Flor, Veronica, and Paolo

I’m going to begin by introducing three people: Flor, Veronica, and Paolo.

Flor lived in a rural community in Mexico’s southern state of Guerrero, where she worked with her mother in the family business—a restaurant that catered to passing truck drivers. When the Mexican government began a post-NAFTA highway construction project through Guerrero to alleviate the strain of goods flowing from the interior to port cities, Flor was hopeful that the highway would bring more customers to the restaurant. Instead, it bypassed them. The restaurant went out of business and Flor’s husband, himself a truck driver, lost his job and left Flor and their three young children; he did not return. Flor placed her children in the care of her mother and followed her older brothers to the United States in search of work. Like millions of working migrant mothers, Flor left her children in order to provide for them (Flores Gonzalez and Gomberg-Munoz 2013).

Veronica is a well-educated, young professional from the sprawling metropolis of Mexico City. She was recruited by a large, transnational organization to manage an important binational project through their offices in Mexico City and Chicago. Because of her professional standing and middle-class status, Veronica was able to secure a temporary visa to visit the United States for as long as six months at a time. While she was in the US and working at the organization’s Chicago office, Veronica met Julián, who is a US citizen. They began a relationship that would ultimately bring Veronica under the purview of US immigration processing and under the thumb of Julián, who manipulated her legal dependence on him to keep her from leaving.

Paolo left his family’s cattle farm in rural Brazil to migrate to join his brother, who was working in asbestos removal in Chicago. Paolo was caught by the US Border Patrol as he crossed into Arizona, and U.S. immigration agents offered Paolo a deal: if he joined the U.S. military, he could get on a “fast-track” to U.S. citizenship. But Paolo was nervous that the military did not pay well enough to allow him to cover his $10,000 migration debt to a coyote, and he declined the offer. Then, he was given a court date in Arizona 12 months in the future and released; Paolo traveled to Chicago and began working with his brother. Five years later, immigration agents showed up at Paolo’s door, took him into custody and deported him to Brazil. Even though he now has a US citizen wife, Paolo has been unable to return.

The stories of Flor, Veronica, and Paolo are distinct in many ways, but they have at least one thing in common: they demonstrate that when women and men migrate to work, they do not leave their gendered roles behind. Instead, gender deeply shapes every dimension of migration, from decisions to leave,
to experiences along the migrant trail, to work and settlement in places of destination. This paper draws on the experiences of working migrant men and women to explore gendered dimensions of labor migration, paying particular attention to how gendered inequities create barriers to economic and legal well-being for undocumented Latin American migrants in the United States.

Leaving

The overwhelming majority of US immigrants have migrated to work and for family. These reasons are often treated as though they are distinct, but of course, work and family are deeply intertwined. People work to provide for their families—most often children, spouses, and parents—and to establish some financial stability so they may support a family in the future. People also migrate to reunite with family members who left in search of work previously, as Flor and Paolo did. Because migration is so deeply tied to work and family, gendered labor patterns and familial roles in migrants’ home countries profoundly shape their migration decisions.

[Bracero Photo]
In communities of origin, responsibility for the financial provisioning of children has traditionally pushed men into the migrant work force in greater numbers. The mass emigration of working men in rural areas of Mexico, for example, has led to a proliferation of “women only” communities, in which women work within the home or for an informal wage, as they manage their households and communities largely in the absence of husbands and adult sons.

US immigration policies have often encouraged gendered labor migration by promoting the immigration of working men while hindering the immigration of working women. For example, as Chinese men labored on railroads and agriculture fields in the US Southwest during the late 19th century, the 1875 Page Act prohibited the entrance of Asian women who could be deemed likely to work as prostitutes—a ban that obstructed the immigration of non-elite Chinese women broadly. In the mid-20th century, the Bracero Program brought some 5 million Mexican workers to the United States to labor in agriculture, construction, and industry; the overwhelming majority of these migrant workers were men. Today, two thirds of all temporary work visas go to men, a number that rises to 80% for high skill visas (H1-B). This gendered disparity in access to work visas has left women workers more likely to stay at home or to migrate for work without the benefit of a visa, as Flor did.

