



“Indigenous Farmworkers in Oaxacalifornia: How Current Immigration Laws Affect Their Lives and Prospects after Immigration Reform”

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Presented at the Panel organized for the release of the report by
Centro Binacional para el Desarrollo Indígena Oaxacaña
At the Sierra Health Clinic, Fresno California September 28, 2013

Intro—about the 12 Familias study

I'd like, first of all, to explain very quickly why we wanted to support the 12 Familias study, an ethnographic research project focusing on Fresno County immigrants and why we were so happy for the Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO) to sponsor this project. I'd like, then to go on to share with you a few personal thoughts about the study findings.

The reasons we had for supporting this sort of initiative and, specifically, an ethnographic study design are, at once, simple and a bit complicated.

OVERCOMING THE TYRRANY OF MACRO-LEVEL TABULAR DATA ON IMMIGRANTS The simple rationale is that much too much of U.S. social policy decisions and program guidelines are made on the basis of tables which provide a summary and rudimentary overview of one or another aspect of societal dynamics but which tell little about peoples' lives. For example, a few weeks back the Los Angeles Times—in a short but excellent article--reported that the national poverty rate is 15% and pointed out it's near a historic high. But this tells us little about the lives of people who live in poverty—a few percentage points up or down in a probably-flawed historic indicator mean little to the general public or what the growing gap between rich and poor means to families efforts to cope day by day. So we wanted to encourage research which would look at the dynamics of peoples' lives in some depth.

GOING BEYOND SNAPSHOTS- The idea in much research is to take “snapshots” of peoples' lives—Are they currently employed? Do they have a good place to live? How big is their household? But we know that peoples' lives, particularly the lives of Mexican immigrants and farmworkers change from day to day—new family members come to live in a crowded household or leave, a job ends and a worker finds another or sometimes none. There are cyclical rhythms, ups and downs. Research over the past several decades on “life cycles” in families' lives, as well as migration research on transnational communities makes it clear that the future prospects of individuals, families, and communities can only be understood over time (and, ideally, in a transnational context when they are immigrants). It made sense to converse with, and observe the lives of the families in the study—to understand what it feels like to be constantly struggling to get ahead, or even just survive.

Conversations about ways in which past experiences shape current perspectives and future prospects are an important part of the research.

GAINING INSIGHTS INTO THE REAL 3-D STORY-Traditional studies, especially academic ones, focused only on a researcher's topic of interest—inevitably are inadequate to understand how different issues play out in the lives of the people in any household. 4 or 5 or 15 people in a household interacting, each following their trajectory, that's something very different. Health issues affect work issues affect education issues affecting housing issues and vice versa. Outsiders can never perfectly understand “what it's like” but we can try our best. Meanwhile, assessments as to how proposed legislation on immigration policy and immigrant social policy, e.g. access to health care, education options, will actually function cannot possibly be understood without undertaking a three-dimensional inquiry into how issues which are parsed out separately in standard policy analysis interact in individuals' and families' lives.

CONVERSATION, NOT INTERROGATION We wanted the research to not simply consist of extracting facts from people but to provide opportunities for the families and the field researchers to “talk things over”, have dialogue back-and-forth, have a real relationship. We knew that inevitably it would not be quite like people's usual day-to-day interactions with family, friends, co-workers—but we did expect it would give more insight about what different events in families lives meant. The field researchers, Anna Garcia and Jorge San Juan, found that over the 2 years they came to have friendships with the families in the study so their constant questioning was not a burden.

WHY CENTRO BINACIONAL PARA EL DESAROLLO INDIGENA OAXAQUEÑO? We've known CBDIO and FIOB for about 12 years now and, along with other researchers, dreamed of seeing CBDIO get to the point of initiating its own research—as a first step toward refining its own forward-thinking, proactive agenda for providing cultural, social, and educational support to Oaxaqueños. So, we saw this project, teaming an extraordinary experienced and skilled field researcher such as Anna Garcia, with Jorge San Juan, a deeply committed Mixtec community activist and tremendously promising young field researcher as one small step in that direction.

SOME STUDY IMPLICATIONS WHICH CONCERN US

MOST FARMWORKERS HAVE BEEN LEFT OUT OF THE PAST HALF-CENTURY OF SOCIAL PROGRESS.

