, no fringe benefits, and ethnic discrimination, they decided to fight back. Most aggravating to them were the insults and threats from their supervisors because of their undocumented status. Together, they contacted Local 1877, the union that represented janitorial workers in the region, to confront their employer. In the midst of a public campaign to orga-

nize Latino immigrants cleaning the buildings of large high-tech companies in Silicon Valley, Local 1877 eagerly decided to support the Bay Clean workers’ struggle. For several months the janitors who cleaned Sonix buildings organized public rallies with the support of community leaders, local priests, college students, and other sympathizers to unionize. As I learned from watching them, Bay Clean workers embarked in the union struggle not only to improve their wages and working conditions, but also to fight for dignity and respect in the workplace. They were part of what has been called “social movement unionism,” through which immigrants and other low-paid workers articulate their labor demands as part of a wider mobilization for social justice, ethnic equality, and basic human rights.

Outside the workplace, undocumented Mexican immigrants also engage in other forms of civic and political participation. For example, Mexican parents, especially women, often get together to be represented on school boards to improve the education of their children in public schools. In San Jose, I witnessed how Mexican parents mounted a public campaign to elect one of them as president of the school council to negotiate with the school’s principal for more bilingual teachers. As in the case of union participation, legal status is not a prerequisite for political activism at schools. Thus, community politics provides political venues for first-generation immigrants, legal and undocumented alike who as non-U.S. citizens are excluded from electoral politics, to struggle for civil and labor rights.

Public policies that criminalize undocumented immigrants also spur strong responses by Mexican and other Latino immigrants. The prohibition to obtain driver’s licenses for undocumented immigrants illustrates this point. In San Jose this prohibition affects many workers employed as janitors in night-shift jobs for whom public transportation is not available. Rather than restricting illegal immigration, the prohibition has pushed undocumented immigrants further underground, diminishing rather than enhancing public safety. In response, a group of immigrants along with grassroots organizations, labor unions, and pro-immigrant

rights groups mobilized to gather public support to change the current law. While the mobilization did not produce the desired results, for the undocumented immigrants I interviewed, this was an issue of social justice; they believed that their contributions to society through their work and taxes should entail the right to have a driver's license.

Should undocumented immigrants be entitled to any legal rights? As I have tried to show here, undocumented Mexican immigrants do not fit the stereotype of the illegal aliens who come to take advantage of government-funded programs and engage in criminal activities. Rather, most are industrious people whose lives revolve around work, who care deeply about their children and families, and who are engaged in labor, community, or other civic activities, the very values that define good U.S. citizenship. As such, they are not much different from previous generations

of immigrants from other countries, legal and undocumented alike, who came to the United States in search of better economic opportunities and making the American dream possible for their children and subsequent generations. Well aware that their hard work and taxes contribute to the wealth of the U.S. economy, undocumented immigrants who mobilize for their labor, civil, and political rights are only voicing a quintessential principle of democracy: no taxation without representation. A comprehensive immigration reform that brings millions of Mexican and other undocumented immigrants out of the shadows will be the first step to live up to that principle. ■

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A Paper Trail to Citizenship

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The national ID is about securing the national identity. As a "shared" national card, it can firm up a nonreligious, nonethnic, nonlinguistic identity for states entering a global era. The biometrically enhanced plastic national ID card will represent a single national identity; no further queries are necessary. Additionally, by drawing the boundaries around its eligible members, the national ID assists the government in regulating the claims on its resources by a range of noncitizens. By introducing national ID schemes, India, Pakistan, Bangladesh, Kenya, and Sudan all seek to regulate access to resources and rights by firmly separating citizens from illegal immigrants, refugees, and other noncitizens. The national ID project is a major institutional-building attempt at identity management and e-governance.

Clearly, the high expectations for the national ID will have to confront the reality of actual outcomes. A centralized ID database is a one-stop target for hackers, human traffickers, etc. Not only will the privacy of an individual be at stake, but also if fundamental biometric features are compromised, an individual cannot acquire another set of physical markers.

Will the biometric national ID only add to layers of prior documents such as the birth certificate, high school certificate, and voter ID? These earlier attempts at documenting national identity failed in their comprehensiveness and standardization. If coverage of the unique ID fails to reach the poor, minorities, and the homeless, then we will have created a dual sys-

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tem of haves and have-nots. The national ID cannot be viewed as a single-stop solution to increasing efficacy in monitoring the identity and mobility of the individual. Through complicity of officials and corruption, illegal immigrants and criminals can access any high-tech identity card. Ask any illegal immigrant in Europe, the United States, or Asia. ■

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Whither Citizenship?

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population of happenstance Americans. It is not clear why they should be able to take their citizenship with them.

