

**U.S. Great Transformation: The Contractualization of Citizenship
and the Immigration Regime**

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Abstract: A “zero-tolerance” immigration policy is an integral part of U.S. political economy. The immigrant “question” is politicized, as its push and pull factors vanish in the midst of xenophobia. This paper provides an institutional perspective to study contemporary immigration. It approaches U.S. migrant “question” from a Great Transformation perspective by interpolating the ideas of labor commodification and citizenship’s contractualization (Somers, 2008). The shift towards criminalizing unauthorized immigrants illustrates the commodifying path of citizenship. Immigrant struggles unfold a Double Movement. A social force that recreates an alternative notion of citizenship, in an attempt to re-embed the economy into its social fabric.

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U.S. Immigration Policy as an Instrument of Political Exclusion

The United States of America is a nation of immigrants. The share of the foreign-born living in the country has quadrupled since the 1960s. In 2013, immigrants represent 13.1 percent of the population. It is estimated that by 2065, newcomers can potentially constitute 18 percent of the country's inhabitants (Pew Research Center, 2015a). Yet, the Melting Pot nation presents contradictions posed by historical facts that account for the marginalization of specific groups of immigrants, who often absorb the shock embedded in economic transformations (Gerstle, 2001; Ralton, 2017).

In this regard, Karl Polanyi ([2001[1957]])'s most celebrated contribution identifies the origins of the XVIII century's English Great Transformation, by delineating the process of decontextualizing an economy from its social framework (Lucas-Dos Santos, 2016). The increasing productivity of the textile industry could not be possible without forced migration via the enclosure movements. Measures taken by the monarchy to lead the path for the bourgeoisie flourishing. Thus, forced migration sets the foundations for the labor market during the industrializing period in England. Rising pauperism and unemployment transform social principles of assisting those in need through amendments made to the Speenhamland Law (Henry, 2005). Moving forward, labor upswings, along their social implications, are fetishized and accepted as the modern era's growing pains.¹

Recent Marxist approaches to migration shed light on the interests of capitalists in paradoxically incentivizing and restricting labor mobility across borders (Deschacht, 2018; Pradella, 2016; Pröbsting, 2015; and Wilson, 2017). Whenever labor is commodified, it is forced into selling his labor power. Historically, industrial capitalists take contradictory strategies that either allow or deter immigration, depending on the need to control the natives' wage demands if the economy approaches full

1. "Up to the time of Speenhamland no satisfactory answer could be found to the question of where the poor came from. It was, however, generally agreed that pauperism and progress were inseparable. And even Adam Smith in his cautious manner declared that it is not in the richest countries that the wages of labor are highest [...] It was in the first half of the sixteenth century that the poor first appeared in England: they became conspicuous as individuals unattached to the manor [...] and their gradual transformation into a class of free laborers was the combined result of the fierce persecution of vagary and the fostering of domestic industry which was powerfully helped by a contentions expansion of foreign trade" [Polanyi, 2001(1957): 108-109].

employment. Historically, Eastern European immigrants in the late XIX century/early XX centuries, Chinese immigration, women during WWII, and Mexican as well as Central American immigration have been instrumental to ignite U.S. dynamic labor market.

Polanyi's theoretical framework to study the transition from an agricultural/traditional to an industrial/market society is inspiring in studying contemporary migration. U.S. immigrant 'issue' illustrates the social implications of labor's commodification at the transnational level, considering that peasants from Central America (C.A.), primarily Mexico, are massively expelled from their ejidos² during the rise of neoliberalism. In the late 1990s, directly affected by NAFTA's reforms to the Mexican Constitution's article 27, peasants are integrated into regional labor dynamics that absorbed them into U.S. bifurcated labor market.

Michele Cangiani (2017) emphasizes the importance given to the labor market in the Great Transformation, and the connection it has with pauperism as a socially engineered problem. "Chapter three opens with a question which presents the essence of Polanyi's work because it links his historical survey to his basic political concern: [What] was the mechanism through which the old social tissue was destroyed, and the integration of man and nature so unsuccessfully attempted?" (ibid: 920).

Regarding the old social tissue, the comprehensive question addressed by this paper is: what does a social rupture of this sort actually imply, institutionally and regionally within the context of forming a regional labor market, or, in Marxian terminology, an international reserve army of the unemployed under the umbrella of a global and financialized capitalism? According to John Henry (2015), the Industrial Revolution and its aftermath—in particular the new Poor Law of 1834—destroyed much of the older, moral economy standard by which a just, subsistence wage was to be determined. [I]t was this period in British economic history that occupied much space in Karl Polanyi's *The Great*

2 The origins of Mexican ejidos date back to the Pre-Hispanic era. At the time, the ejido represents the organizing system of agricultural units of production. After the 1910 Mexican Revolution, the ejido encompasses an area of communal land on which members individually labor on designated parcels, while maintaining communal holding. During the 1992 NAFTA's negotiations, ejidos are open to privatization, leading to massive sales of communal land. It is considered that such measures have accentuated rural poverty and the country's food sovereignty (Bello, 2009; Calderon-Salazar, 2012)

Transformation. The near-full commodification of labor that ensued following the elimination of the Old Poor Law an (Speenhamland) and the creation of the New Poor Law. (p. 183)

With the rise of Money Manager Capitalism or Finance Capitalism (Tymoigne and Wray, 2014), industrialized economies like the U.S. have evolved into a system of “accumulation” through “dispossession” (Harvey, 2004). Accumulating through dispossessing relies on a macroeconomic policy that increases productivity and deteriorates real wages in the Global North. Whereas structural adjustment programs intensify labor’s commodification in the Global South through land reform. Land “reforms” represent a transnational enclosure movement.