[maquiladora zone]
As gendered characteristics of the global workforce have changed in recent decades, so too have gendered dimensions of migrant labor. In particular, the trend toward hiring women in certain low paid occupations—sometimes called “feminization of the workforce”—has shifted migration patterns in “developing” nations. In the 1970s for example, the United States and
Mexico created a manufacturing zone along the Mexican side of the border, often called the “maquiladora zone,” although its official name is the Border Industrialization Project (BIP); the maquiladora zone was an early experiment in a Free Trade Zone, where transnational corporations send raw materials, duty- and tariff-free, for manufacturing and assembly in places where wages are far lower than in the “developed” world. The maquiladora zone was built on the promise of creating jobs for Mexican workers during a period of rising unemployment, and it did, but men who came to the maquilas looking for work were often surprised to find that the supervisors there were not interested in hiring them. Instead, the maquilas overwhelmingly employed women, many of them migrants from rural areas, leaving men to find work elsewhere and often driving men north of the border to the United States (Fernandez Kelly 1983). This experiment in workforce feminization has been repeated countless times across the “developing” world, where the growth of free trade zones has created veritable cities of migrant women workers who labor over machines and assembly lines for long days and low wages (Hewamanne 2008); these women are often unfree to socialize, use the bathroom, or leave company premises during the work week.

Women’s gendered roles as the primary caretakers of children deeply shape their decisions to migrate for work, as we saw with Flor, even as migration can compromise women’s ability to keep their families together. In particular, undocumented migration can leave mothers like Flor in a double bind: on the one hand, if women leave their children behind in order to migrate, they are considered “bad mothers.” On the other hand, if women bring children with them on a perilous migration journey, they are also considered “bad mothers:” the gendered stigma attached to migrant mothers cuts both ways (Flores Gonzalez and Gomberg-Munoz 2013).

Gender In Transit

[photo of the migrant trail]
In the early 1990’s, I worked in a restaurant with undocumented Mexican men. Though they had been working in the U.S. for years, these workers were more or less active migrants who would return to their homes in Zacatecas once a year. Those visits cost them about $200 each time; sometimes they would get caught at the border, and then they would immediately try to cross again. The risks were small, and the payoff—getting to visit family in Mexico and return to work in Chicago—was worth it for them.

That migration experience is unrecognizable for those who traverse the U.S.-Mexico border today. Today, the U.S.-Mexico border region is a militarized zone with miles of steel fencing, high-tech detection systems, and tens of thousands of Border Patrol agents equipped with trucks, dogs, drones, GPS-systems, and light aircraft (Chacon and Davis 2006; Meyers 2005). These militarized efforts to “defend” the border have made it far more dangerous.
The effects on migrants are relentless and deadly serious: people now die crossing the U.S.-Mexico border at a rate of nearly one every day (US Customs and Border Protection 2014); theft, rape, kidnapping, and assault are pervasive; the consequences of getting caught migrating increasingly include federal criminal prosecution and a prison sentence prior to deportation; and the cost has swelled to anywhere between one and ten thousand dollars per person per trip.

While border militarization has increased the perils of crossing for all migrants, these dangers are not distributed evenly. Women migrants are at extremely high risk of gendered-based violence in transit, including pervasive rape and sexual assault. Women are also more prone to being abandoned in the desert by their coyotes (O’Leary 2008) or used as “bait” to clear the path for drug smugglers seeking to bring a load across the border. Women often seek to minimize their vulnerabilities by traveling with male companions, especially spouses and partners (Vogt 2016), but policing strategies of the US Border Patrol often separate women from traveling companions during the process of detention and deportation. The Border Patrol routinely “repatriates” women alone to border cities in Mexico, while holding their male family members in detention or repatriating them laterally through cities hundreds of miles away (Wheatley and Gomberg-Munoz 2016). This strategy leaves women alone in border cities where they have no local knowledge, resources, money, or family support, reducing the defenses that they rely on during border crossings (De León, 2013: 10). Women’s specifically gendered vulnerabilities give rise to gendered strategies along the migrant trail, in which migrant women must be extra careful about how, and with whom, they travel (Wheatley and Gomberg-Munoz 2016).

