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Centering Race in Studies of Low-Wage Immigrant Labor

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Abstract

This review examines the historical and contemporary factors driving immigrant worker precarity and the central role of race in achieving worker justice. We build from the framework of racial capitalism and historicize the legacies of African enslavement and Indigenous dispossession, which have cemented an exclusionary economic system in the United States and globally. We consider how racism and colonial legacies create migrant displacement and shape the experiences of immigrant workers. We also detail how racism permeates the immigration bureaucracy, driving migrant worker precarity. The traditional labor movement has played an important role in closing this gap, but increasingly so have worker centers and the immigrant rights movement as a whole. These partnerships have had to navigate coalitional tensions as they build new strategies for realizing immigrant worker rights.

INTRODUCTION

In the United States, 17% of the workforce is foreign-born (BLS 2022c), and nearly 5% of the civilian workforce is undocumented (Passel & Cohn 2016). Many of these immigrants are among the most vulnerable workers. Immigrant workers have higher labor-force participation rates than do the native-born (BLS 2022c), but they also work some of the most dangerous jobs for low pay and face an array of discriminatory and degrading work conditions. Overall, only approximately 13% of immigrants in the United States come from Europe or Canada, and only 17.7% identify as White alone, not Hispanic (Budiman et al. 2020). These White immigrants also have the lowest rates of poverty and highest rates of home ownership. Importantly, wide gulfs persist by race for US immigrants, which reflects what Robinson (2020) dubs "the centrality of race in structuring social and labor hierarchies in capitalist economies."

Scholars, policy makers, and advocates have shone a light on the factors driving inequities for low-wage immigrant workers of color. Headlines often feature largely Latino immigrant farmworkers laboring in extreme heat in California's Central Valley, Asian immigrant women laboring for meager piece-rate wages in garment districts, Caribbean immigrant women who work as nannies and home health aides, and the ubiquitous sight of immigrant men at day labor sites throughout the county. Low-wage immigrant work in the United States reflects the current demands but also historical exclusions for foreign labor throughout the history of the country. It also reflects the racialization of African Americans and Indigenous peoples.

We draw from the framework of racial capitalism to center race in the discussion of immigrant worker justice. Doing so reminds us that the historical and contemporary factors driving immigrant worker precarity cannot be understood without acknowledging the legacies of how racism has been embedded in systems of capital accumulation and employer–employee relations. Racial capitalism can be understood, Leong (2013) explains, as the process of deriving social and economic value from the perceived racial identity of another person. These inequities persisted even as law changed. Racial exclusions become embedded in labor relations over time and impact who employers hire, the conditions to which workers are subject, and the barriers and pathways for pursuing worker justice.

Most poignantly, the long arc of African enslavement and Indigenous dispossession and genocide has cemented an exclusionary economic system in the United States and globally. These same forces can be traced to the creation of a sizable immigrant workforce in the United States that has no access to citizenship rights. Campos-Medina et al. (2023) note that the historical legacies of racism become connected as the displaced emigrants from colonized regions of Latin America come to the United States to work for low wages in industries once relegated to enslaved Black people. The concentration of these immigrant workers in low-wage and dangerous occupations in the United States today has been dubbed the "brown collar workforce" (Catanzarite 2000). Immigration policies have in effect curated employer preferences for seemingly pliant immigrants (Waldinger & Lichter 2003).

Laws meant to promote worker justice often have loopholes and exclusions that have disproportionate impacts on immigrant workers of color. Even though immigrants enjoy some protections for wages and working conditions, employers have few incentives to comply with those protections. For example, the 1935 National Labor Relations Act strengthened opportunities for workers to engage in collective action. Even so, racist and sexist exclusions became codified, as agricultural and domestic workers were left out of the Act (Glenn 2009). Other statutory protections include the Fair Labor Standards Act, the many civil rights–era protections, and the Occupational Safety and Health Act. The latter was passed nearly six decades after the devastating Triangle Shirtwaist Factory fire of 1911, where 146 women (mostly Jewish and Italian immigrants) perished in an industrial fire that could have been prevented were it not for employer

greed and government neglect (Hyman 2000). Although considered White today, these women were absolutely racialized as non-White during this era (Perlmann 2005), a designation that was buttressed by their working-class status.

Accessing the immigrant worker justice regime is a formidable task for immigrant workers of color. Only 6.1% of private sector workers in the United States are represented by a union (Hirsch et al. 2022). Without access to help from a union or other community group, worker rights are hard to access. Employers can often fire them with impunity. Individual claims-making through existing federal, state, and local bureaucracies and courts has become a last line of defense. Yet these "fire-alarm" strategies of labor enforcement are especially challenging for immigrant workers who lack work authorization, and who are simultaneously among the most vulnerable (Griffith 2011). This further reinforces poor working conditions that are often correlated with each other. Indeed, unpaid hours are often the first indicator of myriad other workplace abuses. Although conditions have improved since the major statutory victories for workers in the twentieth century, these gains have not been uniform. Latinos are the only racial-ethnic group whose work-related fatality rate has continued to rise in the United States (BLS 2022b), and the vast majority of those deaths are foreign-born Latino workers (BLS 2022a).

Immigrant workers of color often work in jobs located in some of the most deregulated and segregated areas of the low-wage economy. As union levels plummet, flexibilization (Fraser 2003) and the fissuring (Weil 2014) of employment relations intensify the deregulation of low-wage work. Although there seems to be a current uptick in public support for labor unions (McCarthy 2022), current laws make a substantial increase in actual unionization unlikely. This is in part due to the blurring of the employment relationship (the foundation of statutory protections), through subcontracting, the increase in gig work, and the misclassification of independent contractors. This blurring fosters the conditions that lead to poor wages and working conditions. For example, subcontracted janitors typically have no recourse against a prime contractor who hired them, day laborers classified as independent contractors have no access to workers' compensation insurance, and workers hired through temp agencies are not usually eligible for union representation. These mechanisms help employers evade prohibitions against hiring unauthorized workers (who constitute almost 5% of the civilian workforce, and far more in low-wage industries) (Budiman 2020).

In this regard, we are interested in how laws—and the bureaucracies and agents that implement them—create inequalities through institutional norms and the use of discretion in both labor investigations and immigration enforcement actions (Lipsky 1980). Legal classifications can be very reductionist and institutionalize power differences. As Minow (1990, p. 1) writes, they can "express and implement prejudice, racism, sexism, anti-Semitism, [and] intolerance of difference" and can institutionalize power hierarchies. In the immigration law sphere, this can happen through classifications of immigration status that range from the most underprivileged group (undocumented) to the most privileged group (citizens). A central tenet of the study of law and social science (Lempert & Sanders 1986) is to consider how race shapes and stratifies social life. Law can differentiate who is in and who is out. The implementation of law enforcement can privilege some groups over others, for example. In this article, we examine immigrant worker justice through this lens. We demonstrate how immigration law differentiates immigrant workers of color in unique ways through hierarchical and exclusionary structures. We also trace these differences to the historical legacies of racial discrimination that persist in the contemporary period of "color blind" laws (Carbado & Roithmayr 2014, Lucas 2008).

This review offers a framework for understanding the historical and contemporary factors driving immigrant worker precarity, centering race and racialization as an analytical frame. We begin by considering theories of racialized immigrant labor. We then review how racism and colonial

legacies create migrant displacement and in turn impact the experiences of immigrant workers. We point to research that uncovers how immigration policy and its implementation drive migrant worker precarity, and the elusive nature of labor protections for immigrant workers. We end by reviewing the efforts underway to move toward greater immigrant worker justice. We highlight the role of the traditional labor movement, but also the increasing importance of worker centers, many of which are centering racial/ethnic identity as an organizing paradigm.

