Mae Ngai posits in her landmark study of U.S. immigration from 1924 to 1965, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2004), that numerical exclusion of persons wanting to emigrate to the United States, beginning in a comprehensive way with the Immigration Act of 1924 created a new class of persons within the country—illegal aliens, whose inclusion in the nation was “at once a social reality and a legal impossibility.” Barred from entry and therefore citizenship and with limited rights, the illegal alien, Ngai concludes, is thus an “impossible subject,” a person “who cannot be and a problem that cannot be solved.”

The paradoxes in our immigration laws that Ngai so skillfully deconstructs continue to have painful consequences for today’s undocumented immigrants and their families. Time and again our nation’s immigration laws have failed to address the need for immigrant labor and contradict long-cherished American values, resulting in impossible choices by undocumented immigrants. Since the passage of harsh anti-immigrant laws in 1996 and more recent state anti-immigrant laws, the impossible choices have been compounded.

Tania Matos, co-founder of DreamActivist Louisiana, is one of thousands of Gulf Coast youth eligible to apply for a work permit through the Deferred Action for Childhood Arrivals (DACA) program announced by the Obama Administration on June 15. Photo by Ted Jackson, courtesy of The Times-Picayune.

New hope comes into a world of impossibility

The devolution of immigration enforcement to state and local police, for example, through 287(g) agreements pursuant to the 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA) and ICE’s Secure Communities Program, has led to a massive undermining of trust between immigrant communities and police officers whose job it is to protect all community residents. State anti-immigrant laws like Arizona’s SB 1070 and Alabama’s HB 56 continue the trend of turning local law enforcement into immigration agents. In June, the Supreme Court let stand the most controversial aspect of Arizona’s law, requiring police officers to investigate the immigration status of anyone they stop who they “suspect” may be undocumented. As a direct consequence of these laws and policies, an immigrant woman suffering life-threatening abuse from her spouse or partner often faces an impossible choice. Should she call the police for protection and risk her or her partner being detained and deported, or should she continue to suffer abuse and risk injury or death?

What could be more devastating to society’s social fabric than enacting laws that separate parents from their children? But that is now the official policy of the U.S. government regarding millions of undocumented parents of U.S. children. Consider the impossible choices facing a couple in the New Orleans area. Tania Olivar, a U.S. citizen, fell in love and married Germano of Honduras 10 years ago. They had two children, started a painting business after Katrina, and bought a house. They were living the American Dream. He was a devoted father and husband and, as Tania explained, “We did everything together as a family.”

As a national of Honduras, Germano had Temporary Protected Status (TPS), beginning about the time he met Tania in 2000. He renewed his status every year until a fateful visit to the local ICE office in 2010—suddenly he was arrested, shackled, and sent to a detention center four hours away in north Louisiana. Why? Because before he met Tania, and before he had obtained TPS, Germano had been picked up near the border and deported just days after entering the United States for the first time. He was stopped and deported again before he finally made his way to Louisiana.

Although he had not been technically eligible for TPS, how can that outweigh nearly 10 years of marriage and raising a family with not so much as a traffic ticket on his record? When they finally met with a U.S. visa official in Tegucigalpa two years after Germano was deported from Louisiana, they were told that he was subject to the 10-year bar on re-entry (another IIRIRA provision) and could not
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By Sue Weishar, Ph.D.

re-enter the U.S. for another eight years. By that time, his now three-year-old son will be 11, and his eight-year-old daughter will be 16! Can you imagine being banished from your children’s lives for the most important years of their development? What social good is served by this? Tania had to go on public assistance, and her children weep for the father they miss every day of their lives.

Until recently, perhaps no group of immigrants faced a more impossible future than undocumented immigrants brought to the United States as children by their parents. Having grown up here, many know no other way of life and some barely speak the language of their birth country. American in every way but the paperwork, immigrants like Pulitzer Prize winning journalist Jose Antonio Vargas often had no idea they were undocumented until they applied for a driver’s license. They were the subject of the failed December 2010 effort to pass the Dream Act to give them a path to citizenship. Defined and trapped by their status, DREAMers did something remarkable—yet very American—they exercised traditional First Amendment rights to organize, protest, and “petition the government for a redress of grievances.” Their faith in their country’s people and laws is beginning to bear fruit. President Obama announced the program now providing a path to citizenship for young undocumented students or high school graduates under age 31 who entered the United States before they were 16 and have lived here for five years to apply for work authorization and permission to stay for up to two years if they can pass a background check. The Migration Policy Institute estimates that 1.76 million unauthorized immigrants will be eligible for deferred action and a chance to make what looked impossible—college, professional work, driving an automobile without fear of deportation—possible. Advocates throughout the Catholic network worked tirelessly to bring about such change, and now immigration legal service providers at Catholic Charities across the country are on the front-lines assisting young immigrants to apply for deferred action.

As we rejoice over the renewed hope that deferred action provides, we cannot forget the more than eight million immigrants who must continue to live in the shadows until Congress has the will to embrace comprehensive immigration reform. For those for whom deferred action falls short, perhaps the words of the Latino U.S. bishops will bring comfort and courage:

*In your suffering faces we see the true face of Jesus Christ. We are well aware of the great sacrifice you make for your families’ well-being. Many of you perform the most difficult jobs and receive miserable salaries and no health insurance or social security. Despite your contributions to the well-being of our country, instead of receiving our thanks, you are often treated as criminals because you have violated current immigration laws…*

*We urge you not to despair. Keep faith in Jesus the migrant who continues to walk beside you. Have faith in Our Lady of Guadalupe who constantly repeats to us the words she spoke to St. Juan Diego, “Am I, who am your mother, not here?” She never abandons us, nor does St. Joseph who protects us as he did the Holy Family during their emigration to Egypt.*

For nothing is impossible with God. (Luke 1:37)

ENDNOTES


2 Although the Supreme Court refused to strike down Section 2B of Arizona’s HB 1070, the majority did not find this provision to be immune from legal challenge. According to Immigration Policy Center’s Ben Winograd, “the court found the provision [2B] so confusingly written that Arizona courts should have an opportunity to interpret it first.” See [http://www.csmonitor.com/Commentary/Opinion/2012/0626/Why-the-Supreme-Court-ruling-on-immigration-is-a-clear-rebuke-to-Arizona](http://www.csmonitor.com/Commentary/Opinion/2012/0626/Why-the-Supreme-Court-ruling-on-immigration-is-a-clear-rebuke-to-Arizona).

3 See an interview I conducted with Tania on August 27, 2011, in her home in Kenner, La., at [http://movingforwardgc.org/advocacy_media_immigration.php](http://movingforwardgc.org/advocacy_media_immigration.php). The video was recorded and edited by Moving Forward Gulf Coast.

4 See details of this program at the USCCB Justice for Immigrants website at [www.justiceforimmigrants.org](http://www.justiceforimmigrants.org).