Over the course of the past half-century since the nation first embarked on a “War on Poverty” in 1964, the U.S. has taken significant strides toward racial equality and toward gender equity, but immigrants from rural Mexico to the rural U.S., many of them farmworkers, continue to be discriminated against in a multitude of ways.

The basic, fairly obvious observation that “racism is out”, beyond the pale, but that official, systematic economic and political discrimination against “unauthorized” immigrants is “in” perfectly acceptable in many realms of social policy continues to shock me. It is just as shocking that proponents of anti-immigrant discrimination don't even feel a need to justify their stance. It is just as amazing to see the cognitive dissonance in the realm of public policies which welcome immigrant labor and nonchalantly accept unequal treatment.

The farmworkers in the 12 Familias study, most of them indigenous Oaxaquenos, are struggling much harder economically than the farmworkers, Anna Garcia and I interviewed when we first began doing farm labor research after passage of IRCA and at the Commission on Agricultural Workers in 1990 almost 25 years ago. An obvious factor, not the only one, but a key one in their economic marginality, is the fact that very few Mexican migrants who have come to live in Fresno County since 1986 have legal status.

AGING SETTLERS AND IMMIGRATION REFORM

The *migrantes* Anna Garcia and I got to know while we were interviewing farmworkers who had legalized under IRCA (and some who hadn't) were younger than today's. The average Special Agricultural Worker (SAW) was 29 years old when he or she applied for legalization under IRCA. Most of the unauthorized farmworkers and other rural immigrants in the 12 Familias study will be in their mid-40's if/when there is immigration reform legislation. It's been a long, long wait for them; they are tired, after their 20 year marathon.

And unfortunately, even if they are granted legal status they will not step out of the desert into the promised land. The social and political environment they face when they step "out of the shadows" will not be a very friendly or kind one—although it should be if "legalization" is to imply acceptance and equality, if it were to be a genuine welcome.

Why not celebrate their transition from the twilight zone of settling in the U.S. as de facto community members into what should, if we believe in "democracy" be full equality? Most have lived half of their lives here. Most of their children are US-born. All have worked hard. But even the most promising current policy framework entails "provisional" status for 5-15 years—watched suspiciously by U.S. society, as researcher Lynn Stephen puts it, "under the gaze of surveillance", constantly offered not as much a welcome as an opportunity to fall by the wayside.

Sadly, as we reflect on what "provisional legal status" really means, we have come to suspect that many will never make it through the steep chase of multiple barriers along the "pathway to citizenship" which doesn't even begin until they have successfully applied for legalization. The pathway to citizenship is no garden pathway along the river but simply an extension of the trails through the desert so many have traversed, with its endless checkpoints, where at any point an immigrant can lose the legal status they have been promised—for being poor, for being unemployed from time to time, for not having learned enough English, for not having the money to pay a fee to renew their provisional *permiso* (work authorization).

Unfortunately, it will be tougher for them to move forward to make good on the American Dream than it was for their predecessors. We were excited to discover that several of the families in the study included workers who wanted to become entrepreneurs, putting the knowledge and skills they've developed over decades working here in California to use. Obviously we should give them a hand in moving forward with their lives in "being all that they can be". But, just as obviously, we should give them all a hand—not "eventually" after 5-10 years in "provisional status", right now! Whatever happens in Washington...

UNDERSTANDING THE IMPLICATIONS OF MIXED-STATUS FAMILIES

In the real world which is so poorly represented in discussion about immigration policy there are not “legal populations” and “illegal populations” as anti-immigrant pundits so often proclaim. Half of the 12 Familias households are mixed-status families and half of the people in the 12 Familias’ households are US citizens or legal residents while half are unauthorized.

Immigration reform is as desperately needed for US citizens (most of them children) in the mixed-status households as it is for the unauthorized migrants (mostly the children’s parents). Children are the future—not just metaphorically, but in real-world, practical terms. More than 60 years ago, Gunnar Myrdal warned about the consequences of institutionalized inequality; it is worrisome that we’ve not taken these warning to heart. Adam Sawyer and his colleagues document in “Regarding Educacion” (2013) how slow the multi-generational process of immigrant integration how long-term the consequences of growing up in a household which experiences de facto segregation is—with 2nd and 3rd generation immigrant children facing problems stemming from their parents’ or grandparents’ lack of legal status.

The changing demographics of Fresno County, in California, across the US, are inevitable, the only social policy choice we and our political representatives have is whether we will embrace “the new pluralism”, the new diversity of America, or fight it.

