

Narratives of Deservingness and the Institutional Youth of Immigrant Workers

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Abstract

This article speaks to the special issue's goal of disrupting the deserving/undeserving immigrant narrative by critically examining eligibility criteria available under two arenas of relief for undocumented immigrants: 1) the 2012 Deferred Action for Childhood Arrivals (DACA) program, which provides temporary deportation relief and work authorization for young adults who meet an educational requirement and other criteria, and 2) current and proposed pathways to legal status for those unauthorized immigrants who come forward to denounce workplace injustice, among other crimes. For each of these categories of "deserving migrants," I illuminate the exclusionary nature each of these requirements, which pose challenges especially for those workers who have limited education. As such, I argue for the importance of an institutional perspective on youth. Specifically, I demonstrate how the educational criteria required by DACA privileges a select few individuals who have access to formal educational institutions as deserving, while ignoring other empowering but non-traditional models of worker education. I also examine those mechanisms that reward workers who come forward to contest employer abuse. These include the current U-Visa program, which opens a path to legal status for those select claimants who have been harmed by employer abuse and aid criminal investigations (e.g. Saucedo, 2010). In a similar vein, some advocates and legal scholars have proposed a pathway to citizenship for those workers involved in collective organizing (e.g. Gordon, 2007, 2011). I weigh the benefits and exclusivity of each pathway for addressing the precarity of the millions of undocumented immigrants currently in the United States. In doing so, I highlight how institutions have unevenly incorporated immigrant workers, creating wide categories of vulnerability that go ignored. That is, demographically young immigrants are often privileged as deserving, as are those institutionally mature workers who have been successfully incorporated by civic organizations and legal bureaucracies. Meanwhile, institutionally young immigrants—those who have been excluded from these spaces—are framed as undeserving. As a result, rather than to see legal status as a pathway to incorporation, it is extended as a reward for those who have surpassed longstanding barriers.

Introduction

Advocates and policymakers alike have debated how to frame the push for deportation relief and a pathway to citizenship. The once reified position that undocumented children are the innocent bystanders and victims of their parents' poor decision-making is no longer tenable. It has been rejected by leaders in the immigrant rights movement, who highlight the constrained choice that undocumented migrants face in their quest for economic survival and physical safety. Even moderate Republican leaders conceded that some path to citizenship is just and necessary.¹ However, a debate persists regarding exactly which immigrants should be shielded from deportation, and which immigrants deserve a pathway to legal status, or at minimum, deportation relief and work authorization. Inherent in this discussion is an assessment of which immigrants add value to U.S. society, and who should be absolved of the purported sin of undocumented migration, and who should receive relief. Although countless scholarly studies have confirmed that undocumented status poses a barrier to immigrant incorporation and legal mobilization (Abrego, 2011; Gleeson, 2010; Gonzales, 2011; Marrow, 2011), many models for inclusion reward only those immigrants who have against all odds become incorporated.

One dominant approach has been to elevate the contributions of high achieving undocumented youth. While many DREAMers themselves have rejected this trope, and even transformed the tenor of the debate (Nicholls, 2013), policymakers and some well-meaning advocates continue to differentiate the young “innocents.” In the 2012 Deferred Action for Childhood Arrival prosecutorial discretion policy, the Obama administration made temporary deportation relief and work authorization available for those qualifying individuals who were brought to the United States as children and who had completed either “postsecondary education, job training, or employment.”² While my evidence confirms that immigrant workers do in fact value educational opportunities, low-wage workers are often precluded from beginning and persisting in school. Access to alternative educational pathways (such as English as a Second Language classes) are limited in practice, and competing obligations can foreclose the reality of reentry to education.

Other avenues for relief have focused on the need to uphold the legal standards that govern employer practices and to protect the rights of low-wage workers. The particular vulnerability of undocumented workers is an issue that few contest, and some pathways to legal status have been created for those workers who come forward to denounce workplace abuse. The U-Visa, which was created to provide a path to legal status for those victims of crime who aid law enforcement, has been expanded to undocumented workers who have been harmed by employer abuse and who are pursuing a legal claim. As such, many state and federal labor standards enforcement agencies have begun certifying U-Visa applications for eligible claimants (National Employment Law Project, 2014). Successful applicants are then eligible to pursue legal permanent residency and eventually naturalization though there is a yearly cap. While these visas are crucial to protect immigrants from retaliation and to help labor standards enforcement agencies hold egregious employers accountable, they are also limited to those minority of workers who actually come forward to file a legal claim. Yet, we know that, even amongst citizen workers, labor and employment law is limited in its coverage (Bernhardt, Boushey, Dresser, & Tilly, 2008; Garcia, 2012), and a wide array of barriers work in concert to deflect a worker attempt to ascend the “dispute pyramid” (Felstiner, Abel, & Sarat, 1980).