The repercussions from accumulation by dispossession are illustrated by unprecedented inequality, to a degree that “eighty-two percent of the wealth generated [in 2017] went to the richest one percent of the global population, while the 3.7 billion people who make up the poorest half of the word saw no increase in their wealth” (Oxfam, 2018). The erosion of workers’ rights; the excessive influence of big business over policy-making; and the relentless corporate drive to minimize cost are considered key factors driving corporations’ increasing rewards at the expense of workers’ wages around the globe.

In C.A., under the policy of accumulation through dispossession, contemporary migrants temporarily resolve the negative implications of neoliberalism by simply moving where the jobs are available. In this framework, U.S. immigration policy becomes an instrument that accommodates Finance Capitalism’s needs while ensuring the continuity of migrants’ labor supply, and, at the same time, ensuring their political exclusion, which has been historically determined by the 1790 Naturalization Act.³ U.S. immigration policy’s targets of exclusion change over time, while the degree of marginalization might have remained constant. During U.S. neoliberal era, the turning point is the

³The Naturalization Act of 1790 restricted citizenship to “any alien, being a free white person” who had been in the U.S. for two years, excluding African Americans, immigrants from other ethnicities, indentured servants, and most women. The legislation sets criteria two years of residency and good moral character. The 1924 Immigration Act was a federal law that set quotas on immigrants from certain regions, it aimed at decreasing immigration from Southern Europe, countries with Catholic majorities, Arabs, and Jews (Cossen, 2018).

1970s. Between 1970 and 2000, U.S.'s foreign-born population increases meaningfully in comparison to previous years, and the migrants' countries of origins drastically shift (Pew Research Center, 2015). It is this period and shift that remain the focus of this paper.

The late 1960s' changing trend represents a fracture of national and international character as migrants' countries of origins swing partially occurs because the 1965 Immigration and Citizenship Act lifted the U.S. quota system. And, an often unaccounted but relevant factor is the rise of neoliberalism as a regional program (Harvey, 2007; Klein, 2008). Over almost four decades, immigrant workers continue to arrive into the United States as 'irregular' or economic migrants from the Central American region, increasing the number of newcomers to unprecedented figures in the U.S., turning the country into the largest recipient of international migrants over consecutive years (United Nations, 2017, Connor & Lopez, 2016).

Contrasting pre- 1964 immigration patterns, the primary factor behind U.S. immigration is a globalized economy that operates based upon a transnational labor market. Its dynamics attract and expulse farmers from their land to be integrated by the market. On the one hand, U.S. immigration policy represents an instrument that accentuates exclusion by allowing, at times, and restricting, at others, migrants' access to U.S. labor market. Within this context, immigration policy determines who 'earns' the rights to have rights, or at least, who is allowed to enter the path to claim them.

After World War II, employment or opportunities for self-sufficiency are available in the C.A. through programs that protected the rights for land communal ownership, a growing informal sector, and economic policies that propelled industrialization. After the 1970s, however, C.A.'s surplus populations (Bauman, 2003)⁴ are pushed out and pulled in by

4 Zygmunt Bauman (2003) states that neoliberal structural adjustments policies are part of comprehensive programs to neglect, and eventually eliminate, the surplus labor. Through income inequality, Financial Capitalism reproduces human waste. That is, "useless" marginalized existences of a market society that must be discarded

processes that also pertain to the rise of U.S. Finance Capitalism (McWilliams, 2000). Furthermore, the strengthened commodification process restructures social relationships, including the one established between the state and the citizenry.

Margaret Somers (2008) criticizes Anglo-American citizenship theory by linking the deteriorated state of civic rights to neoliberalism. Her heterodox critique—that aligns with institutionalist economists—is based on the “non-contractual” nature of the social contract.⁵ The latter is based upon non-contractual obligations determined by community membership, mutual obligations, social inclusion, and reciprocity (Mizrachi, Driori & Anspach, 2007; Alexander, 2006; Block, 2006). From her alternative perspective, inclusive citizenship regimes rest on a delicate balance of power established among the state, the market, and the citizens. Inclusion and civic participation flourishes in environments where political, and hence, economic power is distributed. Within the context of increasing income inequality and unbalanced political power and representation, the conventional social contract as we know it, becomes “the problem, not the solution” (71).

Non-contractual relationships represent the civil society’s core. Without them, the market economy cannot function for the wellbeing of all. When the market’s sphere of influence expands, disrupting state participation, the commodification of other social spheres unfolds. A market expansion of this sort postulates serious threats to the political guarantees of a democracy. In addition, whenever disproportionate income inequality disrupts the carefully constructed balance of ideal democracies, the risks and costs of managing human frailties gets displaced onto vulnerable individuals.

Thus, people who are economically disfranchised and try to improve their position by migrating are being political/economic fodder for what passes as a “rational” approach to migrate, disregarding the context where their decision to migrate takes place.

5 Margaret Somers (ibid) describes two approaches to the social contract. The conventional approach derives its principles from Thomas Hobbes, John Locke, and Adam Smith. Their perspectives underline the state of nature as the origins of individual rights, which in turn is part of a pre-social and pre-political abstraction. The non-conventional paradigm stems from Emilie Durkheim (1893 [1984]), who considers people holding together not by voluntary market-like contracts, instead, by the “noncontractual basis of contract”, a line of thought followed by Karl Polanyi (2001 [1944]).