It is already too late. We and our political representatives should have embraced diversity 10 or 20 years ago, well before the turn of the century. The convergence of Mexico and the U.S. was already going to be a clear-cut part of history books about 21st century America. But it’s not too late. We should “just do it”—very simply acknowledge that the people who live in Fresno County and in communities across the US are de facto citizens. Given all the talk about independence and individuality that is part of our celebration of democracy, local communities and local residents should move forward unilaterally to do whatever they possibly can to treat unauthorized immigrants as bona fide community members.

What if we don’t? The consequences are really severe, really tragic, both in terms of sound social policy and in the impact on real peoples’ lives. For example, the Affordable Care Act sensibly enough set up a mechanism—state health insurance exchanges—so that low-income families whose employers would not provide them affordable health insurance could buy it. It’s a good solution—but at this point in time unauthorized immigrants and even after legalization, provisional immigrants, everyone who is in the process of becoming lawful, permanent residents, can’t buy a subsidized health policy.

We’ve recently done a fair amount of data analysis on this issue and estimate that about three-quarters of all farmworkers will be left out. Moreover, we suspect that with an annual farmwork income of about \$20,000 almost none of them will be able to spend \$5,000 or more on a bare-bones health insurance policy. Without access to affordable health care is it possible for families whose entire economic strategy rests on working hard, survive, much less prevail, and get ahead in their lives?

IMPLICATIONS FOR HELPING IMMIGRANTS IN THE TRANSITION FROM LEGALIZATION APPLICANT TO LAWFUL PERMANENT RESIDENT

The 12 Familias study underscores the need to look at legalization not simply as a matter of undocumented immigrants submitting an application and getting approved and checked off on a tally of successes for immigrant advocates but as a long-term process of transition from being unauthorized to being integrated into US community life. What a gauntlet they will face!

Those in the 12 familias who are farmworkers will have to be sure to work in the fields at least 100 days a year for 5 years or 150 days a year for 3 years—not easy to do, especially if part of immigration reform is for there to be huge influxes of new, young, guestworkers.

In California immigration reform would lead to admission of perhaps an additional 100,000 workers competing in a labor market of about 650,000 farmworkers. At this point in time, the average farmworker has, over the past few years, gotten slightly more work each year (because of labor shortages) and now secures about 200 days of farmwork per year (yielding him maybe \$17,000 a year in earnings—before paying for a car or a *raite* and without getting paid vacation or sick leave or a retirement plan). Staying on the “blue card” worker “fast-track” toward lawful permanent resident (LPR) status will be a grueling race.

The youth and young adults who may qualify as DREAMers will have to get into community college and complete what would usually be a 2-year program to qualify for lawful permanent resident status after 5 years. Some never went to school in the U.S., some dropped out; almost all are working to support themselves. They will need classes tailored to their special learning needs and a good deal of help and encouragement. They will have to be re-acquainted with the dreams they abandoned as teenagers or young adults when they started into full-time work to survive economically. They will have to be encouraged to think about who they want to become, what they want to do with their lives, and helped to look beyond the day to day marathon of survival.

Those who are simply “provisional immigrants” (RPI’S) will have to stay above the poverty level (\$23,550 for a family of 4 this year) or avoid being unemployed for more than 2 months. They will need help to get ahead. The best help for them will be getting access to free English, literacy, basic skills, and vocational training instruction—classes which recognize and respect they are mostly full-time workers, which help them re-learn how to learn.

After IRCA those who wanted could go to ESL classes to learn to speak English better, they could go to community health centers to get affordable care. Senator Patty Hirono spoke powerfully and directly to her colleagues on the Judiciary Committee in the Senate hearings on immigration reform (S. 744) when she told them she would reluctantly withdraw her amendment to allow provisional immigrants (that is, immigrants in the process of legalizing) access to healthcare but that we would all come to regret the unwise and mean-spirited decision.

The political and fiscal reality was that in 1986 IRCA responsibly allocated \$4 billion to fund key services for newly-legalized immigrants—about \$1 billion of which went to California because we continue to be the state with the most immigrants in the U.S. This time around. Federal law should be crafted to provide comparable levels of support for transitional legalization applicants. But if Congress, once again, fails to craft a rational compromise, states, counties, and local communities will need to take initiative on their own.