Some advocates and legal scholars have gone a step further to argue for a path to citizenship for those workers engaged in collective transnational labor organizing (Gordon, 2007, 2011). Similar campaigns have been successful in other contexts, such as Paris, where labor unions have tied legalization efforts to *sans papier* organizing (Barron et al., 2015). While the impetus for this approach heralds the civic spirit of those undocumented workers who are no doubt revolutionizing the labor movement in the United States (and beyond), it is an approach that privileges already engaged workers, who again represent a minority of the precarious workforce involved in either unions or the newer forms of “alt-labor” (Compa, 2015; Rosenfeld, 2014).

Based on existing visions for immigration reform, this article has two main goals for reframing the dominant narratives of immigrant exclusion and belonging. First, I argue that just as demographically young immigrants have been viewed as requiring legal status to realize their full potential in the U.S. labor market and civic/political life, so do *institutionally* young workers require legal status as a step towards addressing their

1 <http://americasvoice.org/research/getting-to-a-majority-more-house-republicans-come-out-for-citizenship/>

2 http://www.ilrc.org/files/documents/ilrc-daca-education_req_faq-2013-02_28.pdf

precarious lives.

Rather than view legal status as a reward for the few who have surpassed scores of institutional barriers facing low-wage immigrants, legal status should be understood similarly as a broad-based—even if not absolute—mechanism for advancing educational parity and worker justice. While undocumented status is by no means the only barrier facing these immigrants, to reward only the select few who excel runs the risk of replicating existing disparities. Further, by focusing on mainstream institutional forms of incorporation, it also devalues existing alternative models of worker empowerment that do not fit into traditional models of formal education.

Second, I argue that proposals to reward individual and collective claims-making with a path to legal status must also acknowledge the legal and bureaucratic challenges these proposals present. Here too, undocumented status intersects with a wide range of other challenges that produce an elite cohort of claimants who come forward to pursue legal remedies and who can actually succeed in doing so (Gleeson, 2015b). I discuss the challenges that undocumented workers face in filing a formal claim, and the barriers they face to bureaucratic incorporation in the labor standards enforcement process (Gleeson, 2014a; Marrow, 2009). In doing so, my aim is not to reject the importance of either program, but rather to highlight the persistent inequalities that these narrow programs are unable to address. I hope to engage both the practical implications of valorizing social change via formal institutions, and the importance of visionary thinking that values broad contributions by immigrants. I end by contrasting the liberating social movement narratives intended by these proposals, with the hegemonic neoliberal framing adopted by many of the workers I interview.

Methodology

This article draws on longstanding research amongst low-wage immigrant workers, and in particular two main waves of data collection. In the first wave, I draw on interviews with 41 documented and undocumented Latino restaurant workers in San Jose (28) and Houston (13), conducted from October 2005 to June 2007. These two sites provide a comparative perspective of two demographically similar immigrant destinations, with two very different contexts for immigrant and worker rights (See Gleeson, 2010) for an expanded methodological discussion).

Additionally, I draw on a survey of 453 workers (331 foreign-born) in the San Francisco Bay Area who were engaged in the process of filing a claim against their employer for alleged violations ranging from wage theft to discrimination, sexual harassment, workers compensation, and unemployment claims.³ This region, home to some of the most progressive policies for immigrant and worker protections, provides a best case scenario that allows for a conservative estimate of the challenges immigrant workers may be facing. Among those surveyed, I followed up with 89 respondents (66 foreign-born), 12 to 36 months following their original claim (See Appendix, Table 1). On average, the 35 undocumented workers interviewed from this survey were 37 years old, and had been in the country for over 12 years. They worked in a range of industries, the most prevalent being restaurants, janitorial services, and construction. Three-quarters of undocumented respondents had children, and nearly eighty percent sent money home to their country of origin.⁴

Parallel to this survey effort, I interviewed 25 injured workers (13 foreign-born, and 5 undocumented) following their participation in a workers' compensation workshop for injured workers provided by the state of California (See Appendix, Table 2). I attended 29 workshops from December 2008 to December 2013 (14 in English, 15 in Spanish), and listened to workers discuss their issues. I also draw on my experience as a volunteer legal interviewer at a workers' rights clinic located in a predominantly Latino immigrant community on the Central Coast of California. I attended approximately 40 clinics from November 2010 to June 2014 (25 focused on workers compensation, 14 dedicated to wage claims).⁵

The majority of these interviews were conducted in Spanish. All interview quotes presented here are translated from Spanish, unless otherwise noted.

Young Immigrants, Young Workers, and Educational Access

Advocates and government regulators have shined a light on the plight of “young workers” in recent

³ Total survey sample: N=453

⁴ For more discussion on the family obligations these workers must balance, see Gleeson, 2015a.