Migrant men also face gendered dangers when they migrate. In particular, men are likely to be suspected of human smuggling and drug trafficking, and they are vulnerable to extortion, kidnapping, and murder. Men are also targeted for sexual assault along the trail, though they may be less likely to report sexual violence. There are gendered disparities, as well, in how men and women migrants are treated by US border agents who they encounter along the way. It appears as though men are not only more likely to be laterally repatriated, as I mention above, but also criminally prosecuted for unlawful entry and reentry, imprisoned, and deported. In fact, while roughly half of all undocumented people in the United States are women, men comprise upwards of 90% of all US deportees; the disparity is so great that Tanya Golash-Boza and Pierrette Hondagneu-Sotelo have referred to US deportation as a racial, gendered removal program (Golash-Boza and Hondagneu-Sotelo 2013)—a point that I will return to later.

Migration, Gender, and Work in the United States

As more women have been incorporated into the global workforce, the proportion of professional women migrants like Veronica has increased. Still, migrant women remain more likely to work “under the table” in the informal
economy and for lower wages in the formal economy than their male counterparts, which also increases their financial and legal vulnerabilities. Women’s gendered roles as homemakers and mothers have made migrant women especially likely to labor in domestic work as housekeepers or nannies; often migrant domestic workers live in their employers’ houses, which can leave them socially isolated and especially subject to exploitation and abuse (Brennan 2014; Hondagneu-Sotelo 2001; Romero 1992). And among migrant women, financial insecurities are often compounded by legal vulnerabilities related to unauthorized status, which can leave women feeling as though they have little recourse against abusive or exploitative employers.

[Mehta et al. graph]
Together, gendered and legal vulnerabilities of unauthorized women amount to a one-two punch that make it extremely difficult for undocumented women to attain stable, well-paid employment and long-term financial security. These vulnerabilities are exacerbated for Latin American women, who are additionally subject to racist stereotypes and stigmatization. One Chicago-based study of migrant workers found that undocumented Latin American women fared the worst of all immigrant groups, both in unemployment rates and wages earned, and that the combination of undocumented status, Latin-American origin, and female gender expression together increased the likelihood of unemployment by 220 percent (Mehta et al. 2002). In fact, lawfully resident Latin American women experienced higher wage penalties than undocumented Latin American men, suggesting that, among Latin American immigrants, gender is a more significant constraint on upward mobility than is immigration status (Mehta et al. 2002).

Since undocumented people in general, and undocumented women in particular, are plagued by financial instability, their dependence on working family members is heightened and can exacerbate their vulnerabilities. Lourdes’ story helps illustrate this complex relationship between financial insecurity, gendered vulnerability, and immigration status. Lourdes came to the United States with her mother and younger brother when she was a child. Lourdes’ mother, who was a teacher in Mexico, struggled to find steady employment as an undocumented worker in Chicago, and the family lived in poverty for many years. Then, Lourdes’ mother began a relationship with an undocumented man and eventually moved her family in with him. With two incomes, their financial stability improved. But at 12 years old, Lourdes was sexually assaulted by her stepfather, and he regularly raped her over the next six years. Lourdes never told anyone, not even her mother, and she explained that she endured the abuse in silence for two main reasons. First, she was afraid that if she told her mom, her mom and stepfather would fight and her mother could be hurt. But also, she says that she knew that if she reported him, her stepfather would be deported, and her family would be plunged back into poverty. In Lourdes’ case, her mother’s financial insecurity, related to both her gender and immigration status, heightened Lourdes’ vulnerability to abuse.
Gender and the US Immigration System