The most prominent force in this erosion of rights is the contractualization of citizenship, which is understood as the social contract's immersion into the market, and "seen as an effort to reorganize the relationship between the state and the citizenry, from non-contractual rights and obligations to the principles and practices of *quid pro quo* market exchange" (2). Citizenship becomes an individual privilege conditional upon its placement in the workforce, which "epitomizes the contractualization of citizenship. The object of exchange is labor power in a quantity and quality equivalent to the lowest the market will bear [...], or that the government will accept" (ibid: 89). Somers's theoretical contributions are insightful to approach the ongoing criminalization of the most vulnerable migrants. Within the context of Finance Capitalism, migrant workers expand.

the pool of people who are underserved by the market. They mainly function as stepping stones for reshaping U.S. bifurcated labor market. Historically, some U.S. rights-bearing citizens are automatically placed in a more vulnerable position than others. African Americans, for instance, are at the bottom of the social hierarchy given their former status as slaves. African Americans' current condition—engulfed in civic rights' violations, police brutality, and institutional racism—illustrates a clear instance of a *de facto* citizenship negation. Completely disfranchised from the market society, the African American 'underclass' is left behind, automatically losing the protection guaranteed by the U.S. Constitution. Resembling the African American experience, C.A. immigrant workers, particularly the undocumented, remain disfranchised due to their disadvantaged position in the labor market. They fall into the scope of a market-driven social contract that demands in exchange for their inalienable rights something of value in return. Accordingly, [b]ased on this Hobbesian-inflicted conception for the social contract, people with nothing to offer or exchange [...] have no rights because they have no worth [...] In a market society with increasing inequality of wealth and resources, the contractualization of citizenship sets into motion a mechanism leading inexorably to the social exclusion of many, and ultimately to a dystopian citizenship regime. (Sommer, 2008, p. 87)

A brief revision of U.S. political establishment unveils the grounds of a dystopian citizenship regime. In this context, the U.S. is seen as a country that “thrived uneasily on the backs of people who are considered neither fully human nor even partial rights-bearers” (Smith, 1993; 1999; Shklar, 1991 in Somers, 2008:5). This, in part, derives from a Constitution designed to protect “natural rights,” but that simultaneously protects merchants’ “life, liberty, and property” (Horne, 2018).⁶ Consequently, the process of recreating an ideal democracy’s balance becomes incomplete. Federalism functions as the only mechanism to demand protection, serving as the political infrastructure that knits the protective net for the market’s underserved. For the case of contemporary undocumented immigration, the Double Movement required to prevent and/or ameliorate migrants’ civic exclusion derives from local communities.⁷ A spectrum of measures that either enforce or discredit federal immigration policy are implemented by local and state governmental authorities. Resembling the XVIII century’s notions of deserving and undeserving poor, political and social polarization over immigration influenced by the postures of conservatives and ‘progressive’ politicians concur on the role the government should not play in alleviating the burden. Their positions articulate, in conjunction with their overall vision of international immigration, an attack on the Welfare State, aggravating the degree of marginalization of undocumented migrants.

From a Double Movement’s outlook, on the one hand, the agents that encompass the countervailing force—U.S. grassroot immigrant movements—echo a humane approach and respect for immigrants’ inherited rights, undocumented and documented alike. On the other, the veiling force’s representatives—comprehended by the Republican Party’s ultra-conservative factions—demand respect to the rule of law and aligned with the majority of the democrats on the cost immigrants impose on the state budget. The exclusionary and radical attitudes of the

⁶ Federalist Paper No. 10, James Madison written in 1787.

⁷ U.S. institutionalized forms of grassroots’ resistance are represented by the Constitutional Amendments. For instance, the Bill of Rights’ X Amendment states that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. The XIII Amendment includes protective guarantees from

former have set in motion the contractualization of the path of citizenship in the political discourse.

Remarkable is the failure of conservative and ‘progressive’ discourses to acknowledge the role Financial Capitalism plays in pulling migrants’ unskilled workers and/or uprooted peasants into U.S. bifurcated labor market. Furthermore, few politicians inquire into how migrant workers, despite their increasing and economic contribution, continue to find obstacles to climb the ladder of social mobility. Overall, American politicians are unable to eloquently integrate, into their discourses, the question on how contemporary immigrants are cornered in a position to prove their “worth” in order to be able to negotiate their rights.

Thus far, it is sufficient to underline that U.S. immigration policy contributes to U.S. Great Transformation by determining the availability of cheap labor to enable the profitability of some economic sectors. Unfortunately, the economic dynamics that continue to be at work are placed under the rug, leading to the politicization of a market-driven phenomenon. Policy makers tend to interpret the last patterns of U.S. immigration as an external, rather than an endemically determined phenomenon. In this light, the following section elaborates on economic insights related to the migrant issue. It studies the intrinsic relationship that exists between U.S. immigration policy and its Great Transformation, a comprehensive institutional change that incorporates Mexico into its dynamics.

U.S. Immigration: A Regional Great Transformation

By 2015, Latin Americans accounted for a total of 40.4 percent of the U.S. foreign-born population. Mexicans alone represented 13.5 percent (Pew Research Center, 2015a). The majority of these immigrants resided legally in the country (Krogstad & Gonzalez-Barrera, 2018). However, between 1990 to 2015, unauthorized immigrants tripled in size jumping from 3.5 to 12.2 million. Years of incessant immigration from Central American countries led Hispanics to replace African Americans as the largest minority group in 2003 (Clemetson, 2003). Overall, Hispanics jumped from sharing 6 percent of the population in 1980, to 17 percent in 2012 (Pew Research Center, 2015b).