THEORIZING RACIALIZED IMMIGRANT LABOR

In the US social sciences, there has long been a tendency to consider the study of immigrant integration as quite apart from the legacies of racial inequality in the United States. Early work on immigrant life focused largely on concerns around immigrant assimilation toward the mainstream (Gordon 1964) and later focused on downward or segmented assimilation in the second generation (Portes 2007). Early accounts often assumed immigrants would enjoy pathways to civic and political inclusion. Yet legalizations have been stalled for almost four decades, and reprieves from deportation have been narrow and hotly contested. Thus, for immigrants who are undocumented, and even those who enjoy a limited reprieve from deportation and exclusion from the labor market, the best they can hope for is a sort of "bounded integration" (Campos-Medina 2019). Critics of these earlier assimilationist paradigms have also argued that they often fail to account for stratification and the centrality of white supremacy, anti-Blackness, and Indigenous erasure (Ramírez 2020). "Presenting a racialized immigrant counter story to the master narrative of the assimilated immigrant not only challenges the myth of meritocracy, it also exposes White privilege," argues Romero (2008, p. 33).

Subsequent theories of the dual or secondary labor market have examined how immigrant exclusion becomes racialized, as the stratification of immigrant workers of color becomes solidified in subsequent generations. For example, Telles & Ortiz (2008) point to the persistent inequality for racialized Mexican Americans, especially in education and work. Feminist scholars have been among the first to caution conclusions of progress, without also considering the work of women of color (African Americans, as well as migrant women) to support, for example, the large-scale movement of White women into the labor force (Glenn 1992). As the US South has been transformed by Latino migrant labor, other studies examined how these workers become racialized in relation to Black workers, who are often pitted against them (Brown et al. 2018). Race relations have also been a key theme of shop-floor ethnographies in industries ranging from meat processing (Ribas 2015, Stuesse 2016) to garment processing in urban centers (Milkman 2006, Milkman & Ott 2014).

White supremacy is core to understanding the creation and maintenance of racial hierarchies in the United States, but also at a global scale. Leading Asian and Latina scholars such as Espiritu (2014) and Anzaldúa (Keating & Anzaldúa 2009), and the long progeny of scholars who build on their interventions, have challenged the presumed natural state of borders, citizenship, and nations. As such, the categories of race, nativity, and citizenship cease to be objective and static categories in the wake of colonialism, militarization, and conquest.

A rich tradition of scholars has combined the perspectives of "race, class, and gender," as many sociological texts are often titled. Collins and colleagues have argued that the perspectives of Black women provide insight into the interlocking nature of oppression and the structural forms of racism and patriarchy undergirding American life as a whole (Andersen & Collins 2004). Collins's (2019) work helps us understand the factors driving social inequality and the necessary conditions for social change. This was also the key insight of the Combahee River Collective, which rejected a neutral class struggle typical of Marxian approaches (Lee & Tapia 2021). These insights have a

long tradition in sociological thought, and especially the often-marginalized scholarship of ethnic studies, postcolonial studies, and feminist and gender studies.

Taken together, these intersections of immigration, labor, and race demand at least two lines of inquiry: (*a*) the histories of racism and colonialism that produce migrant worker displacement and precarity and (*b*) a careful consideration of the contemporary structures of racial capitalism that legitimate the degradation of immigrant work (Robinson & Santos 2014). These structures include the labor and immigration laws as written, as well as the legal institutions and bureaucracies that implement them. This review draws especially on recent work by Lee & Tapia (2021), who call for a "critical industrial relations theory" that centers how systemic oppression shapes socially constructed identities. Specifically, the state has sanctioned immigrant worker precarity. Historical forms of race discrimination, colonial legacies following conquest, and geopolitical allegiances/hostilities (e.g., Cuba, Nicaragua, Ukraine) produce racialized categories of immigrant inclusion and exclusion.

HISTORICIZING RACIALIZED IMMIGRANT LABOR

Often studies of immigration tend to myopically look at the contemporary moment, while overlooking how legal and scientific categories, distinctions of race, nativity, and immigration status, reflect long-fought boundaries of power in society and between nation-states. The project of nation-building is a process of defining the self by policing the bounds of the other. Mechanisms of immigrant exclusion and surveillance today have direct through lines to legal frameworks established during enslavement and Indigenous displacement, dispossession, and genocide. Often forgotten is that citizenship was not conferred to Indigenous peoples in the United States until 1924 (Volpp 2015). Although the Fourteenth Amendment conferred full citizenship to African Americans three years after emancipation in 1868, civil rights scholars have long argued that this did not become a fully legally protected reality until civil rights legislation a century later (Gates et al. 2012). These exclusions of Black and Indigenous populations are the grounds upon which the United States built the exclusion of non-White immigrant populations (Treitler 2013).

Scholars have examined how free trade and neoliberal policies working hand in hand with state-sanctioned violence have led to massive displacement of primarily poor people of color (Jenkins & Leroy 2021). Neocolonial military interventions and proxy wars have helped solidify the United States as a global superpower. This is the central tenet of the growing field of critical refugee studies (Espiritu & Duong 2022). The history and imperialist violence of French Indochina and the US wars in Southeast Asia, for example, become central to understanding the experiences of Southeast Asian refugees and later generations of migrants (Vang 2020). Similarly, any inquiry into the state of Central American migrants in the United States must take account of the scars of Spanish colonialism, US neocolonialism, Indigenous genocide, and civil war (Abrego 2017). The United States has also created channels of labor extraction beyond its border in its colonies and former territories. For example, neocolonial and militarized relationships with the Philippines (Capozzola 2020) and Puerto Rico (Ayala & Bernabe 2009) also created demands for military labor and established direct migrant routes to help facilitate their movement.

Legacies of enslavement, Indigenous genocide, and colonialism also shape migration flows and the experiences of migrants in receiving contexts. The lasting effects of conquest on racialized inequality in the Global South are undeniable, and the entire fields of Third-World and Ethnic Studies have been dedicated to centering global white supremacy as the driving factor for understanding modernity. Studies of racial capitalism have focused on how neoliberal forces, as well as white supremacy and patriarchy, drive migrant flows and settlement (Golash-Boza et al. 2019). In the words of Sri Lankan–origin British citizen Ambalavaner Sivanandan, "We are here because you were there" (quoted in Patel 2021b).

To be sure, racism can take many forms and can evolve over time. For example, long-standing research on race and religion has documented how Christianity has been part and parcel of racial and colonial discourse in the Global South in particular. At the turn of the twentieth century, the racialization of Irish and Italian immigrants was intricately tied to anti-Catholic sentiment. Today, Islamophobia has become a central form of racialized exclusion.

Yet, the experience of anti-Black racism remains central to our analysis. Black peoples around the world have fought for freedom from enslavement, then independence, and then for many, the right to migrate. The case of the Haitian diaspora is particularly telling, as the first successful slave revolt, which was followed by years of colonial debt, ongoing intervention from the United States and other international forces, and the propping up of devastating dictatorship (Dubuisson 2022, Trouillot 1995). Anti-Blackness is a form of racism particular to phenotypically "Black" persons, which operates on a global scale with regional and local contours. Haiti's history (and present) illuminates the importance of centering anti-Blackness as an analytical perspective for immigration scholarship writ large.