But even professional migrant women such as Veronica can find that gendered vulnerabilities plague their working and living situations. These vulnerabilities become especially acute when women undertake immigration processing and find that their eligibility for immigration status is tied to their U.S. citizen or legally resident relatives. For example, when Veronica and Julián married after four years of dating, Julián filed a petition for Veronica to adjust her status from a nonimmigrant visitor to a lawful permanent US resident. That’s when “strange things began happening,” she says, and Julián changed toward her. He could be sweet and kind one day, and cruel or indifferent the next. He began seeing another woman and flaunted his infidelity in front of Veronica. When she demanded that he move out of their apartment, he threatened her. “I’m not going anywhere,” Julián replied. “Understand this: if I leave, immigration will follow you, and they will deport you, because your case is with me.” Over the next two years, Julián held the threat of immigration enforcement and the promise of legal status over Veronica’s head, using it to keep her in the relationship. “My papers are my gold,” he would gloat. Once, when Julián threatened to call the attorney and have Veronica’s visa petition closed, she told him that it was “not for [him] to decide” where and how she could live. But her words were empty, and they both knew it. With Veronica’s visa petition in his hands, Julián wielded nearly complete power to secure or deny her lawful status.

When undocumented women attain lawful status, getting “papers” can shift the gender dynamic of their relationships. For example, Gume, a Mexican woman in her sixties, told me that attaining lawful residency has transformed her relationship with her abusive husband. “I’m not how I was before, timid, nervous, all of that,” she told me, “Because I don’t depend on him anymore. I have my driver license, I go where I want, I don’t have to ask his permission.” But above all, Gume says, now she feels able to call the police if her husband is violent toward her. She says, “Sometimes he would make fun of me, like ‘Oh! I can’t touch you because you’re going to call the cops.’ [I told him,] ‘That’s right…. They’ll arrest you and if you get out and hit me again, I’ll have you arrested again. You’ll be in jail and I’ll be in the grave. If that’s how you want it, that’s how it will be. You will not touch me again.’” With the fear of deportation lifted, Gume is empowered to stand up to her husband, even bringing in state authorities to help protect her, if necessary.

But existing research has also shown that gendered inequities may make it more difficult for undocumented women to legalize their status. In her research with people undertaking legalization through IRCA’s 1986 amnesty program, Jacqueline Hagan (1994) found that undocumented women faced a series of extra hurdles to legalization. In particular, undocumented women had less robust social capital, which provided an important source of Information about the application process, and women were more likely to work in the informal sector and thus less able to produce proof of continuous residence since 1982, which IRCA required. Nearly two decades later, Salcido
and Menjivar (2012) found evidence that women continue to face gendered barriers when they attempt to lawfully immigrate to the United States, and the research of one of my students suggests that women who are applying for DACA have an extremely hard time gathering evidence of proof of continuous residence when they work outside of the formal sector.

Men as “Criminal Aliens”

However, in the current period of mass detention and incarceration, greater policing of immigrant men may disproportionately encumber them when they attempt to change their immigration status. Men are many times more likely than women to be arrested for criminal and immigration violations and deported from the United States (Dreby 2015; Golash-Boza and Hondagneu-Sotelo 2013; Western 2006), and my research suggests that criminalization of men makes them more likely to have a criminal or immigration record that renders them ineligible for processing in the first place (Gomberg-Munoz 2015). And even men who are eligible are often suspected of substance use, gang affiliation, and criminality by immigration agents who can deny their applications based on those suspicions. When I asked one Chicago-area attorney if there were any factors that make it easier for some applicants to change their status than others, she immediately responded, “Gender. Gender. Women get it a lot easier. Women get the waivers quicker.” She continued, “Until quite recently... any young man that went for their medical was treated as a drug abuser... [A]nd in their medical exam [results] that they present to the consulate the next day, it says, ‘This person is a drug abuser.’”