Migrant workers' recent waves did not disperse evenly across the country. Although close to 60 percent settled in traditional recipient states, the majority of immigrants arrived into less-diverse destinations, including the food processing and agro-industrial rural communities of South Carolina, Alabama, Nebraska, Arkansas, Kansas, Georgia, and Pennsylvania (Passel & Cohn, 2016; Pew Research Center, 2016). From the unauthorized migrant population, Mexicans contributed with the biggest share. Northern Triangle's migrants, however, have recently increased their numbers (Krogstad, Passel & Cohn, 2017; Cohn, Passel & Gonzalez-Barrera, 2017).⁸ Classified as 'irregular' or 'illegal' immigrants, in majority, young men from rural regions of Mexico, El Salvador, Guatemala and Honduras, share in common the level of economic disfranchisement. C.A. undocumented immigrants basically represent the region's surplus population of Finance Capitalism.⁹

Present-day U.S. immigration policy ensures neoliberalism's general pattern of neglect, which first allocated undocumented migrant workers to a secondary labor market, and second, to U.S. civil society's corners. Ingrained in immigrants' 'regulations' are the loopholes to utilize migrants as "fictitious commodities" to enhance growth, reducing cost via low wages. Hence, migrant unauthorized workers become means to enhance U.S. Great Transformation as the post 1964's immigration era develops under an economy undergoing financialization (Foster & Magdoff, 2009; Minsky, 1986; Wray, 2009a; 2009b). Financialization leads to concentration (monopolization) and accumulation, intertwining the relationship that brings banks closer to with political establishment (Witko 2014). At the same time, U.S. financialized and de-industrialized economy—in need of lowering cost—boosts a negative political outcome. It alters the balance established between the market, the state, and civil society, as the financial sector gains control.

⁸ The Northern Triangle is identified as the region encompassed by Mexico, El Salvador, Guatemala and Honduras. The number of immigrants from El Salvador, Guatemala and Honduras has rose by 25%, contrasting the decline of Mexican immigrants' arrivals between 2007 and 2015 (Cohn, Passel & Gonzalez-Barrera, 2017).

⁹ Based on the United Nations Human Rights Commission (UNHRC), a refugee is a person trapped in an armed conflict or persecution, under a severe life-threatening condition. A migrant is defined as someone who chooses to move not because of a direct threat of persecution of death, but to improve her/his life by finding work, or to reunite with family members. After the 1980s, some C.A. states' ability to guarantee the rule of law has been reduced, along individual choice to improve their living conditions. Therefore, UNHRC's terminology is outdated for the C.A. case. For additional information on C.A.'s violence as it relates to economic dynamics, refer to Villalobos (2014).

After World War II, the social contract's balance had been guaranteed by an Industrialized State that built a social-safety net to protect the market underserved. Under Financial Capitalism, however, the deteriorated state of social institutions walks along the growing presence of undocumented migrant workers, who play a crucial role in this transition as suppliers of cheap labor needed absorbed by the service and agricultural sectors, including the food processing industry.

In U.S. dystopian citizenship regime, economic transformations combined with demographic changes undermine democratic institutions. Democratic representation is unattainable when a share of the labor force is excluded from civil society and immersed into specific job markets. Overall, the migrant workers' dynamic increases inequality, while Finance Capitalism disfranchises the American underserved. Consequently, a constrained U.S. civil society barely flourishes in an environment characterized by an accentuated individualism, de-unionization, and an apolitical culture nurtured by anti-intellectualism (Williams, 2012).

The scale of the relationship between the state, the market, and citizens has shifted towards favoring the market and disfavoring unskilled workers overall, undocumented migrants more specifically. And, as C.A. countries push out millions of people, in great majority peasants and unskilled urban workers, the contractualization of the path to citizenship is engulfed by the contractualization of U.S.' disfranchised citizens. Both phenomena unfold due to an incessant process of disembedding the U.S. economy from its social framework, as the market moves forward commodifying the public sphere.

U.S. financial neoliberalism also stands as a program that inserts Latin America's reserve army of the unemployed into its dynamics as immigrant's economic participation ensures the policy of accumulation. For a comprehensive optic of contemporary migrant flows, a consideration of Mexico's Great Transformation, as well as the issues unfolding in other C.A. countries, frames the transnational nature of Financial Capitalism as it relates to the migrant 'question.' The study incorporates the analysis of immigration's push factors.

In C.A., the Great Transformation is traced back to the late 1970s (Klein, 2008), the years when neoliberalism entrenches in the region. A

political implication of the rise of neoliberalism is the erosion of civil rights, particularly in the countries that adopted, due to their financial indebtedness, structural adjustment programs and free trade agreements (F.T.A.), including deregulating financial markets. Regional F.T.A.'s mushrooming enables corporate interests' expansion, predominantly those of the growing U.S. financial sector (Correa, 2014a; Correa, 2014b; Villalobos, 2014).¹⁰ In Mexico, severe economic downturns triggered initially by financial crises, exacerbate poverty, unemployment, and destitution since the late 1970s (Seguro-Cobos, 2018).

Simultaneously, other C.A. countries experience market upswings, the social implications of which are worsened by natural catastrophes, including the Hurricane Mitch in Honduras (1998) and El Salvador's disastrous earthquake (2001). Unpredictable and predictable human made disasters uproots massive amounts of people from their lands and communities. In addition, El Salvador and Guatemala's Civil Wars further rises the tide of displaced people. According to a 2014 U.S. Department of Homeland Security report, poverty and violence in the region represent detriments that trigger families to travel with their children to cross the Mexican-U.S. border (Gonzalez-Barrera, Krogstad & Hugo-Lopez, 2014).