⁵ For more on the challenges facing injured undocumented workers attempting to file a workers' compensation claim, see Gleeson, 2014b.

years, focusing on the need to educate and empower those workers often overlooked by labor advocates and other civic institutions (Ramakrishnan & Bloemraad, 2008). Yet, there has been little consensus on who these workers, or what their key needs, are. For example, the Occupational Safety and Health Administration has developed savvy outreach material for “Young Workers” between the ages of 16 and 24,⁶ as has the Equal Employment Opportunity Commission’s “Youth at Work” initiative.⁷ In 2015, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) even convened a Young Workers Summit, with representation from key labor leaders within the immigrant rights community (AFL-CIO Young Worker Advisory Council, 2015). This program, dubbed “Next Up,” was conceived with the purpose of “engaging, empowering and mobilizing union members and nonunion workers under the age of 35” (Boris et al., 2015). Alternative labor groups, including worker centers and other non-union organizations, have also aimed to provide marginalized workers with alternatives for mobilizing collectively (Fine, 2006). For example, groups such as Young Workers United in San Francisco have taken up the charge to think more broadly about “young workers,” also engaging immigrant workers, and others who are new to the U.S. labor force, with a focus on the service sector.

Given these various outreach initiatives, how should we understand age, illegality, and immigrant incorporation, in the context of worker rights? On the one hand, young and immigrant workers share a long list of “overlapping vulnerabilities,” as recognized by the National Institute for Occupational Safety (NIOSH & ASSE, 2015). Yet, if we think more broadly of youth beyond demographic age, and as culturally and spatially bound, as argued by anthropologist Tania Cruz-Salazar (2012), then youth is a fluid, institutionally bound category.

Undocumented immigrants no doubt often arrive with limited educational background. Overall, 47 percent of undocumented immigrants have less than a high school education (Passel & Cohn, 2009), also paralleled by the 45 percent of undocumented respondents in my sample who have less than a high school degree.⁸ Language skills also pose a barrier for immigrants, both in terms of earnings and occupational safety (Chiswick & Miller, 1999; Dávila, Mora, & González, 2011). Sixty-five percent of immigrant respondents, and 84 percent of the undocumented in my survey, in fact, reported that they do not speak English well, or at all. However, attaining a formal education does not necessarily present an equal benefit to all workers. A 2015 report by the Migration Policy Institute confirms that immigrants do lag behind the native born in the United States with regard to literacy and numeracy. The report also finds that immigrants have much lower returns to human capital (Batalova & Fix, 2015).

In the secondary labor market, flexibility and precarity, rather than formal human capital, is exactly what employers seek (Waldinger & Lichter, 2003). The key assets for advancement for low-wage immigrants are often their comparative advantage as precarious workers. Thus, undocumented immigrant workers are institutional newcomers to both the formal education system and the legal bureaucracies that regulate the jobs where they work. Nonetheless, both institutions—education and labor standards enforcement—are avenues that have been elevated as pathways to legalization.

This is not to say that immigrants do not value or seek educational advancement. For example, Baldomero,⁹ an unauthorized restaurant worker in Houston admitted how he only recently learned to read and write in Spanish, describing proudly how his sister taught him the basics. “I gave it my all, and I learned. So now I read and write, not very fast, but I *can* read... after many years.” For workers like him, school was not a matter of choice or values. “I went to work with my dad at 12 years old...it was better, I wasn’t going to learn anything in school, and we were 10 siblings (to support).” Similarly for Julián,¹⁰ an undocumented restaurant worker, the costs for attending schools in Mexico were prohibitive, so he left school and joined the workforce at age 14.

Workers were acutely aware of the challenge that educational and language barriers posed. For example, JJ,¹¹ an undocumented construction worker in San Jose describes how his inability to communicate effectively has kept him from formally complaining about the work speedup. “There are a lot of things I don’t understand, that the boss tells me, and sometimes it makes me nervous (to talk to him).” However, JJ attended night classes from 5:30-10:30 p.m. several days a week, where he also picked up a math class. While he eventually filed a wage

6 <https://www.osha.gov/youngworkers/>

7 <http://www.eeoc.gov/youth/>

8 By contrast, only 8% of U.S.-born residents 25-64 are not high school graduates (Passel & Cohn, 2009, iv.)

9 Interview, 6/29/06. Here and in the interviews to follow, pseudonyms are used and interview quotes are translated from Spanish.

10 Interview, 6/25/06

11 Interview, 10/29/13

theft claim against his employer, JJ was fired soon thereafter. Though he quickly found another construction job, he just as quickly found himself once again the victim of wage theft. This time, however, he weighed his options and chose to avoid a formal claim, ambivalent that the hassle and probability of success would be worth his efforts.

The sentiment that workers are making insufficient sacrifices to educate themselves is a popular refrain. Yet, often missing from this discussion are all the barriers workers face to actually reach this goal. Octavio,¹² a former truck driver, had been taking repeated cycles of ESL classes, including, English, writing, speaking, grammar, and conversation. Although classes are free, he spends about \$70 on books per class. Despite his dicey financial situation since he has been out of work for a back injury, he reassures me that for him education is “priceless.”

