

Thursday, May 3, 2007

**People are humans, not aliens.**

Cesar Chavez: A champion for the empowerment of workers and immigrants.Â Â Â NOTE: I recently posted the attached message to a local lawyers listserv.Â Regarding the title of the recent listserv message asking whether employers are liable for hiring people who the writer refers to as illegal immigrants and illegals, I urge the use of "undocumented person" or "undocumented worker" and the scrapping of "illegals" and "illegal aliens".Â Insurance defense lawyers constantly try to marginalize non-US citizens, in order to try to scare them and their lawyers into settling for lowball money offers, to try to convince juries to give them less money than U.S. citizens, and sometimes (if not often) as an expression of their own prejudices.Â The anti-immigrant movement has been very successful in convincing even WTOP news reporters and lawyers on the plaintiffs personal injury side (who advocate for immigrants all the time) to say "illegal alien" and even "illegals". The phrase is not objective at all, and can be downright damning and harmful to immigrants.Â The fact of the matter is that a huge number of non-citizens who are undocumented (that is to say, without documents showing they're in the United States with visas) are actually on their way to having visas (or are awaiting the results of visa applications) or already have documented status without knowing it (including children of a person who obtained a green card without telling the child).Â Moreover, both United States law and international law protect political asylees from deportation. Most people who obtain political asylum in the United States are undocumented at the time they have applied for political asylum. Clearly, then, people who qualify for asylum -" and the U.S. government routinely denies asylum to people who merit asylum (the factfinding is done at the Executive Branch level, not at the judicial level, unless an Article III court will re-visit such factfinding on appeal), including for cynical political reasons (e.g., often people are more likely to win asylum if they are from a country whose government is at odds with the U.S. government, versus a government that is a U.S. ally) -" certainly do not merit being called "illegals".Â The anti-immigrant movement is hot to trot to marginalize undocumented people (and often to lump documented people in with them) as rule-breakers greedily seeking economic benefits in the United States while disrespecting non-citizens patiently waiting abroad sometimes for years for approval of their visa applications.Â In reality, plenty of immigrants still are escaping non-economic misery, and not just economic misery. Moreover, such economic misery often is created in significant part by the demand of U.S. consumers -" backed up by U.S. government support for governments permitting inhumane working conditions -- for overseas goods produced cheaply as a result of underpaid labor often required to work inhumanely long hours in horrid conditions (not least of which might involve severely limiting any breaks, let alone bathroom breaks). Just see what happens when you google "Nike Indonesia". It sounds disingenuous at best to benefit from the misery of such mistreated workers and then to bar them from entering the United States to leave such misery.Â Anti-immigrant propagandists who try to portray non-documented people as money seekers, want people to forget those fleeing from wartorn zones, brutal governments, brutal courts, brutal jailers, and brutal military members. Refugees from Darfur and Burma -" as examples -" are fleeing oppression that goes far beyond the economic.Â Additionally, millions of people who want to obtain visas to permanently live in the United States are barred from doing so, because U.S. immigration law primarily favors white collar professionals and relatives of citizens and green card holders. Such people who are ineligible for visas are not cutting in front of any line, because no waiting line has been created for them in the first place; they often live in the United States as third-class citizens at best, as they don't automatically receive visas merely because they are in the United States.Â I've written more recently about defending immigrants here: <http://markskatz.com/blog2/serendipity/archives/479-Non-citizen-criminal-defendants-need-to-know-immigration-consequences.html>.Â Jon Katz.Â ADDENDUM: WTOP news is not the only culprit using the far from objective phrase illegal aliens. For instance, here is a FoxNews commentator doing the same thing.

Posted by Jon Katz in Jon's news &amp; views at 00:05