Kretsedemas (2022, p. 159) calls on migration scholars to "accurately explain how these experiences of suffering are perpetuated by established institutions and the dominant culture," recognizing that "there are racisms that differ in kind and not just by degree." Understanding the role of anti-Blackness in the development of US immigration policy does not negate, for example, anti-Asian exclusion in the United States, Kretsedemas argues. How we understand the development of modern deportation logics, in fact, can be tied back not only to logics of enslavement and slave catching but also to interdiction on the high seas, and the exclusions at the US southern border designed to keep out would-be asylum seekers from all over the world.

The histories of anti-Blackness in the United States help reveal the long historical arc of producing racialized legal ex/inclusion and illegality (Ngai 2004), ranging from the early days of enslavement and disenfranchisement to Asian exclusion, and ultimately to contemporary border militarization efforts (Jones 2021). Whereas European and Canadian migrants were given access historically to pathways to legal entry and forms of administrative discretion that would "unmake" their illegality, these avenues were largely foreclosed for Mexican migrants in particular (Ngai 2003). Legal entry has never been race neutral, even after the 1965 repeal of the blatantly racist 1921 and 1924 acts, which pegged visas for legal entry to those national origins that mostly reflected the White and European demography of the United States at the time. The civil rights–era 1965 Hart–Celler Act led to an increase of migrants from Asia and Latin America and a demographic overhaul of US immigration (Massey & Pren 2012). Yet, the Hart–Celler Act also drove up undocumented immigration, as the overwhelming number of Mexicans and other low-wage immigrant workers from the Global South still had no path to legal migration.

Since the abolition of national origin quotas, immigration policy has been formally "colorblind," a thin veil that was pulled back during the Trump administration's efforts to shut down refugee flows from those (largely Muslim majority) countries requiring "extreme vetting" (Wadhia 2019). The racialization of "national security threats" has a long arc. The internment of Japanese migrants (and even citizens) is one of the deepest stains on US history, and after 9/11, the racialization of South Asian, Arab, and Muslim immigrants in particular as "national security threats" continues to have reverberations two decades later (Rodriguez 2008).

HOW THE LAW RACIALIZES IMMIGRANT LABOR

We now turn to four areas where the law racializes immigrant workers. We start by considering the effects of an area of law dubbed "crimmigration" (Stumpf 2006) at the intersection of criminal law and immigration law, and the role of policing in immigrant communities. We then consider how immigration and employment ("immployment") laws direct immigration enforcement at the

workplace, thus impeding the enforcement of worker rights (Griffith 2011). We discuss the temporary foreign worker (or guestworker) programs that provide temporary permission to migrate (often to former colonizing nations) but do so through an inflexible and one-sided employment contract tied to a single employer. Finally, we highlight how the law shapes the experiences of other non-employment-based temporary migrants (who enjoy labor market mobility), whose temporary permission to reside and work introduces enormous uncertainty to their lives.

Crimmigration

To begin, we consider how the racialized policing–to–deportation pipeline impacts immigrant workers. Even in the contemporary formally race-neutral era of immigration policy, the criminalization of immigrants is a core mechanism of racialization (Menjívar et al. 2018), with disproportionate impacts of everyday policing for immigrants of color (Armenta 2016). Black migrants inhabit a contradictory space of "model minority," while also being subject to the long legacies of Black enslavement and racism (Sanya 2021). Immigrant detention and deportation in the United States is also imprinted by racial hierarchies, with disproportionate levels of detention and deportation for Latino men in particular (Golash-Boza & Hondagneu-Sotelo 2013). Growing attention has also been paid to the increasing number of displaced Black migrants subject to state violence at the border (Adossi et al. 2018). The tools of immigration enforcement in policing do not operate in a vacuum and grew out of policies tied to the US war on drugs. Enforcement in the name of the war on drugs has targeted poor Black and Latino communities and has helped fuel border militarization efforts (Abrego et al. 2017), in turn criminalizing many low-wage immigrant workers of color (Gomberg-Muñoz 2012). Fears around immigration enforcement pose a challenge to mobilization efforts. Immigrants sometimes fear participating in large-scale actions that could attract police presence, or even everyday interactions with law enforcement (Armenta & Alvarez 2017) or other social services that some fear can entangle them in surveillance and detention efforts (Bernstein et al. 2020, Capps et al. 2020).

Immployment

Beyond criminal law enforcement, a critical aspect of immigration enforcement operates at the workplace and has racialized effects. The policy of employer verification of immigrant work authorization and employer sanctions operates to disadvantage immigrant workers of color. This policy—originally envisioned to deter employers from hiring unauthorized workers (the vast majority of whom are from the Americas and Asia)—actually made immigrant workers more vulnerable. The 1986 Immigration Reform and Control Act created employer sanctions, which made it illegal for employers to knowingly hire an unauthorized worker and made the workplace a site of immigration enforcement. This policy has given employers power by putting them in an immigration enforcement role (by requiring them to verify workers' authorization). It has given nefarious employers an additional tool to retaliate with (immigration consequences) and has fostered the view that immigrant workers lack employment protections (Garcia 2012). Acknowledging the likely racialized impacts of this policy, simultaneous protections were put in place to outlaw national origin discrimination based on a presumption of a worker's likely status (EEOC 2002). These practices not only act as a screening tool for employers but also generate data for the state that in turn become critical for worker surveillance. For example, large-spectacle worksite raids, as well as systemic audits of employment authorization records (also known as silent raids), have turned work into an immigration enforcement site since the mid-1980s (Griffith & Gleeson 2019). The vast majority of the immigrants caught up in these actions are Latino workers and other immigrants of color. These forms of governmentality are on the rise across the globe and

reflect a broader trend toward devolution (Lahav 1998) and "decentered regulation" that has been carried out increasingly by nongovernmental bodies (Black 2002, Fernandez 2013). The claims-driven system of labor standards enforcement in the United States is eroded by this widespread surveillance and ongoing threat of deportation of the 8 million unauthorized workers who are also among the most vulnerable to workplace abuse.

These enforcement efforts do not simply operate through the actions of local law enforcement and immigration agents working in the interior. When the workplace itself becomes an arena for immigration enforcement, it erodes workplace protections for undocumented and other liminal-status workers (the overwhelming majority who are people of color) and constrains their mobility within the low-wage labor market (Gleeson 2016). Surveillance technologies multiply mechanisms of worker control (Sampaio 2015) and degrade their access to workplace rights. This is buttressed by laws and decisions that call into question the fundamental protections afforded to unauthorized workers. Although unauthorized workers are formally covered by most labor and employment protections, they are ineligible for important remedies to backpay under the Supreme Court decision *Hoffman Plastic Compounds, Inc., v. NLRB* (2002). Though some states (most notably California and New York) have attempted to close this gap by strengthening retaliation protections for undocumented workers, protections are exceedingly difficult to realize.

Meanwhile, employers in turn are given an additional tool to threaten and fire immigrant workers or retaliate via threats around immigration enforcement. Though immigration enforcement policies are facially neutral, the disproportionate impact has been on workers of color and their families. Efforts to surveil, detain, and deport (which operate increasingly through workplace mechanisms) have had devastating impacts for mixed-status families that include native-born and citizen spouses, siblings, and children (Abrego 2019). As Chen (2020, p. 6) argues, this focus has created "negative effects on their sense of social belonging, economic opportunities, civic participation, and interactions with legal institutions."