The contractualization of citizenship diminishes civic engagement in an already deteriorated civil society. In addition to fundamental economic changes, the lack of civic action turns the non-contractual nature of the social contract into a privilege, conditional upon citizens' ability of exchanging something of value—within the context of a globalized and financialized economy—for their rights. NAFTA's labor dynamics illustrate Margaret Somers (2008)' words. Given their low educational levels, a fair share of the Mexican population is not fit to compete in a market society. Moreover, with the direct attack on the agricultural sector, hundreds of thousands of farmers are turned into the Polanyi's paupers of Mexico's neoliberal economy (Fariza, 2017).

¹⁰Mexico joined the General Agreement on Tariffs and Trade (GATT) in 1986 and signed the NAFTA in 1994. Ever since, Mexico has signed eleven free trade agreements with Central and South American countries, Scandinavian countries like Norway, in addition to Lichtenstein and Switzerland (2010) as well as the European Union and Japan.

The C.A. model of representative democracy continues to erode. Neoliberal policies become the means through which the various branches of commodification grow. The Great Transformation marginalizes the market's impoverished to the corners of political life. In relation, James Galbraith (2005) argues that the Welfare State is substituted by the Predator State in Mexico and the United States simultaneously. As regional ideological exchanges intensify, a group of Mexican politicians educated in U.S. Ivy League's universities take charge of policy making, installing the structure that works on behalf of global financial corporations over last decades.¹¹ The radical shift redefines the state's purpose, which is turned into a regional initiative to dismantle the social safety-net that protected the market's deserving poor. The contemporary Great Transformation consists of a transition from industrial capitalism to Finance Capitalism. The switch has negative implications in the U.S. and the C.A. region alike. The transition implies the further commodification of labor in Mexico. In the U.S., open to world competition, global commerce hijacks the labor market, which creates jobs in the service and professional sectors while exports blue-collar jobs to the world's cheapest sweatshop. U.S.'s F.I.R.E. economy limits the amount of job opportunities to all Americans, stretching the gap between the poor and the rich to unprecedented proportions (Wray 2011, 2018). Similarly, the great majority of NAFTA jobs in Mexico are clustered in the service, financial, communications, and export-oriented sectors (Correa & Seccarecia, 2009). Within this context, farmers and unskilled workers lag behind in Mexican market society.

Mexican structural adjustment programs directly impact the labor market. On average, a worker's income is between two and five times the minimum wage (\$3.75 per day). More than 70 percent of Mexican workers do not earn above these levels. Consequently, they seek informal opportunities. That is, an average (unskilled and semi-skilled) Mexican worker is considered poor even when employed full-time.¹² Thirty years after NAFTA, the informal economy

¹¹ Former Mexican presidents functioned as the guardians of Finance Capitalism. All Mexican presidents since 1982 earned degrees from U.S. Ivy League Universities. De la Madrid, for instance, earns a master's degree in Public Administration from Harvard University, Salinas de Gortari (1988-1994), who signed NAFTA in 1994, holds a M.A. in Public Administration and a Ph.D. in Economics from Harvard University. Zedillo (1994-2000), who bailed out international banks at tax payers' cost, graduated from Yale University with a Ph.D. in Economics. Finally, Fox (2000-2006) worked as a CEO of Coca-Cola's Latin American Division, and Calderon (2016-2012), who declared the War on Drugs in 2006, holds a master's degree in Publication Administration from Harvard University.

¹² The situation does not significantly differ for American unskilled workers considering that approximately 7.6 million are considered "working poor," according to U.S. Bureau of Labor Statistics (Desmond 2018)

is the engine behind job creation, providing 60 percent of the country's jobs (Esquivel-Hernandez, 2016; Cabrera-Morales, 2016). The sector also includes the booming narcotic industry (Rodriguez, 2011).

According to Cordera (2015), Mexico's Great Transformation consisted of policies that seek to shrink the Welfare State and to attract foreign investment. Years of imposing this model only make the Mexican economy attractive to global exploitation. Cabrera-Morales (2016) states, "the more competitive Mexico becomes, the more capital and income is concentrated, leading to an uncontrollable downward spiral in which the overall economy and society lose out the most" (85). To illustrate the severity of post-NAFTA's Mexico, Torres and Rojas (2015)'s estimates coincide with World Bank's reports that underline the level of pauperization in the country, with more than fifty percent of Mexicans living under the poverty line.

The gap between the 'winners' and the 'losers' of Finance Capitalism has only widened in the U.S and C.A. countries. Uneducated, unskilled, and impoverished men and women keep contributing to statistics on migration and criminality. The arrival of Donald Trump's administration into the White House, attributed to a 'successful' anti-immigrant campaign appears more logical from an economic standpoint. First, Trump's policies guarantee that the super-rich and the growing financial sector continue to maximize profits while dodging taxes, driving down wages, disinvesting in the real sector, and shuffling back their profits into U.S. casino economy (Jo & Henry, 2015). Second, it maintains excluding path for the most vulnerable newcomers: undocumented migrant workers. U.S. policy of widespread destitution goes along an immigration policy that strengthens migrants' exclusion from the public sphere.

This means that a vast pool of undocumented workers experiences the contractualization in the path to citizenship. Migrant undocumented workers are currently living the transition of an immigration system that moves away from a humanitarian approach into a 'merit' based point system, a market driven strategy that automatically discredits undocumented migrant workers from the start. (Pew Hispanic Research, 2015).