An immediate implication here in California is that we need to press Governor Brown and the legislature to set up a Cabinet-level State Office of Immigrant Affairs to advocate for sound federal social policy vis-à-vis immigrants, to manage initiatives to support the immigrants who are in the process of legalization enough support so they can actually succeed. The current proposals for federal legislation for immigration reform provide a definitely lukewarm welcome to “provisional immigrants”—“welcoming the stranger” but not letting them touch anything in your house. This is an area where Governor Brown and his administration need to take leadership—but where they haven’t yet taken much initiative either in advocating for truly sensible federal immigration reform or in preparing to craft innovative state solutions if federal immigrant reform does not materialize or if the legislation which does emerge is severely flawed.

The state of California will need to take the initiative and finally move forward seriously with efforts to really integrate newly-legalized immigrants into California communities. It’s now been 10 years since the state’s Little Hoover Commission issued a report “We The People: Helping Newcomers Become Californians” (2002) which articulated a sound, practical vision as to why a generous welcome to new Californians would not only help them but California communities in general. The Little Hoover Commission’s report provides sound guidance for the future.

This is an area where Fresno County has been particularly remiss and where it needs to take leadership. It is both irrational and irresponsible to fail to acknowledge the reality that about one out of ten Fresno County residents is an immigrant who lacks legal status. There needs to be a Fresno County Commission on Immigrant Affairs—a place in public government which provides a venue for focused attention to immigrants and incubator for sound, innovative approaches to immigrant integration. Santa Clara County took this step more than a decade back. San Francisco County has. It can be done.

INVESTMENTS IN IMMIGRANT YOUTH

Progress toward comprehensive immigration reform in 2013 is faltering. DACA (deferred action for childhood arrivals) is at this point the only certain pathway toward legal status (although it doesn’t quite reach the final destination of permanent residency and citizenship). Consequently, we need to continue and increase our efforts to assure that those who are potentially DACA-eligible can indeed qualify. If we are fortunate enough to have immigration reform succeed, the organizational capacity-building which has been initiated to support DACA applicants will pay off immediately also.

The 12 Familias study makes it clear that many indigenous farmworker youth may be eligible for DACA and that many who are working-age youth and young adults who dropped out of school without getting a degree (or never going to school) would qualify if only they could be helped to enroll in an adult learning program which was compatible with their needing to keep on working to support (or help support) their families.

Fresno County educators can play a huge role here in addressing these young adults’ immigration problems and, at the same time, launching them once again on a pathway of lifelong learning which will finally give them a chance to get ahead in their personal lives, in their worklives, and in community life/civic engagement. The K-12 school system can make a huge contribution by helping the youth who are still in school get DACA status and work authorization—while, at the

same time, helping them understand that the best trajectory for them and their families will be school+work, not dropping out.

AND, FINALLY, MY PERSONAL TAKE

I've only met a few of the people in the 12 familias—but I've lived with and focused on Anna and Jorge's documentation of conversations with them for the past year or so. I'd like to know them all. I'd like to end by reminding everyone of the fact that even those who have very little by way of economic resources have big hearts, great stores of altruism. We should all learn from them.

Two of the 12 families took into their homes youth who had nowhere else to live and, even with their own limited resources, worked hard to provide them whatever support they could. People invariably helped each other when crises arose—even when it cost them a great deal to do that.

Two heads of households went back to their home villages in Oaxaca for a year at a time or more to fulfill their civic obligations—even though it cost them dearly. I'd like it if we were all to have been neighbors. I'd like to have their insights and good sense as part of our collective dialogue here in California about public policy.

If the federal government doesn't act to break down the barriers which separate undocumented immigrants, we should individually, as communities, and as a state act to welcome these families into our social, political, and personal lives.

Sure, immigration policy is still legally a federal responsibility—but deciding how to act in social interactions, shaping our own social and civic universe is still within our power. Ordinary Americans are basically decent people and the positive interactions some in the 12 Familias have had with their neighbors show this, that it is feasible to transcend ethnic, linguistic, economic borders. Government is not only failing to catalyze forward progress; it's getting in the way!

We all need to commit ourselves, day in and day out to doing whatever we can, in whichever realm of personal or social or economic or political life we feel at home, to welcome immigrants—as neighbors, friends, and equal members of society.

We all need to be individually involved even if there is, as almost everyone agrees, a national failure in the Congressional stalemate over immigration reform. And even if we do get immigration reform, there will still be a great deal of work to do to make good on its promise.