Guestworker Regimes

Although most of the focus on the precarity generated by immigration law has focused on unauthorized populations, this is not the only way that immigration law racializes immigrant workers. One prime example has been temporary foreign worker—also known as guestworker—programs. These are often a living legacy of colonial power over racialized workers and allow foreign workers—mostly from poor nations in the Global South—to work in the United States on a temporary basis. Modern-day "coolies," as some authors have referred to today's guestworkers, continue to face policies that legally subjugate them at the workplace (Rodriguez & Saucedo 2022). H-2A guestworkers in the United States, for example, are harder to unionize, and by definition are more likely to work seasonal contracts with little opportunity for mobility.

The political maintenance of these programs is premised on cultural assumptions that harken back to eugenic explanations of worker productivity (Lee 2017). For example, as Lee (2017, p. 36) explains, labor agencies sell their services in part by extoling "Mexican workers as 'happy agreeable people' with a 'strong work ethic' that are often 'underemployed.'" In doing so, temporary foreign worker (or guestworker) programs racialize (and gender) skill for the entire labor force by creating a hierarchy of workers presumed to have a unique capacity for certain tasks.

Guestworker programs are not a new invention or limited to the United States (Martin 2017). They have been denounced in contexts ranging from Qatar (where temporary foreign workers comprise the vast majority of the workforce and are paid variable rates depending on their country of origin) (Iskander 2021) to Canada, where guestworkers are often unionized but are also subject to rampant blacklisting of those workers who complain or attempt to mobilize their rights, in an effort to maintain a pliable export labor force (Vosko 2016). Guestworkers comprise a much

smaller component of the migrant workforce in the United States relative to other countries. However, these workers—mainly from Latin America and the Caribbean—are still a significant segment of some key agricultural and seasonal industries (Costa 2017). As their right to reside in a country is tied to their single employer, contesting poor working conditions runs the risk of losing legal status altogether if they are fired or not invited back the following season. The exploitation of temporary foreign workers not only is relevant to their well-being but also degrades industry standards as a whole.

Temporary Non-Status

Finally, millions of workers exist in liminal legal spaces of non-status (Heeren 2015), often under the rubric of humanitarian relief. These workers provide a useful perspective on the racializing impact of immigration law, for example via the Temporary Protected Status (TPS) program. TPS provides a revokable 6–18-month reprieve from deportation, paired with work authorization. The program emerged in response to the denial of refugee status to Central Americans during the US intervention and continued in the region. Meanwhile, Cuban refugees (coded largely as White) were swiftly granted refugee status and unique access to nearly immediate asylum, driven mostly by Cold War anxieties against communism. Black Haitians, who live nearly adjacent to Cuba but inhabit a distinct geopolitical position that is often the target of US military interventions, also were subject to a racialized double standard of enforcement and limited humanitarian relief via TPS (Kretsedemas 2022). The TPS program has benefited thousands, but also trapped them in a status of "alien citizenship" that grants them a reprieve from deportation and the right to work but no path to citizenship (Bosniak 2006). Though TPS workers are eligible to work, the uncertainty of their status can scuttle their ability to get and remain in a job, leaving many workers afraid to complain.

The TPS designation is not a blanket benefit but rather a highly politicized status provided to immigrants from particular countries that have curried the favor of a sympathetic legislature or executive. The largest categories of TPS beneficiaries are Central Americans (El Salvador, Honduras, and Nicaragua) and Haitians. However, the application (and decertification) of TPS (and other forms of relief such as asylum) is highly racialized (FitzGerald 2019, Hamlin 2021). President Trump attempted to cancel the TPS program and made enormous progress in retrenching the refugee program and asylum procedures, after deriding the countries who most benefitted. He is famed to have said, "Why are we having all these people from shithole countries come here?" Although provocative rhetoric, which countless scholars have pointed to as the apex of President Trump's racist slurs, this statement also reflects a deeper "discourse of denigration" in the United States and beyond (Butler et al. 2018, McIntosh & Mendoza-Denton 2020). He then solidified his racist appeal with a request to bring more immigrants from Norway or Asia (Dawsey 2018). Today, the continued double standard has caught the attention of mainstream media. "Immigrants from majority Black and brown countries seeking protection have spent months and, in some cases, years waiting to be granted Temporary Protected Status (TPS)," one journalist noted. "Yet the U.S. granted Ukraine TPS with the swiftness of the wind" (Rodriguez Del Orbe 2022).

TPS recipients live in limbo and still contend with a laundry list of bureaucratic hassles and uncertainties (Gleeson & Griffith 2020). As noncitizens, these workers are completely unprotected against discrimination on the basis of their lawful status (Dep. Justice Civ. Rights Div. 2015). Although not explicitly race based, this type of legalized de facto racism is argued based on "citizenship," not race, color, language, or any of the other factors that are protected by civil rights legislation. Yet, these designations remain highly racialized, as with other categories of relief like asylum, which is also wildly unevenly applied (TRAC 2020). Ultimately, the uncertainty of programs like TPS represents a space of "liminal legality" that also makes it hard for

immigrant workers to plan for the future, provide for their families, and access other types of social protection from which noncitizens are excluded (Hallett 2014). They have also, however, become a major rallying point for labor leaders and immigrant advocates.

KEY ACTORS IN CENTERING RACE IN IMMIGRANT WORKER JUSTICE

Given power imbalances between employers and workers, civil society organizations and labor advocacy groups are critical to achieving immigrant worker justice. These advocates have deployed several strategies to work toward centering race in immigrant worker justice. These include the efforts of an array of actors, including worker organizations, immigrant advocacy groups, and transnational networks. Each of these actors has a distinct relationship to laws around collective concerted activity and worker rights but also has approached the issue of race and immigration in distinct ways. Below we reveal the role each has played and then outline the challenges they face in confronting worker precarity, immigrant criminalization, and racial injustice.

Worker Organizations

One primary area of immigrant worker justice, and thus key to centering race in these efforts moving forward, has been worker organizations—both union and nonunion. They organize workers to try to improve wages and working conditions and to impact policies that shape immigrant lives at work.

Unions are cornerstone institutions for labor advocacy. Their approach to immigration and racial justice has set the tone for much of worker justice advocacy and has influence in policy discussions. Although they also play an important role in politics and help with the enforcement of existing worker rights, labor unions tend to focus their organizing efforts on achieving collective bargaining agreements that provide protections that go above statutory minimums. As Rosenfeld (2014) chronicles, in the last century, unions were the single most important factor in improving the lot of workers. Despite plummeting membership and representation, unions persist and are still arguably the strongest voice for national policies around labor and work. Unions also remain important institutions of regulating industries through collective bargaining agreements, high-profile campaigns, and legislative efforts to enact policies that can strengthen worker protections, especially for undocumented workers (Bacon 2018). Labor unions have had to grapple with the sordid legacy of the labor movement vis-à-vis immigrant workers and workers of color (Hamlin 2008). It is undeniable that, historically, much of the formal US labor leadership had deep ties to nationalism, xenophobia, and racism (Burgoon et al. 2010). Even African American migrant labor during the Great Migration (1910–1970) was "ignored by all but the most philanthropic labor unions" (Hahamovitch 2002, p. 89). The AFL-CIO (American Federation of Labor and Congress of Industrial Organizations), initially a proponent of the 1986 Immigration Reform and Control Act's employer sanctions, reversed this position only in 2000 (largely at the behest of immigrant women of color labor leaders) (Hamlin 2008).