Before he became injured, Octavio had what he described as an impossible schedule.

I worked on average 60 hours a week, 6 days...I knew that classes were offered... but what happened is that when I went to register [at the community college], my work schedule just didn't let me keep going. I would arrive late, and if you don't attend they drop you from the class...The professor was very clear, “You show up late or miss twice, and you are dropped.”

Ironically, it was not until Octavio became injured that he was able to start attending consistently again. Even so, finding the brain space to focus, despite all his other obligations, is also difficult. Octavio explained:

It's a lot of effort; it takes a lot to concentrate. I don't get enough sleep... I even went to the dentist and he confirmed that I was grinding my teeth at night, all of this stress and tension, you can't even imagine.

Alonso,¹³ an undocumented restaurant worker, similarly explains the mental distraction of his own precarious circumstances, although he concedes that there is ample opportunity to pursue coursework.

This country offers a lot of opportunities...we need to take advantage of them... But right now I'm not attending adult school because of my pain. I just don't have the headspace to be in school. I'm not at 100%. I can't focus, I just can't...I can't deal with normal stress... But there is opportunity.

Other workers simply have no access to school. Joel¹⁴ worked for years in the San Joaquin Valley on a ranch where there was no way to get to class even if he wanted to. “It's nothing but ranches out there. I'd have to walk more than 30 miles to the nearest city. I had no car, nothing. Where would one even go?” Immigrants in rural settings across the country face similar challenges (Sexsmith & Dudley, 2015).

Some workers managed to start classes, but could not sustain the effort after 8 or 9 months due to unpredictable work schedules, a hallmark of worker precarity in the new economy (Lambert, Fugiel, & Henly, 2014). Jose Luis,¹⁵ also an undocumented restaurant worker, went on to explain emphatically that he stopped attending school, not because he no longer cares about school, but because his job as a restaurant worker gave him no certainty from week to week. Other workers, particularly women like Marta,¹⁶ stopped attending due to family obligations:

I stopped going. When my mom got sick, or my brother or my nephew got sick, I had to stay home...They [teachers] wanted me to attend every day, so I had to stop going. And now I work taking care of my mom, it is the source of what little I earn.

I also met many workers who were engaged in intense courses of training that still did not meet the standard

¹² Interview, 2/13/09

¹³ Interview, 3/3/09

¹⁴ Interview, 1/31/11

¹⁵ Interview, 3/5/09

¹⁶ Interview, 2/28/09

educational eligibility requirements set by USCIS. For example, Candelaria,¹⁷ a subcontracted janitor explained the training she underwent to care for her disabled child.

I received training to also support other parents who also had special needs children, for about three months to understand the child development of these kids. During that time parents like us got together to share suggestions and recommendations. Sometimes you get to the point where you think you've done everything, there is nothing more I can do, but then you learn more techniques, how to help them, so that's what I'm doing now. I graduated from this parenting class...and now I'm going to a group called *Mujeres Unidas y Activas*, to learn more, because I want to better myself, for my children. I need to help them succeed, but sometimes it is hard because I don't have help from others.

While this mother, who fled violence in El Salvador, was able to receive her permanent residency through other channels, her similarly situated undocumented fellow group members would not. The 2012 Deferred Action for Childhood Arrivals program requires a formal plan of education, which excludes training programs offered by nonprofit and community based organizations focused on popular pedagogy and worker empowerment. Similarly, the long anticipated and stalled federal DREAM Act would privilege young immigrants brought by their parents, and who have completed a two or four year degree, only certain vocational trainings, or who have completed military service (Batalova & McHugh, 2010).

This is not to say that heroic efforts have not been made by some local governments, many immigrant rights groups, and educational advocates to make educational training available to a wider array of potential DACA beneficiaries (Kissam, 2012). However, it is important to recognize how even these efforts are in many ways replicating the same structural inequalities that maintain the precarious immigrant workforce. For example, one adult educator I spoke with felt torn between the important work their institution did to equip immigrants with skills and English capacity, and what they referred to as essentially a “hegemonic and capitalist” ethic inherent in typical courses meant to create better workers. In this regard, we require a re-envisioning of the forms of worker education *and* empowerment, offered oftentimes by non-traditional educators and advocates.

In sum, too often we individualize educational decisions, valorizing those who seemingly make the appropriate sacrifice to attend school, while disparaging those who do not. Yet, the cases presented here reveal the structural limitations that shape these *institutionally young* students, who despite their demographic age, must be understood as newcomers to a system designed predominantly to privilege traditional students with few competing demands. Meanwhile, efforts to reach wider groups of disadvantaged groups remain largely absent.