Consider the case of Alberto, who had lived in the U.S. since childhood and, as a teenager, was arrested on assault charges following a street fight. Alberto attempted to legalize his immigration status following his marriage to Heather, who is a US citizen. Per current US immigration laws, Alberto had to leave the United States and undergo evaluation for lawful admission during a medical exam, biometrics check, and immigration interview at the US Consulate in Ciudad Juárez, Mexico. During the medical exam, a doctor at the clinic sent Alberto to the resident psychologist to answer questions about his arrest. When the clinic psychologist questioned Alberto about the fight and his subsequent arrest, Alberto had a hard time remembering details of the event, and the psychologist became angry, telling him, “Well, you don’t remember. You don’t remember. You don’t remember, so I put down on my sheet that you’re mentally retarded.” Having a mental disability can make applicants inadmissible to the United States. When Alberto attended his consular interview two days later, the immigration official barred him from returning to the U.S. for 10 years and determined that he was ineligible to apply for a waiver of the bar. “We don’t let criminals back into the United States,” the official told him.

In Paolo’s case, his ability to change his status after his marriage to Wendy, a US citizen, was impeded by a 5-year bar on his reentry that often applies
to Central and South American migrants for failing to attend removal proceedings. Unable to face the prospect of a five-year separation, Paolo and Wendy began making other plans. Their “Plan A” was to wait indefinitely and hope for immigration reform that would make it possible for Paolo to change his status. Their “Plan B” was to relocate to Brazil. To prepare, Paolo and Wendy bought a plot of land in northern Brazil, near Paolo’s family, so they would have somewhere to go if they needed it. They also went through the process of getting Wendy a visa to visit Brazil and power of attorney in the U.S. so that she could make legal decisions on Paolo’s behalf. They researched their rights and practiced what they would do if immigration agents ever showed up at their door.

Then, one morning, immigration agents did show up. Wendy held them off while Paolo hid in their bedroom. She denied the agents entry and called an attorney, who advised Paolo to request voluntary departure. With agents surrounding their apartment, Wendy went outside to bargain. “You’ve been lying to me,” she told them (the agents had told her they were looking for a rapist in the area), “and I’ve been lying to you. My husband’s inside. I’m not letting you in, but we want a voluntary departure. We want 120 days.” The agents agreed to leave, and Wendy and Paolo took a long drive to the Federal Building that afternoon. Thirty days later, Paolo was in Brazil. Wendy put their affairs in order, and then she went, too.

Five years later, Wendy and Paolo had given up hope of ever being able to live together in the United States and, with Wendy unable to adjust to living in Brazil, and they had to resign themselves to life apart. “I couldn’t adapt to life in rural Brazil and he can’t come here,” Wendy explained, “We are planning to divorce, but I think we are both so sad about it and in shock that we haven’t made any official moves forward.” She added, “The broken immigration system ruined our marriage” In Paolo and Alberto’s cases, greater policing and criminalization of migrant men erected insurmountable barriers to their settlement in the United States, even though both had US citizen spouses. In the current period, greater criminalization of men and greater financial insecurity of women create significant, but different, gendered barriers to legal status and settlement.

Race and Gender in the United States

Gendered inequities do not stand alone, but are deeply shaped by other axes of inequality in the United States, perhaps especially by racism. Indeed, Latino immigrants in the United States are not the only targets of punitive legislation; the number of U.S. citizens under the control of the criminal justice system has skyrocketed in the last four decades, with African Americans eight times more likely to be jailed than Whites (Western 2006, p. 3). Undocumented immigrants and those under the control of the criminal justice system have several important things in common. First, they are disproportionately composed of working-poor minority men. Second, they are excluded from many political rights in the United States. Third, as a labor
force, they are underpaid, largely unable to organize for better wages and working conditions, and have limited access to other employment opportunities. Fourth, they are denied access to most public services, making them especially dependent on work. Fifth, they are profoundly stigmatized and held personally responsible for their political, social, and economic marginality (Gomberg-Munoz 2012). Meanwhile, U.S. political discourse has increasingly emphasized these workers' “illegality” and “criminality,” masking the role of the state in (re)defining the legal status of low-wage workers and veiling the ways in which legal classifications maintain historical gendered, racial, and class inequalities.
References Cited