Labor scholars have noted that the union movement must acknowledge and repair the inequality and discrimination of the past (Lee & Tapia 2021). One bright spot for labor unions, and a source of revitalization during an era of decline, are successful efforts to organize immigrant workers of color, often in conjunction with nonunion groups such as worker centers. Immigrants have become a key focus of organizing efforts, especially in metropolitan areas like Los Angeles and New York (Milkman 2006, Milkman & Ott 2014). The now-antiquated notion that undocumented and other vulnerable immigrant workers cannot be organized has long been dismissed (Adler et al. 2014). For example, in the United States, the two-decade-old group Justice

for Janitors (Service Employee International Union) has targeted a range of issues across the United States, including subcontracting of building maintenance services, and the shift to an immigrant workforce that began to displace African Americans in these posts (UCLA Labor Cent. 2022). In Canada, guestworkers through the Seasonal and Agricultural Workers Program (largely from Latin America) and the Live-In Caregiver Program (largely from the Philippines) have also gained traction through the United Food and Commercial Workers. This union too works with grassroots advocates, who also have repeatedly called for reform of the Temporary Foreign Worker Program (UFCW 2022).

Immigrant workers have revitalized many labor unions and have also presented new priorities and demands (Adler et al. 2014, Tapia & Alberti 2019). Collective bargaining agreements have even created clauses with critical immigrant rights provisions, such as challenges to employer collusion with immigration enforcement (e.g., E-Verify participation and cooperation with administrative warrants), adequate time to grapple with immigration audits, and sometimes even the right to counsel. These immigrant union worker victories have had far-reaching effects and provided templates for statutory changes as well, such as California's anti-retaliation legislation targeting employers who would threaten to call immigration authorities (Bacon 2018). In Europe, the *sans-papier* movement has also codified opportunities for legalization to efforts toward worker organizing (Barron et al. 2016). In the United States, the AFL-CIO (2001, 2017) has passed resolutions calling for not only immigrant rights but also racial justice. Although labor scholars have signaled that more work remains to be done at all levels of the labor movement, these statements nonetheless represent a sharp turn from the movement's nativist beginnings.

Beyond formal labor unions, new labor organizations, sometimes called worker centers or alt-labor groups, have emerged that embrace labor, immigration, and racial justice themes (Fine et al. 2018). They are often nonprofit organizations with unstable funding sources (Gates et al. 2018). Like unions, these groups often focus on improving working conditions, but unlike unions, their primary strategy is not to obtain collective bargaining agreements. Instead, they use a mixture of organizing, political, legal, and service advocacy to serve their constituents. They often organize themselves more overtly around social identities like race and national origin and push for worker rights alongside broader social justice goals.

Worker centers provide new paths to worker voice and challenge narrow legal frameworks for collective organizing and community engagement (Turner & Cornfield 2007). This has included a range of nonunion efforts to help individual workers pursue grievances with their employers and to provide a vehicle for collective voice in jobs where unions are largely absent. These efforts include a range of key industries and immigrant communities, such as South Asian domestic workers (Boris & Nadasen 2008), Vietnamese nail salon workers (Chhetri et al. 2018), Caribbean healthcare workers (Boris & Nadasen 2008), Muslim taxi workers (Mitra 2005), and even street vendors (Rosales 2014). Some worker centers have also emerged to represent categories of immigrants, including guestworkers in the Seafood Workers Alliance, a project of the New Orleans Workers' Center for Racial Justice. Simultaneously, as the Black Worker Center movement expands, the growing Black immigrant population has become a part of their missions. These groups have countered efforts to pit African American workers against immigrants, such as in the post-Katrina construction industry, where worker safety and nonpayment of wages became endemic in the rebuilding process (Pitts 2018).

Immigrant Social Movements and Policy Advocacy Groups

Grassroots immigrant social movements, as well as professional "grasstops" policy advocacy groups, are also incorporating racial justice solidarity and campaigns into their work (Bada & Gleeson 2019). In recent years, there have been nascent connections between immigrant justice

groups and racial justice groups. Some key points of connection include the UndocuBlack movement, which has shed light on the particular challenges facing Black migrants, especially against the backdrop of police brutality and the movement for Black Lives. UndocuBlack immigrant organizers have revealed the increasing number of illegalized Black migrants and the joint sites of struggle between the immigrant rights and Black justice movements (Wane & Coletu 2019). They do so while also acknowledging the diversity of the Black migrant workforce and forms of exploitation from within in key industries such as home health care (Covington-Ward 2021). Moreover, the Haitian Bridge Alliance (HBA), with offices in San Diego, California, as well as Tijuana, Tapachula, and Reynosa, Mexico, provides both legal and humanitarian support for Haitian and other Black transit migrants. HBA's stated goal is to "transform the perception of the border from the misguided stereotype that it only impacts a certain set of people to a trans-American, global space that includes Black people—because immigration *is* a Black issue" (HBA 2022, emphasis in original). Additionally, the now-iconic TPS Alliance (which has also partnered with the National Day Labor Organizing Network) has pushed for the preservation of TPS. This network similarly has had to confront the exclusion of Haitian migrants from many Latino-dominant spaces (Huezo 2020).

Following the September 11 attacks, immigration advocacy groups brought to light the racialized nature of policing. In a similar vein, critical race and ethnic studies scholars pushed labor studies to examine the impacts of the national security state and creeping Islamophobia on the "national security excuse" for the racial and religious profiling of Muslim immigrants at work and beyond (Patel 2021a). On the ground, immigrant advocacy organizations such as DRUM (Desis Rising Up & Moving) in New York City were enacting this analysis. They highlighted the forms of labor exploitation that South Asian, Indo-Caribbean, and Muslim workers face in industries ranging from construction to domestic work, restaurants, retail, and taxis (DRUM & CDP 2012). This has pushed labor organizers to confront the spate of Islamophobia within the labor movement and the need for both antidiscrimination protections and a rejection of law enforcement surveillance that is ubiquitous in metropolitan areas like New York City.

More recently, immigrant advocacy groups have revealed that the rise in anti-Asian hate (or at least awareness around it) has provided an opportunity to consider the sometimes-contradictory impact of state power on immigrant workers of color. Following the mass murder of Asian women who worked at an Atlanta-based massage parlor in 2021, for example, scholars and advocates have shone a light on the failure to address the root causes driving some Asian migrant women to migrate and often to work in criminalized industries. Feminist immigrant rights groups such as Red Canary Song highlight the impact of these forms of policing on the well-being of women, the lack of support for informal workers (including those in and adjacent to the criminalized sex industry), and the emboldening of racialized violence against them (Lam et al. 2021).

Finally, advocates have pointed to the disproportionate impact of COVID-19 on immigrants and workers of color. These groups lacked the privilege to work from home, often had more limited access to health care, and faced higher rates of infection. Latino immigrants in particular comprised a disproportionate share of "excess deaths" in California, for example (Riley et al. 2021). This was due in large part to the "occupational exposure" that these immigrants faced, but also the reticence of the undocumented to seek medical care (Rodriguez-Diaz et al. 2020). Though a compelling counternarrative to those that seek to criminalize immigrants or frame them as fiscal burdens, the "essential worker narrative" (Svajlenka 2020) has been criticized for pitting some deserving immigrant workers against other immigrants who are out of work, disabled, or otherwise seen as not contributing to the US economy. This approach relies on "racist ideas of belonging" that reflect a "way of valuing immigrants [tied] to the legacies of slavery and colonialism" (Aptekar & Ticktin 2021).

Transnational Labor Advocacy Networks

For worker organizations, immigrant social movements, and policy advocacy groups, cross border strategies have become increasingly common. These "transnational advocacy networks," as Keck & Sikkink (1998) dubbed them, often work across borders to connect the needs and interests of advocates in destination countries with those in origin countries. Yet, allies on either side of the border often do so with a distinct set of strategies, interests, and goals that can complicate their efforts (Anner & Evans 2004, Bada & Gleeson 2020).