Nor will these nominal Americans be required to forfeit their citizenship upon return to their parents' homeland. There was return migration in the old world, too; as many as a quarter of those who immigrated to the United States in the early twentieth century ended up going home, but hair-trigger rules against dual nationality effectively policed against maintaining American citizenship after departure. In recent years, state practice has turned about to widely tolerate, even embrace, plural nationality. Administrative practice following on the Supreme Court's 1968 *Afroyim* decision has limited the termination of U.S. citizenship to cases of express renunciation, the doctrinal source of Hamdi's citizenship notwithstanding his long absence and lack of community ties.

The incidence of plural citizenship, meanwhile, is exploding among immigrant populations in the United States. Nineteen out of the top twenty "sending" nations now accept the status and do not terminate citizenship upon naturalization elsewhere. Although new U.S. citizens formally renounce prior allegiances in the oath of naturalization, the renunciation has never been enforced. Far from the anomaly, plural citizenship has thus become a default status among naturalizing immigrants. That, too, tends to dilute national solidarities. In the U.S. context, immigrants may be prone to naturalize for instrumental reasons while maintaining primary sentimental attachment to their homelands. The result is a nation of second-choicers.

These developments would seem to supply a basis for raising barriers to citizenship. If birthright citizenship is overinclusive, scale it back. If dual citizenship blurs community boundaries, enforce the renunciation oath. If naturalization is too permissive, make it more exacting, and if citizenship no longer implicates substantial benefits or obligations, make it count for more.

But the national community cannot be shored up by dint of the policymakers. Any effort to deny citizenship to those with tenuous community ties will inevitably deny citizenship to many others who genuinely are part of the community.

That explains, for instance, the failed attempts to exclude the children of undocumented aliens from the coverage of the 14th Amendment. Some may end up back in their parents' homelands, but many more will stay put in the United States. Denying citizenship to native-born, habitual residents would provoke serious human rights objections, creating a caste of second-class noncitizens. As for the renunciation oath, its enforcement would be impractical. It would also pose an unnecessary barrier to the integration of many who have set down their roots here and are entitled to participate in their self-governance. Nor can we artificially "revalue" citizenship by privileging citizens over

[Plural
citizenship]
tends to dilute
national
solidarities.

noncitizens. Relative to citizens, legal residents are denied only the vote and the insulation from deportation that comes with citizenship. It is unlikely that this minimal differential will be widened. Indeed, there is pressure to extend limited voting rights to noncitizens and (in the case of long-standing resident aliens) to minimize the grounds for deportation.

As citizenship becomes less salient to individual identity, the state may be hollowed out from within. Nations have been about difference, too; about undertaking elevated obligations vis-à-vis, some relative to the rest of the world. But those obligations will not be assumed on an arbitrary basis in the absence of actual bonds. To the extent that citizens do not feel specially connected to other citizens, they will grow intolerant of a strong state and relocate governance to other institutions. Witness the recent tax-day "tea parties" in which secessionist tendencies have gone mainstream. This process will stretch out over generations, and the nation-state will remain the most powerful form of collectivity into the foreseeable future. But it is already being demoted from its position of Westphalian hegemony to institutions

both above and below. Over the long run, it is likely to be further weakened as identities migrate to other forms of association.

Hence the "beyond" in *Beyond Citizenship*. The alternative to state-based forms of membership is not some sort of undifferentiated world citizenship. Rather, individuals will come to identify more prominently with nonstate institutions, religions, corporations, localities, and the many other identities that define us. As identity shifts, so will power. These forms of identity will in many cases be transnational. As transnational communities compete for resources and rights, global institutions will become more salient to governance. The trajectory will, if anything, only be accelerated by an economic crisis provoked in part by the new density of transnational economic ties.

Many cling to the state, and especially the American state, as the best hope for protecting liberty and engaging in other forms of mutual support. That is understandable, given the sometimes-glorious

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history of the United States. From a progressive perspective, the state has been the most successful vehicle in human history for redistribution. The alternatives, even if they don't bow to false hopes of world citizenship, look fragile by comparison. But such wishful thinking is unlikely to revive the state in the face of flagging solidarities among citizens. Those who value robust liberalism should start training their sights on other institutions, public and private. The challenge, a formidable one, will be to apply the virtues of citizenship in the state in these other arenas. ■

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a de facto citizen, could help to reconcile immigration policy making with immigrant realities. Regional approaches, such as the Regional Conference on Migration, initiated in Puebla, Mexico, in 1996, could formulate policies that consider the ways that migration impacts sending, receiving, and transit countries. Granting greater weight to migrants' social connections in multiple nations could prevent migrants from having to choose between economic opportunities and contact with relatives. Facilitating legal forms of travel could also reduce the human costs associated with migrant remitting. Even if such measures are adopted, however, the interdependencies associated with migration will continue to create dilemmas for regions, states, and individuals. By detailing the current realities of immigrants' lives, immigration scholars can contribute to a deeper understanding of these dilemmas and the consequences of particular policy choices. ■

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