Empowering Undocumented Workers and Valorizing Claims-Making

While DACA provides temporary deportation relief and access to the formal labor market, there are some additional limited forms of relief currently available to undocumented workers (Fisk & Wishnie, 2005). Key among them is the U-Visa program, intended for victims of a crime who assist law enforcement in their investigation. Given the deleterious effects of employer sanctions under the 1986 Immigration Reform and Control Act, legal scholars and advocates such as Saucedo (2010) have supported the expanded use of U-Visas to “provide leverage to workers who seek to uphold or enforce labor and employment rights in the most egregious settings” (p. 303). In practical terms, U-Visas have been applied to certain forms of mental or physical abuse, as long as workers are helpful in an investigation by an agency willing to certify their federal, state, or local claim (National Employment Law Project, 2014).

The U-Visa program has emerged in a context ripe for workplace abuse, and where unauthorized workers have significantly higher rates of violations (Bernhardt, Spiller, & Theodore, 2013, p. 823). While the U-Visa program is a critical tool for advocates, and an important resource for immigrants, it also assumes a two-track approach to remedying employer abuse whereby workers who cannot prove immediate and direct harm are ineligible, and those who come forward to present an eligible claim are valorized and rewarded. However, as my

¹⁷ Interview, 10/24/11

research below demonstrates, the process of filing a claim is arduous, and the decision to *not* come forward, or to abandon a claim, is sometimes the best thing a worker feels that they can do for themselves and their family. Consequently, seen from another lens, those workers excluded from this crucial form of relief may in fact be adopting a survival strategy for themselves and their families.

For example, I spoke with an undocumented landscaper in his late 50s who regularly worked mandatory and unpaid overtime. Although Jorge attempted to contest his conditions, the response from his employer was crystal clear, “I’m not going to pay you anything, do what you want.” This worker understood his equal rights as an undocumented worker, though saw his practical ability to move forward as severely limited. His life was riddled with structural challenges. His wife, an undocumented retail worker, had nearly died in a car crash on her way to work 6 months earlier, ultimately spending three days in a coma; three months in a hospital and three more months recovering at home.¹⁸ She eventually lost her job, and Jorge was left as the sole earner of the household. The risk of coming forward to claim, therefore, became quickly palpable, and he could not afford to lose his job. “When he threatens us, of course people are scared,” Jorge recalls. His exact words were, “There’s the door... clock out.”

Another *tortillería* worker I spoke with similarly recounted how the (unconfirmed) threat of an upcoming audit was enough to squash the movement of workers who had organized to demand higher wages. Each was fired in succession over time, leaving the remainder to wonder who would be next. For both these workers, the overlapping legal regimes of at-will employment (whereby non-unionized workers can generally be fired for good, bad, or no cause) (NCSL, 2012), also clashes with the federal prohibition against hiring unauthorized workers and the constant threat of deportation. As such, the precarious labor market position of undocumented low-wage workers is reinforced by their legal disposability. Therefore, while there are indeed many workers who do come forth to file claims, there are many more who act as rationally as one could expect, given an environment of uncertainty.

The rocky road to individual claims-making is one that has been long demurred by labor scholars and advocates who caution against the move towards an atomized system of worker protection (Lichtenstein, 2002). For this reason, immigrant worker advocates have envisioned bold pathways of worker empowerment via collective resistance. For example, Gordon (2007) has argued for a model that “would tie immigration status to membership in organizations of transnational workers rather than to a particular employer.” Specifically,

...in exchange for the authorization to work that they would receive as members, migrant workers would commit to the core value of labor citizenship: solidarity with other workers in the United States, expressed as a commitment to refuse to work under conditions that violate the law or labor agreements. (Gordon, 2007, p. 509)

The migrant would be:

...asked to take a ‘solidarity oath’ as a condition of membership, promising to take no job that violated basic workplace laws or that paid less than the minimum set by the transnational labor organizations, to report employer violators to their transnational labor organizations once discovered, and to uphold union solidarity with other workers (for example, refusing to cross picket lines). (Gordon, 2007, p. 567)

In this model, advancing the collective good of workers would be the centerpiece of inclusion, and a commendable goal. Similar campaigns driven by immigrant worker power have thrived in Europe. For example, in recent years, labor activists in France have used strike activity to force employers to sponsor the legal applications of *sans-papiers* (undocumented) workers (Barron et al., 2015).

However, while unions, worker centers, and other worker advocates have become critical sites to collectively contest employer abuse, and have in fact been calling for broad-based reform (Trumka, 2014), there remains significant challenges to organizing low-wage workers on the ground. Many feel disconnected from the mainstream movement and in some cases have internalized narrow definitions of belonging. To this end, I spoke

¹⁸ Interview, 9/23/13

with workers regarding their relationship to advocacy organizations and mass mobilizations that were happening in their communities. When asked, “In the past few years, there have been several immigrant rights marches in the city. Have you participated in any of them?” An impressive 32 percent responded, yes. However, a deeper conversation with respondents regarding their feelings surrounding the mobilizations revealed a wide disconnect between the ideals of worker empowerment and the ways workers feel excluded from these efforts.