For example, transnational advocacy groups have attempted to address the impacts of neoliberal policies on immigrant workers of color by attempting to legislate worker protection under new generations of free trade deals, also highlighting the geopolitical imbalance between North American governments. In their 2019 statement to the Immigration and Citizenship Subcommittee of the US House of Representatives Committee on the Judiciary, the H-2A and H-2B guestworker worker advocacy group Centro de los Derechos del Migrante (CDM) made explicit the connection between the dismal conditions of farmworkers (primarily from Mexico) and the United States's history of racism:

> Farmworkers' poor working and living conditions are intrinsically linked to our country's broken immigration system. The exclusion of farmworkers from basic labor protections such as the right to overtime pay, which are rooted in our nation's history of racism, are an important factor in the poor conditions facing farmworkers and the instability in our agricultural labor system. (CDM 2019)

In their other work, the CDM has also partnered with local worker centers, who increasingly represent Indigenous migrant workers in under-regulated industries and work arrangements.

These transnational labor advocates have also used the power of "soft law" (Albertson & Compa 2015), such as the many international covenants and binational labor accords (Serna de la Garza 2019), to bring demands on behalf of aggrieved migrant workers before international bodies (Bada & Gleeson 2020). In doing so, they are pushing beyond the limited bounds of the nation-state to compel both the receiving state and sending state to take responsibility for the precarious conditions of vulnerable migrant workers. Various United Nations instruments, for example, include a concern around "racism and discrimination against migrants" (Serna de la Garza 2019). Increasingly, these are Indigenous migrants from poor agricultural communities ravaged by industrial agricultural development.

CONCLUSION

This article has argued for the importance of centering race in how we understand the dynamics of immigrant worker precarity and the possibility of immigrant worker justice. We began by considering long-standing theories of racialization as they apply to immigrant labor. Taking immigrant labor in the United States as a standpoint, we then historicize the emergence of laws that centrally shape the experiences of workers, which have antecedents in the legalized institutions of enslavement and colonial intervention. Turning to the contemporary era, we look at the recent emergence of laws that criminalize immigrants and racialized law enforcement processes that facilitate immigrant surveillance and deportation. We highlight the important role that the workplace plays in immigration enforcement and the detrimental impacts on workers' ability to access their rights.

Beyond the unauthorized population, we also highlight how temporary foreign worker programs (rooted often in colonial legacies of dispossession) keep migrant workers hemmed into particular jobs and vulnerable. We then consider temporary programs (often through humanitarian frameworks) that give migrants labor market flexibility but also introduce enormous

uncertainty to their lives. We end by considering the various meso-level organizations that are working to mediate the vulnerability of immigrant workers, harness their organizing power for policy change, and make connections across borders to shed light on the global systems contributing to migrant displacement and exploitation at work. On each of these fronts, connections to the struggles of workers of color have been central.

The theoretical implications of these insights are vast. What we have offered is an interlocking power approach that recasts immigrant struggles through the joint concerns (even if distinct in many ways) of workers of color more broadly. This suggests that a class lens alone is insufficient and that a homogenizing approach to labor struggle will not fully illuminate the foundations of immigrant worker precarity. However, we have also cautioned the tendency to fixate on immigration status alone as the singular driver of immigrant worker precarity. Historical capitalist relations, and at-will employment laws today, are all important foundations for immigrant worker precarity. Further, beyond unauthorized workers, the examples of guestworkers and other categories of temporary status reveal that race has shaped immigrant exclusion across the gamut, and that racialized immigrant enforcement practices have far-reaching effects.

Possibilities for immigrant worker justice must also grapple with the centrality of race. Immigrant worker justice must be understood within the broader framework of how racist labor hierarchies of the past reverberate today. Worker "precarity" cannot be fully understood without considering the ways that racism simultaneously structurally disadvantages low-wage immigrant workers of color and affects their everyday experiences at work. The joining of labor, immigration, and race scholarship, on historical and contemporary immigrant worker realities, is an essential step forward. A racialized immigrant labor lens is also key to studies of movements for immigrant worker justice. Despite some bright spots in organizing, major challenges persist that require an intersectional lens and direct challenges to white supremacy and patriarchy (Crenshaw 1991).

In doing so, we need to think beyond just the state, and to consider the importance of social movements and civil society for addressing the joint struggles of racial and immigrant injustice. Alliances can be exceedingly difficulty to build (Van Dyke & McCammon 2010). Immigrant rights groups have found an ally in the national, and many state, AFL-CIO leaders. However, racial animus persists in many local labor movements as immigrant labor grows, and that is the heart of where organizing is most pressing. And although immigrant rights groups have started to build ties with racial justice groups, the familiar narratives of deservingness become a barrier to allyship. The roles of abolitionist perspectives (for both immigration detention and the broader carceral state that targets Black and Latino men in particular) and capitalist critiques (for understanding migrant displacement and the disenfranchisement of communities of color writ large) remain nascent points of solidarity.

As the world becomes smaller, efforts to enhance immigrant worker justice have increasingly adopted a trans-border perspective that interrogates the lasting effects of slavery and colonial legacies in both countries of origin and destination contexts (Bada & Gleeson 2019). For example, Maich (2014) reveals the patterns of colonial and racialized relations for Latin American migrants in Latin America and the United States. The struggle for immigrant worker justice requires an accounting of historical racisms, but the specificity of each context (nation and city, industry, worker identities) is critical as well. These transnational actors reveal too that the tools of fighting for immigrant worker justice need not simply be domestic labor agencies and district courts. The role of global governance (at the United Nations, the International Labor Organization, and even the Inter-American Commission on Human Rights) (Serna de la Garza 2019) in marrying the national protections of migrants and those against racism and xenophobia gives advocates yet another tool for mobilization at the global scale.

As we consider a law and social science research agenda for understanding immigrant worker justice, we return to a central tenet of the field: The gap between laws on the books and law in action is vast (Calavita 2010). Yet is also difficult to document. Extant tools from large-N studies are critical for documenting trends over time, as well as variations between immigrant and native-born workers and within the vast immigrant workforce. However, these approaches are riddled with challenges too. Surveys struggle to enumerate vulnerable workers such as undocumented workers, and identifying instances where vulnerable workers—especially immigrants—experience and push back against workplace abuses can be difficult. Immigrants are underrepresented in key sampling frames; identifying their key characteristics (such as nativity and immigration status) becomes ethically and logistically challenging for surveys and in administrative data. Citing confidentiality, labor standards enforcement agencies do not typically attach identifying information like demographic data to public claims data, and on the whole avoid collecting data on immigration status altogether (Gleeson 2014).

Moving forward, therefore, a research agenda that centers racial capitalism in the study of immigrant worker precarity and justice initiatives must also center comparative historical methods, as well as bottom-up approaches to capturing immigrant worker narratives. These ethnographic data help us unpack the on-the-ground experiences behind color-blind policies of labor regulation, immigration enforcement, and discrimination protections. The black letter of the law is important, but discretion can make a big difference to how it is applied (Lipsky 1980) and when it does and does not matter (Armenta 2012). Qualitative approaches that center an intersectional theoretical approach can help provide a clearer view of the mechanisms driving inequality (Solorzano & Yosso 2001). Centering the voices of immigrant workers themselves also helps reveal moments of immigrant agency, even in the face of significant challenges as immigrant workers strategize to survive and enact social change (Gomberg-Muñoz 2010).