By considering U.S. Great Transformation's regionality, the complex issue of immigration takes a robust form, immigrant workers are no longer a sideline. The transnational movement of workers' propeller is ignited by Finance Capitalism's underlying mechanisms. Subordinating Mexico and U.S.'s social policy to market discipline guarantees regional 'accumulation' through 'dispossession.' Likewise, it eliminates any institutionalized force to reduce the pace of social, political, and cultural change. The Northern Triangle's migration into the United States functions as the escape valve that releases steam from its increasing social pressure. In return, U.S. Finance Capitalism motivates unskilled migrant workers and/or uprooted peasants to search for a job across the Rio Bravo. Desperation, not freedom of choice drives the phenomenon. The routes to claim undocumented immigrants' civic rights is blocked as the U.S. excluded population's 'rights to have rights' are also commodified

The contractualization of the path to citizenship is unfolding into the blunt criminalization of the undocumented. In an effort to shed light on the role immigration policy currently plays in creating a market of civil rights—that is, the contractualization of the path to citizenship—the following section analyzes immigration policies. The latter marries forced migration with criminalization, which constitutes a degree of exclusion that can potentially unfold into a human rights' crisis. The 2018 summer's scandal on children's detention centers and the ongoing migrant C.A. caravan marching towards the Mexican-U.S. border to request asylum solely represent an ongoing process of institutional dehumanization.

U.S. Immigration Era: Contractualizing the Path to Citizenship

Starting in 1942, the Bracero Program became a building block for establishing the U.S. agricultural system. In order to address the dilemma embedded in mass producing at a low cost, immigration policies were redesigned to grant access to labor—both documented and undocumented—while maintaining migrant workers excluded from civic society. U.S. immigration policy's contradictory nature was evident during this era. For instance, a 1952 law known as the McCarran-Walter Act made it unlawful to "harbor" a person who resides in the country without proper documentation. However, nowhere in the law

was prohibited to employ the undocumented. The legislation encompassed a loophole, the “Texas Proviso”—to satisfy Texan business interests that relied heavily on migrant workers. At the end of the Bracero Program, restrictions placed specifically on Mexican immigration developed rationales to turn a blind eye to the escalating number of migrants, while maintaining the arrivals under a temporary status or with no documentation. For instance, Mexican nationals were not required to present documentation at U.S. ports of entry up to the 1973. The year when the narrative of the ‘illegal’ migrant begins (Chomsky, 2014).

Starting in the late 1980s, with the enforcement of internal measures and external border security, undocumented migrants are unable to return to their countries of origin in fear of apprehension on their way back to the U.S. The restriction of workers’ free movement in an economically linked region remains a key feature of U.S. immigration policy that applies to C.A. migrant workers. From the 1980s onwards, neoliberal policies prioritize the flow of capital and merchandise, turning the Rio Bravo into the busiest world’s border,¹³ while mitigating migrant workers’ lives to that of a mere commodity in the production chain. As any input of production, migrants’ ‘worth’ must remain low in order to guarantee an industry’s profitability. The process ensures the migrant workers’ future inability to exchange something of value in the market of state rights, despite their economic contribution in terms of productivity.

In 1986, the Immigration Reform and Control Act (I.R.C.A.) became a legal initiative that opened the path to earn citizenship to hundreds of thousands of undocumented immigrants.¹⁴ However, within the neoliberal context, I.R.C.A. also symbolized a criminalizing initiative

¹³ The bordering states of Mexico and the United States represent the world’s fourth-largest economy. The Mexican-U.S. border’s bilateral trade amounts to some \$500 billion a year, approximately 300,000 vehicles crossing every day, representing the world’s busiest land crossing (Financial Times, 2015).

¹⁴ Former President Ronald Reagan signed I.R.C.A., the major immigration reform in U.S. history. I.R.C.A. required employers to attest their employees’ immigration status, making it illegal to recruit and/or hire unauthorized immigrants knowingly. It is estimated that about 4 million unauthorized immigrants would apply for legal status, with roughly 2 million being eligible to earn it (Coutin 2007).

that aggressively moved into penalizing the undocumented directly at the workplace. By far, I.R.C.A. was a paradoxical watershed in U.S. immigration policy. The so-called amnesty created the pull factor that impelled marginalized C. A. nationals to undocumented cross the border. Synchronically, the legislation formalized migrants' prosecution by setting as a pre-requisite proof of work eligibility, without necessarily obligating employers to check the validity of submitted documentation.

Setting this important legal loophole aside, oligopolistic competition in the economic sectors that heavily relied on cheap labor, also stimulated 'Northern Triangle's surplus populations to adventure into the migrant journey. Intrinsically, U.S. oligopolies represented the pull factor to attract surplus populations. The further exclusion of immigrants from U.S. civic society was in turn facilitated by an immigration policy that ultimately favors market dynamics over workers' rights. This gradual commodification (degradation) of undocumented workers' rights have led to their entire criminalization decades later after I.R.C.A.

According to David Hernandez (2018), immigration policy has uninterruptedly shifted bureaucratic umbrellas. Initially, immigration was a 'matter' to be administered by the Department of Commerce and Labor (1903- 1913). It then became a 'nuisance' to be dealt by the Labor Department (1913-1940) and the Justice Department (1940-2003). Only over last decades immigration is seen as a serious 'threat' to national security, as such, to be resolved by the Department of Homeland Security (D.H.S) (2003-present).

Consequently, immigration policies, characterized by attrition or self-deportation, proliferated at the beginning of the 1990s. The purpose of attrition constituted making life unbearable to migrant workers and their families while residing in the U.S. California's Proposition 187, Arizona's SB1070, H.R. 4437, and more recently Alabama's HB 56

attempt to accomplish this purpose. Issued in 2012, the Alabama Taxpayer and Citizen Protection Act made it a crime to rent a house or give a job to an "illegal." Police officers and school administrators were instructed to request immigration status proof to children, turning entire

migrant communities and elementary schools into marginalized silent battlefields.