To be sure, there was no shortage of indignant workers who believed that their hard work merited justice. However, collective solidarity was not a forgone conclusion for all of them. Amongst surveyed workers, 14 percent were union members, including only 5 percent of undocumented respondents. The perspective these claimants had towards their union was often complex, given that they typically had come seeking help from the legal aid clinic to address what they perceived as a failure of their union to provide sufficient assistance with their grievance. Their unique perspectives nonetheless illuminates a dynamic that complicates the path to “labor citizenship” via worker solidarity.

For example, Yadira,¹⁹ a subcontracted janitor and mother, explained her frustration towards her union and the grievance system following her firing.

According to them, supposedly they have to get in there and talk first [with the employer], and they just make you *think* that they’re going to help, pure lies, because the union never helps anyone... I told them I had never had a warning and had worked for almost five years, it wasn’t right that I was fired. They said that they would go talk [to the employer], supposedly, but nothing [happened]. They said they would call me, but they never did.

Yadira’s perspective reflects dissatisfaction towards a mode of business unionism that is focused on individual grievances (Fantasia & Voss, 2004), despite strident efforts to incorporate immigrant workers. Unions also face severe constraints from employers who regularly engaged in union busting and other efforts to disrupt immigrant worker solidarity (Shapiro, 2014). Workers, nonetheless, do not necessarily see collective organizing as a viable strategy to address abuse.

Similarly, Berenice,²⁰ a long-time unionized manufacturing worker reflected on the legacy of immigrant organizing since the heydays of Cesar Chavez.

The farmworkers fought, went on strike, they didn’t back down. I used to go to these huge marches where I saw men on crutches, in wheelchairs, fighting for their rights and everything, and you contrast to today. People aren’t fighting today.

Thus, despite the inspiring progress of immigrants within the labor movement (Milkman, 2010), some workers remain disillusioned.

Consequently, it is critical to understand that collective organizing and even everyday forms of civic engagement exist in an elite space. Amongst survey respondents, 35 percent reported volunteering at church, school (10 percent), a union (7 percent) or other organization (12 percent). While this number represents a small minority of respondents, it is not radically different from what we know about volunteer activity amongst the native-born adults. Data from the Current Population Survey confirm that approximately one in four youth reported volunteering in the past year, with rates as low as 10 percent for noncitizen immigrants (Lee & Pritzker, 2013; Wilson, 2012). We also know that rates are lower for Latinos and first generation immigrants, as well as youth from families with lower socioeconomic status (Ishizawa, 2014).

This is not to say that there are not impressive pockets of mobilization, most critically the eruption of mass mobilizations in 2006 (Pallares & Flores-González, 2009; Voss & Bloemraad, 2011), and the leadership undertaken by undocumented youth and engaged parents (Terriquez, 2011, 2015). However, some immigrants also face significant civic stratification (Bloemraad & Gleeson, Shannon, n.d.), which is reified by proposals that premise deportation relief on their engagement. The narratives some undocumented immigrants adopt about their belonging in U.S. society further reflect this disconnect.

¹⁹ Interview, 6/6/13

²⁰ Interview, 9/25/13

Lessons for Inclusion, and Towards a Way Forward

In my conversations with low-wage workers, I asked immigrant respondents to consider pending proposals for immigration reform. These findings reveal some immigrants' ambivalence regarding possibilities for broad based change, and an internalized narrative of individual deservingness. For example, when asked, "Do you think that the president and congress should authorize an "amnesty" or "legalization" program?" Less than half of immigrants (42 percent) responded, "Yes, for everyone." Amongst them, 24 percent of documented (and 16 percent of citizen) immigrants said yes, while 72 percent of undocumented immigrants responded affirmatively. Though only 31 percent of documented respondents (and 22 percent of citizens) were in favor of a guest-worker program, a stunning 80 percent of undocumented respondents would support one.²¹ What might this emphasis on deportation relief and temporary status over full legal incorporation reveal about how undocumented immigrants understand their place in the United States, and the lessons they have learned about who deserves to belong?

In order to understand workers' own views, norms, and ideals of belonging and deservingness, I ended each interview by asking them what policies respondents would advocate for moving forward. The 2005 Sensenbrenner Bill and the 2006 mass immigrant mobilizations served as a backdrop for my first phase of interviews. In the second phase, the 2010 Senate Bill 1070 proposals in Arizona also were a common topic of conversation.

In 2007 I asked Alfonso,²² an undocumented restaurant worker who regularly worked double shifts, what he thought of the many mobilizations that had recently taken place. He explained his conflicted perspective regarding calls for deportation relief and a path to citizenship.