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LITERATURE CITED

Abrego L, Coleman M, Martínez DE, Menjívar C, Slack J. 2017. Making immigrants into criminals: legal processes of criminalization in the post-IIRIRA era. *J. Migr. Hum. Secur.* 5(3):694–715

Abrego LJ. 2017. On silences: Salvadoran refugees then and now. *Latino Stud.* 15(1):73–85

Abrego LJ. 2019. Relational legal consciousness of U.S. citizenship: privilege, responsibility, guilt, and love in Latino mixed-status families. *Law Soc. Rev.* 53(3):641–70

Adler LH, Tapia M, Turner L, eds. 2014. *Mobilizing against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism*. Frank W. Pierce Meml. Lecturesh. Conf. Ser. Ithaca, NY: Cornell Univ. Press

Adossi N, Belay T, Lipscobe C, Ndugga-Kabuye B. 2018. *Black lives at the border*. Resour., Black Alliance Just Immigr., Brooklyn, NY. **http://nyf.issuelab.org/resources/30546/30546.pdf**

AFL-CIO (Am. Fed. Labor Congr. Ind. Organ). 2001. *Resolution 5: a nation of immigrants*. Presented at the AFL-CIO 24th Biennial Convention: Conventions, Revolutions, and Executive Council Statements, Las Vegas, NV, Dec. 2–6, Washington, DC. **https://aflcio.org/resolution/nation-immigrants**

AFL-CIO (Am. Fed. Labor Congr. Ind. Organ). 2017. *The racial and economic justice report*. Rep., AFL-CIO, Washington, DC. **https://s3.amazonaws.com/dev.unionhall.files/img/RaceReport.pdf**

Albertson PC, Compa L. 2015. Labour rights and trade agreements in the Americas. In *Research Handbook on Transnational Labour Law*, ed. A Blackett, A Trebilcock, pp. 474–94. Cheltenham, UK: Edward Elgar

Andersen ML, Collins P. 2004. Systems of power and inequality. In *Race, Class, and Gender: An Anthology*, ed. ML Andersen, P Collins, pp. 61–90. Belmont, CA: Thomson Wadworth

Anner M, Evans P. 2004. Building bridges across a double divide: alliances between US and Latin American labour and NGOs. *Dev. Practice* 14(1):34–47

Aptekar S, Ticktin M. 2021. Must immigrants sacrifice themselves to COVID-19 for basic rights? *OpenDemocracy*, Febr. 6. **https://www.opendemocracy.net/en/must-immigrants-sacrifice-themselves-covid-19-basic-rights/**

Armenta A. 2012. From sheriff's deputies to immigration officers: screening immigrant status in a Tennessee jail. *Law Policy* 34(2):191–210

Armenta A. 2016. Racializing crimmigration: structural racism, colorblindness, and the institutional production of immigrant criminality. *Sociol. Race Ethn.* 3(1):82–95

Armenta A, Alvarez I. 2017. Policing immigrants or policing immigration? Understanding local law enforcement participation in immigration control. *Sociol. Compass* 11(2):e12453

Ayala CJ, Bernabe R. 2009. *Puerto Rico in the American Century: A History Since 1898*. Chapel Hill: Univ. N.C. Press

Bacon D. 2018. How unions help immigrants resist deportations. *The American Prospect*, Febr. 13. **http://prospect.org/article/how-unions-help-immigrants-resist-deportations**

Bada X, Gleeson S, eds. 2019. *Accountability Across Borders: Migrant Rights in North America*. Austin: Univ. Tex. Press

Bada X, Gleeson S. 2020. Portable justice for migrant worker rights in North America. In *Diaspora Organizations in International Affairs*, ed. D Dijkzeul, M Fauser. Glob. Inst. Ser. New York: Routledge

Barron P, Bory A, Chauvin S, Jounin N, Tourette L. 2016. State categories and labour protest: migrant workers and the fight for legal status in France. *Work Employ. Soc.* 30(4):631–48

Bernstein H, Gonzalez D, Karpman M, Zuckerman S. 2020. *Amid confusion over the public charge rule, immigrant families continued avoiding public benefits in 2019*. Brief, Urban Inst., Washington, DC

Black J. 2002. Critical reflections on regulation. *Aust. J. Legal Philos.* 27:1–35

BLS (US Bur. Labor Stat.). 2022a. *Fatal work injuries to Hispanic or Latino workers*. Graph. Econ. News Rel., BLS, Washington, DC. **https://www.bls.gov/charts/census-of-fatal-occupational-injuries/fatal-work-injuries-to-hispanic-or-latino-workers.htm**

BLS (US Bur. Labor Stat.). 2022b. Share of workplace deaths among Hispanic and Latino workers continued to rise in 2020. *The Economics Daily*, March 3. **https://www.bls.gov/opub/ted/2022/share-of-workplace-deaths-among-hispanic-and-latino-workers-continued-to-rise-in-2020.htm**

BLS (US Bur. Labor Stat.). 2022c. *Foreign-born workers: labor force characteristics—2022*. Econ. News Rel., USDL-22-0902. **https://www.bls.gov/news.release/forbrn.htm**

Boris E, Nadasen P. 2008. Domestic workers organize! *WorkingUSA* 11(4):413–37

Bosniak L. 2006. *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton, NJ: Princeton Univ. Press

Brown HE, Jones JA, Becker A. 2018. The racialization of Latino immigrants in new destinations: criminality, ascription, and countermobilization. *Russell Sage Found. J. Soc. Sci.* 4(5):118–40

Budiman A. 2020. Key findings about U.S. immigrants. *Pew Research Center*, Aug. 20. **https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/**

Budiman A, Tamir C, Mora L, Noe-Bustamante L. 2020. *Facts on U.S. immigrants, 2018*. Res. Top. Immigr. Migr., Pew Res. Cent., Washington, DC. **https://www.pewresearch.org/hispanic/2020/08/20/facts-on-u-s-immigrants-current-data/**

Burgoon B, Fine J, Jacoby W, Tichenor D. 2010. Immigration and the transformation of American unionism. *Int. Migr.* 44(4):933–73

Butler A, Schafran A, Carpenter G. 2018. What does it mean when people call a place a shithole? Understanding a discourse of denigration in the United Kingdom and the Republic of Ireland. *Trans. Inst. Br. Geogr.* 43(3):496–510

Calavita K. 2010. *Invitation to Law and Society: An Introduction to the Study of Real Law*. Chicago: Univ. Chicago Press

Campos-Medina P. 2019. *Not legal. Not illegal. Just TPS. Examining the integration experience of Central American immigrants living under a regime of long-term temporality*. PhD Thesis, Rutgers Univ., Newark, NJ. **https://doi.org/10.7282/t3-grmk-bb70**

Campos-Medina P, Nava E, Aramendi S. 2023. Tandas and co-operativas: understanding the social economy of Indigenous Mexican immigrants settled in Perth Amboy, New Jersey, and Staten Island, New York. In *Beyond Racial Capitalism: Co-Operatives in the African Diaspora*, ed. C Shenaz Hossein, SD Wright Austin, K Edmonds, pp. 90–107. Oxford, UK: Oxford Univ. Press

Capozzola C. 2020. *Bound by War: How the United States and the Philippines Built America's First Pacific Century*. New York: Basic Books

Capps R, Fix M, Batalova J. 2020. Anticipated "chilling effects" of the public-charge rule are real: Census data reflect steep decline in benefits use by immigrant families. *Migration Policy Institute Commentaries*, Dec. **https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real**