During the administrations of George W. Bush and Barack Obama, the U.S. government displayed its monopoly of violence via a bureaucratic measure (E-Verify) and manpower (raids) against the undocumented, respectively. During Obama's terms, more than 2.5 million people were deported between 2009 and 2015, the highest figure in immigration enforcement history. Obama's discrete strategies were successfully carried out due to a sophisticated legal infrastructure that previously precluded migrants from the public sphere.

By the 2000s, Immigration and Customs Enforcement (I.C.E.)'s officers already coordinated efforts with local law enforcement to massively deport workers and their families. The states that supported federal policy were in charge of setting up the criminalizing stage, starting with the implementation of punitive legislation that clustered the undocumented into ghettos that could effortlessly be identified by law enforcement. Economic marginalization facilitated, for instance, massive raids and road 'check-points.'

During the 2008 Global Financial Meltdown, I.C.E. and local law enforcement officers were already descending on food processing plants and agricultural fields across the country. In one of these coordinated efforts, a total of six Swift meat packings plants in Iowa, Minnesota, Nebraska, Texas, Colorado and Utah were simultaneously raided. From the 7,000 day-shift workers, 1,300 were arrested and processed for deportation (Chozick, 2007; Preston, 2006a; 2006b; 2008). An eloquent description of a 2008 I.C.E. raid that took place at the Agri-processors Plain Plains Farms in Postville, Iowa—considered as the largest single-site operation—provided insights into the process of dispossessing undocumented workers from their basic civil rights, in theory guaranteed by the U.S. Constitution (Camayd-Freixas, 2009).

According to Erik Camayd-Freixas (ibid), the divergent narratives presented by undocumented Guatemalan workers, on the one hand, and U.S. judges, attorneys, and hearing officers on the other, portray the erosion of human rights at an 'industrial scale.' Massive civil rights' violations illustrate the consequences of U.S. immigration policy so called 'failure.' The Postville's case demonstrates the social implication

of intertwining the market principles with a view of justice that entertains a contractual notion of citizenship. This kind of “right to have rights” is reduced to migrant workers’ dehumanization, particularly when economic dynamics are ignored.¹⁵

The client, a Guatemalan peasant afraid for this family, spent most of that time weeping at our table, in a corner of the crowded jailhouse visiting room [...] This man, like many others, was in fact not guilty.

“Knowingly” and “intent” are necessary elements of the [criminal] charges, but most of the clients we interviewed did not even know what a Social Security number was or what purpose it served. This worker simply had the papers filled out for him at the plant, since he could not read or write Spanish. Let alone English. But the lawyer still had to advise him that pleading guilty was in his best interest. He was unable to make a decision. “You all do and undo,” he said. “So, you can do whatever you want with me.” To him, we were part of the system keeping him from being deported back to his country, where his children, wife, mother, and sister depended on him[...] None of the “options” really mattered to him[...] His Native American spirit was broken, and he could no longer think. He stared for a while at the signature page pretending to read it, although I knew he was actually praying for guidance and protection. Before he signed with a scribble, he said: “God knows you are just doing your job to support your families, and that job is to keep me from supporting mine. (p.130)

The rise of U.S. Finance Capitalism coincides with an immigration policy that evolves into criminalizing unauthorized migrants. The display of force against those who have been considered suspects of illegality is proved by the growing industry of migrant detention centers, militarized borders, increasing presence of U.S. border patrol, and internal policing (Hernandez, 2013). Under Finance Capitalism, despite their civic exclusion, immigrant workers have maintained the

¹⁵Erik Camayd-Freixas describes moving episodes as court-appointed lawyers tried to explain criminal charges to arrested undocumented Guatemalan workers:

profitability of some economic sectors, such as the agricultural and food processing industries.

Cost-benefit studies point out that immigrants' contributions by far outweigh the costs they incur on the public sector (Eaton, 2013; New American Economy, 2016a; New American Economy, 2016b). From a greater scope, their contributions have recreated middle-class American families' comfortable lifestyle by not only subsidizing, but also expanding the service sector. Subsidies paid by the low earnings of an army of heavily productive baby sitters, cooks, gardeners, roofers, construction workers, etcetera (Chomsky, 2014; Desilver, 2017).

U.S. immigration policies, attrition or self-deportation, are part of a disturbing reality under the Trump's administration. Resting upon a neoliberal critique of big government, Trump ended two temporal programs: D.A.C.A. (Deferred Action for Childhood Arrivals) and T.P.S. (Temporal Protected Status). Enacted in 1990 and 2008, respectively, T.P.S. and D.A.C.A. provide a temporal and legal stay to refugees and undocumented immigrants affected by unpredictable natural disasters, armed conflicts, and their parents' decisions to migrate without documentation. The latter grants a temporal legal status to worker migrants' children from mostly Mexico and Central American countries in order to prevent their deportation.¹⁶

The despair ingrained in the push (NAFTA, structural adjustment policies, natural disasters and civil conflict) and pull (U.S.'s Great Transformation: Financial Capitalism) factors of the migrant 'issue' finds outlets of expression in immigrants' dissent, it represents a developing Double Movement. Discontented with their relegated positions, undocumented immigrants have organized to cope with the immigration regime. Their struggles are supported by collaborative networks that operate at the community level. Immigration organizations' impetus is based on the non-contractual nature of the social contract that sees citizenship as a right, not as a privilege. The following section presents a short reflection on the DREAMers as it relates to the institutional framework of U. S. undocumented immigration. It is to this optimistic study that I reserve room for the conclusive remarks.

¹⁶For detailed information on the national origins of DACA recipients please refer to Gustavo Lopez and Jens Manuel Krogstad (2017).