Well, I think their demands are good in some ways, but we're not in our country. We can't just ask for so many things. Just as long as they let us work, and they give us a drivers' license, then it's fine. Because it's not our country, and we're not really adapting to life here, we go around starting trouble, so that's what I think. Maybe if we started to adapt to life here...Americans are more responsible, they work to get ahead, to study, to pursue a career. But we Latinos are *conformists*, if we have enough to eat, that's enough.

Armando²³ had internalized a similar narrative about his fellow undocumented workers:

Us Mexicans are very disorganized, for example, we have all our things strewn everywhere, whereas an Anglo [house] is very neat and clean. I don't think that everyone deserves papers. Depends on the person, if they've committed a crime. In my case I don't want citizenship, just a visa to work and come and go when I need to...like even just for a week to see my family, how different it would be.

For Armando, the middle class aesthetic had taken precedence in the optics of U.S. belonging, as had an assumption about the need for civility, rather than mass protest.²⁴

While proposals for transnational mobilization resonate within labor advocacy arenas, a broader view reveals a mainstream insistence on using the law and formal channels to air grievances. However, despite widespread efforts to expand access to justice (Estreicher & Radice, Forthcoming), the courts and the administrative bureaucracies that surround them are still highly privileged spaces.

Immigrants I spoke with also tended to juxtapose their role as committed workers with popular narratives of criminality. For example, Rodolfo²⁵ was likewise cautious about the path forward for Congress, focusing

21 These data parallel findings by the Pew Hispanic Center that reveal that respondents value deportation relief over citizenship, with 85 percent of Hispanics and 79 percent of Asian Americans approve increasing the number of temporary work visas for agriculture and food industry workers (Lopez, Taylor, Funk, & Gonzalez-Barrera, 2013).

22 Interview, 7/25/07

23 Interview, 7/3/07

24 Similar parallels have been written about with regards to the Palestinian struggle, and the recent #BlackLivesMatter mobilizations.

25 Interview, 7/30/07

especially on the need to keep out purported criminals.

There are a lot of illegal people who have committed crimes. And I suppose if they are going to pass a legalization program, they'd legalize them as well? ...How are we going to legalize people who have committed crimes?...Congress is at a crossroads. Do I legalize drug-addicts and murderers?

Similarly, Simona²⁶ emphasized the need to include only “honest and working people” in any form of relief. In line with a criminalized narrative of Latinos and undocumented immigrants (Chavez, 2008; T. Golash-Boza, 2010; Willen, 2007), workers such as these aspired to distinguish themselves as *workers* first, deserving of relief, and not undocumented criminals in popular media.

Even engaged workers such as Juvenal,²⁷ who had broad experience in agitating for workplace justice, were skeptical of an expansive amnesty program.

I know that it would be hard to legalize us all...If they pay taxes, if they are studying English...I don't know, for those who *deserve* the opportunity of a legalization. Give *them* permission. Maybe not citizenship at first, but at least a permit to work freely, to be able to drive. I've always said that if they legalize us, there will be more money, people can travel home to their countries, the planes will be fuller, people will buy more cars. Money will flow.

These responses suggest a reification of civility, economic contributions, and educational and linguistic assimilation. They no doubt conform to some of the dominant arguments regarding the utility of immigrants, which in turn garner critical political support. However, by premising deportation relief and legal status on these exclusive notions of deservingness, these programs are also replicating narratives that entrench the structural inequalities that undocumented workers confront daily. The *stories* we tell about the rights of immigrants and their place in society have implications for “how inequalities are maintained and reproduced” (Polletta, 2011).

Forging Alternative Paths to Inclusion

The danger of articulating pathways to citizenship, as Gordon (2007) aptly argues, is that citizenship's “inclusive and emancipatory rhetoric can mask a dangerous reliance on exclusion” (p.580). These dominant narratives of inclusion, which often limit relief to elite cadres of immigrants who are already incorporated into educational spaces, legal bureaucracies, and civic institutions, pose a contradiction for advocates and immigrants themselves. Rather than facilitate incorporation, current proposals seemingly further entrench the marginalization of those individuals these institutions exclude.

One explanation for these narrow framings is the weak salience of international law in the United States, which forecloses the viability of an international human rights frame for advancing immigrant rights more broadly (Basok, 2009; Bosniak, 2006; Cook, 2010; T. M. Golash-Boza, 2012). However, debates surrounding immigration policy often become a foil for debates surrounding how to structure social provisions in the United States, which largely privileges the marketized solutions and individual grit.

By framing formal educational achievement as a basis for legal inclusion, we not only ignore the key barriers to educational access, but also devalue popular forms of worker empowerment, and ignore the contribution of “non-achievers” to economic and social life. Similarly, by elevating civic engagement through formal institutions as a personal virtue, we reward the incorporated few. By instead focusing on the support that “institutionally young” immigrants require to be impactful economic and political actors, a broad based approach to immigration reform would see legal status as a first step in fuller future inclusion, a prospect Congress is perhaps not ready to swallow.

26 Interview, 10/8/13

27 Interview, 3/16/09

Appendix: Tables**Table I***Profile of Foreign-Born Low-Wage Workers Surveyed and Interviewed 2011-2014*

#	Age	F/M	Country of Birth	Undocu- Mented ^a	#	Age	F/M	Country of Birth	Undocu- mented
1	21	M	El Salvador	Y	34	43	F	Mexico	N
2	23	M	Mexico	Y	35	44	M	Honduras	N
3	25	M	El Salvador	Y	36	46	F	Mexico	N
4	25	F	Mexico	N	37	46	M	Peru	Y
5	26	M	El Salvador	Y	38	48	M	Mexico	N
6	26	F	Mexico	N	39	48	M	Mexico	Y
7	26	M	Mexico	Y	40	49	M	Mexico	N
8	27	M	Mexico	Y	41	49	M	Mexico	Y
9	28	F	Mexico	Y	42	49	M	Mexico	Y
10	32	F	Mexico	Y	43	49	F	Mexico	N
11	32	M	Mexico	Y	44	49	M	Colombia	N
12	32	M	Mexico	Y	45	49	F	El Salvador	N
13	33	M	Mexico	Y	46	49	M	Mexico	N
14	33	M	Mexico	Y	47	50	M	Mexico	Y
15	33	F	Mexico	N	48	50	F	China	N
16	34	F	Mexico	Y	49	51	M	Mexico	Y
17	34	F	Mexico	Y	50	51	.	El Salvador	N
18	35	F	Mexico	N	51	51	M	Mexico	Y
19	36	M	Mexico	N	52	52	M	Mexico	Y
20	36	F	Mexico	Y	53	52	M	El Salvador	N
21	36	M	Guatemala	N	54	52	F	Mexico	Y
22	38	F	Mexico	Y	55	52	F	Mexico	N
23	38	F	Mexico	Y	56	54	M	Mexico	Y
24	39	F	El Salvador	N	57	55	F	Philippines	N
25	40	M	Guatemala	Y	58	57	F	Philippines	N
26	40	F	Mexico	Y	59	57	F	Peru	N
27	41	F	Mexico	Y	60	58	F	Philippines	N
28	41	F	Mexico	Y	61	60	F	Mexico	N
29	41	F	Peru	N	62	61	M	Peru	N
30	42	M	Mexico	Y	63	61	F	Colombia	Y
31	43	F	Mexico	N	64	61	F	Mexico	N
32	43	M	Mexico	Y	65	62	M	Mexico	N
33	43	F	Mexico	Y	66	71	M	China	N

Note: ^a Those respondents denoted as undocumented reflect instances where individuals responded that they were 1) born outside of the United States, 2) were not a U.S. citizen, and 3) were not a legal permanent resident. This serves as a conservative estimate, of “non-citizen, non-legal permanent resident” respondents, and certainly may involve those with temporary or other status.

Table 2*Profile of Foreign-Born Restaurant Workers Interviewed 2005-2007*

San Jose Interviews					Houston Interviews				
#	Age	F/M	Country of Birth	Undocu-mented	#	Age	F/M	Country of Birth	Undocu-mented
1	18-19	M	Mexico	Y	1	18-19	F	Mexico	Y
2	20-24	M	Mexico	Y	2	20-24	M	Mexico	Y
3	20-24	M	Mexico	Y	3	20-24	M	Mexico	N
4	20-24	M	Mexico	Y	4	25-29	M	El Salvador	N
5	20-24	M	Mexico	Y	5	25-29	M	Mexico	Y
6	20-24	F	Mexico	Y	6	25-29	F	Mexico	N
7	25-29	F	Mexico	N	7	30-34	M	Mexico	Y
8	25-29	M	Mexico	Y	8	30-34	M	Mexico	Y
9	30-34	F	Mexico	N	9	35-39	M	El Salvador	N
10	30-34	M	Mexico	Y	10	35-39	M	Mexico	Y
11	30-34	M	Mexico	N	11	35-39	M	Mexico	N
12	30-34	M	Mexico	Y	12	40-44	M	Mexico	Y
13	30-34	M	Mexico	Y	13	40-44	M	Mexico	Y
14	30-34	M	Mexico	Y					
15	30-34	M	Mexico	Y					
16	30-34	M	Mexico	Y					
17	30-34	M	Mexico	Y					
18	30-34	M	Mexico	Y					
19	30-34	M	Mexico	N					
20	35-39	M	Mexico	Y					
21	35-39	M	Mexico	Y					
22	35-39	M	Mexico	Y					
23	35-39	M	Mexico	Y					
24	40-44	M	Mexico	Y					
25	45-49	M	Mexico	Y					
26	45-49	M	Mexico	Y					
27	55-59	F	Mexico	N					
28	55-59	F	Mexico	N					

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