Conclusions

The forthright attack on undocumented migrant workers only accelerates the well-established process of incriminating C.A. surplus population in the United States. Trump's aggressive rhetoric promotes dehumanization, as criminalizing the market society's most vulnerable systematically moves forward. By now, radical measures include deploying military forces to the Mexican-U.S. border as well as incentivizing the detention centers' industry by increasing the number of 'customers' to fill the industry's pocket (Lowry, 2018).

Immigrants' civil society moves forward to protect their communities. A lucid illustration of a grassroots phenomenon that transnationally connects issues that pertain to the regional Great Transformation is the DREAMers, an organization founded by migrants'

children who were brought to the U.S. during the 1990s. Their immigration status embodies the contradictions of an immigration policy that favored labor commodification and ignored the civic state of undocumented migrant workers (Vargas, 2011). Currently, DREAMers are at the front battle with the federal government. Proposed in 2001, their first legal proposal, the Dream Act (Development, Relief, and Education for Alien Minors Act) represents a proposal for a multi-phase process that would first grant conditional residency and, upon meeting specific qualifications, permanent residency.

DREAMers' discourse has captured the attention of congressional debates, causing two government shut-downs in 2018. DREAMers often corner the political rhetoric by raising interesting questions regarding their legitimacy as Americans, burying the debate into discussions of identity. The young activists contend the type of rights DREAMers are entitled to possess, even after unlawfully residing in the U.S. most of their lives.

Building on the Bracero era's historical memory, DREAMers' struggle represents only the surface of a developing countervailing force. Unsurprisingly, California is now a leading 'Sanctuary State' under U.S. Justice Department's scrutiny over laws implemented to protect undocumented immigrants (Krikorian, 2018; Meckler & Cadwell, 2018; Bromwich, 2017). Between 2006 and 2007, when restrictive policies are

implemented in California, massive demonstrations that initiated in Los Angeles stretched throughout the country. The largest nationwide day of protest occurred on April 10, 2006, with a total of 102 cities joining Los Angeles' Gran Marcha with over one million participants. Coordinated, spontaneous, and authentic efforts to de-contractualize U.S. dystopian regime build up across the very same communities that have been turned into I.C.E.'s silent battlefields.

DREAMers represent a challenge to the temporality of U.S. immigration policies. By connecting their stories and fates with that of their parents, DREAMers link the comprehensive reality of a globalized economy that entailed an aggressive commodification of labor. As children, they are brought into the U.S. as a result of poverty and unemployment, their discourses point out. Their exclusion from American society becomes inevitable given immigration policies, their reflections nail down. The young Americans continue to untangle this contradiction. A process that is unfolding by linking U.S. immigration regime with neoliberalism through embracing class consciousness. That is, connecting their immigration status to the Great Transformation's regional dynamics of the migrant "question."

Still, the development of a Double Movement capable of "defend[ing] society from the consequences of its own economic organization is needed" (Cagliani, 2017: 927). This movement requires incorporating Finance Capitalism's dynamics into the migrants' social movement discourse, something that DREAMers are working on. In 2010, as the Comprehensive Immigration Reform Act and the Dream Act are derailed in U.S. Congress, the DREAMers reorient their cause and radicalize their discourse by taking a more critical stand to their potential role as supporters of immigration policies: their earned status as "desirable" immigrant counter that of their "undesirable" parents, thus, rejecting.

all together the notion of citizenship as an "earned" privilege (Nicholls, 2008). That is, DREAMers discard engaging in transactions with the civil rights' market by presenting themselves as 'valuable' Americans, their worth subjected to the public's approval, in turned driven by their economic success.

DREAMers begin to acknowledge the regional political economy's dynamics that pushed-out their parents from the countries of origin.¹⁷ Accordingly, their parents have committed no crime in seeking a way to make a better life for their children, when the means to do so were no longer available, a consideration that reflects an inclusion of economic dynamics into rationalizing their migratory status.

Insights from the young activists present irreplaceable instances of class and ethnic consciousness. They are a strong criticism to the contractualization of the path to citizenship. As the immigrants' struggle moves into an era characterized by increasing racism and xenophobia, not only in the United States but also in other parts of the world, contemporary responses by U.S. civil society opens opportunities for the developing of a Double Movement.

The DREAMers phenomenon presents invaluable opportunities to study: ongoing process of transnational identity re-appropriation, the rise of class consciousness among U.S. marginalized communities—stemming from labor transnational commodification, and ultimately the reconstruction of a countervailing force at the grassroots levels that operates based upon networks of solidarity established among communities, peer associations, religious organizations, and higher-ed institutions.¹⁸

DREAMers illustrate an immigrant portray that resembles more accurately C.A. reality. Their radical discourses identify the complexity of the push and pull factors of a transnational Great Transformation. Furthermore, the limbo of these young Americans ultimately represents the implications of an immigration policy that accentuated political exclusion and favored the dynamics of Finance Capitalism's labor market. The present analysis ends with an optimistic note, that of the role young people can play into the future. That is, the positive angle of a complex and disturbing reality, that of developing Double Movements, as the market gasps for air to confront mounting resistance from the most disfranchised sectors of Finance Capitalism.

¹⁷For DREAMers' explosive open-ed published by Dissent magazine, please visit: https://www.dissentmagazine.org/online_article/the-dreamers-movement-comes-of-age

¹⁸The University of California—Los Angeles' Undocumented Student Program (UCLA-USP) support undocumented students by providing services and resources to ensure students achieve their highest potential. Through a variety of programs, workshops, and partnerships, UCLA-USP strives to support all members of its community by advocating for educational equity. For more information, please visit: <https://www.usp.ucla.edu/About/Mission>

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