Carbado DW, Roithmayr D. 2014. Critical race theory meets social science. *Annu. Rev. Law Soc. Sci.* 10:149–67

Catanzarite L. 2000. Brown-collar jobs: occupational segregation and earnings of recent-immigrant Latinos. *Sociol. Perspect.* 53(1):45–75

CDM (Cent. Derechos Migr.). 2019. *Statement of Centro de Los Derechos del Migrante, Inc*. Lett., Immigr. Citizsh. Subcomm. US House Represent. Comm. Judic., April 3. **https://www.congress.gov/116/meeting/house/109235/documents/HHRG-116-JU01-20190403-SD003.pdf**

Chen MH. 2020. *Pursuing Citizenship in the Enforcement Era*. Stanford, CA: Stanford Univ. Press

Chhetri N, Dash P, Pottenger K. 2018. Justice on the job for nail salon workers. *New Labor Forum* 27(1):80–84

Collins PH. 2019. *Intersectionality as Critical Social Theory*. Durham, NC: Duke Univ. Press

Costa D. 2017. Modern-day Braceros: The United States has 450,000 guestworkers in low-wage jobs and doesn't need more. *Economic Policy Institute*, March 31. **https://www.epi.org/blog/modern-day-braceros-the-united-states-has-450000-guestworkers-in-low-wage-jobs/**

Covington-Ward Y. 2021. Bodily burdens: physical abuse, workplace injury, and understanding intersectionality through the experiences of African immigrant direct care health workers. *Transform Anthropol.* 29:115–26

Crenshaw KW. 1991. Mapping the margins: intersectionality, identity politics, and violence against women of color. *Stanford Law Rev.* 43(6):1241–99

Dawsey J. 2018. Trump derides protections for immigrants from "shithole" countries. *Washington Post*, Jan. 12. **https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html**

Dep. Justice Civ. Rights Div. 2015. *Types of discrimination*. **https://www.justice.gov/crt/types-discrimination**

DRUM, CDP (Desis Rising Up Mov., Commun. Dev. Proj. Urban Justice Cent.). 2012. *Workers' rights are human rights: South Asian immigrant workers in New York City*. Rep., DRUM, CDP. **https://www.drumnyc.org/wp-content/themes/wpaid/images/wc-report.pdf**

Dubuisson D. 2022. Haiti: Black utopia. *Fieldsights*, May 3. **https://culanth.org/fieldsights/haiti-black-utopia**

EEOC (Equal Employ. Oppor. Comm.). 2002. EEOC Compliance Manual, Section 13: National Origin Discrimination. Washington, DC. **https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination**

Espiritu YL. 2014. *Body Counts: The Vietnam War and Militarized Refugees*. Oakland: Univ. Calif. Press

Espiritu YL, Duong L. 2022. *Departures: An Introduction to Critical Refugee Studies*. Oakland: Univ. Calif. Press

Fernandez B. 2013. Traffickers, brokers, employment agents, and social networks: the regulation of intermediaries in the migration of Ethiopian domestic workers to the Middle East. *Int. Migr. Rev.* 47(4):814–43

Fine JR, Burnham L, Griffith K, Ji M, Narro V, Pitts SC, eds. 2018. *No One Size Fits All: Worker Organization, Policy, and Movement in a New Economic Age*. Labor Employ. Relat. Assoc. Ser. Ithaca, NY: Cornell Univ. Press

FitzGerald DS. 2019. *Refuge beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford, UK: Oxford Univ. Press

Fraser N. 2003. From discipline to flexibilization? Rereading Foucault in the shadow of globalization. *Constellations* 10(2):160–71

Garcia RJ. 2012. *Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection*. New York: NYU Press

Gates HL Jr., Steele C, Bobo LD, Dawson M, Jaynes G, et al. 2012. *The Oxford Handbook of African American Citizenship, 1865–Present*. Oxford, UK: Oxford Univ. Press

Gates L, Griffith KL, Kim J, Mokhiber Z, Bazler JC, Case A. 2018. Sizing up worker center income (2008–2014): a study of revenue size, stability, and streams. See Fine et al. 2018, pp. 39–65

Gleeson S. 2014. Means to an end: an assessment of the status-blind approach to protecting undocumented worker rights. *Sociol. Perspect.* 57(3):301–20

Gleeson S. 2016. *Precarious Claims: The Promise and Failure of Workplace Protections in the United States*. Oakland: Univ. Calif. Press

Gleeson S, Griffith KL. 2020. Employers as subjects of the immigration state: how the state foments employment insecurity for temporary immigrant workers. *Law Soc. Inq.* 46(1):92–115

Glenn EN. 1992. From servitude to service work: historical continuities in the racial division of paid reproductive labor. *Signs* 18(1):1–43

Glenn EN. 2009. *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor*. Cambridge, MA: Harvard Univ. Press

Golash-Boza T, Duenas MD, Xiong C. 2019. White supremacy, patriarchy, and global capitalism in migration studies. *Am. Behav. Sci.* 63(13):1741–59

Golash-Boza T, Hondagneu-Sotelo P. 2013. Latino immigrant men and the deportation crisis: a gendered racial removal program. *Lat. Stud.* 11(3):271–92

Gomberg-Muñoz R. 2010. Willing to work: agency and vulnerability in an undocumented immigrant network. *Am. Anthropol.* 112(2):295–307

Gomberg-Muñoz R. 2012. Inequality in a "postracial" era: race, immigration, and criminalization of low-wage labor. *Du Bois Rev.* 9(2):339–53

Gordon MM. 1964. *Assimilation in American Life: The Role of Race, Religion, and National Origins*. Oxford, UK: Oxford Univ. Press

Griffith KL. 2011. Discovering "immployment" law: the constitutionality of subfederal immigration regulation at work. *Yale Law Policy Rev.* 29:389–451

Griffith KL, Gleeson S. 2019. Immigration enforcement and the employment sphere: unpacking Trump-era 'immployment' law. *Southwest. Law Rev.* 48(3):475–501

Hahamovitch C. 2002. Standing idly by: "organized" farmworkers in South Florida during the Depression and World War II. In *The Human Cost of Food: Farmworkers' Lives, Labor, and Advocacy*, ed. CD Thompson, MF Wiggins, pp. 89–111. Austin: Univ. Tex. Press

Hallett MC. 2014. Temporary protection, enduring contradiction: the contested and contradictory meanings of temporary immigration status. *Law Soc. Inq.* 39(3):621–42

Hamlin R. 2008. Immigrants at work: labor unions and non-citizen members. In *Civic Hopes and Political Realities: Immigrants, Community Organizations, and Political Engagement*, ed. SK Ramakrishnan, I Bloemraad, pp. 300–22. New York: Russell Sage Found. Press

Hamlin R. 2021. *Crossing: How We Label and React to People on the Move*. Redwood City, CA: Stanford Univ. Press

HBA (Haitian Bridge Alliance). 2022. *About: The Bridge*. **https://haitianbridgealliance.org/about/**

Heeren G. 2015. The status of nonstatus. *Am. Univ. Law Rev.* 64:1115–81

Hirsch BT, Macpherson DA, Even W. 2022. *Union membership and coverage database*. **https://www.unionstats.com/**

Hoffman Plastic Compounds, Inc., v. NLRB, 535 US 137 (2002)

Huezo SM. 2020. A new era of solidarity. *NACLA Rep. Am.* 52(4):373–78

Hyman PE. 2000. Beyond place and ethnicity: the uses of the Triangle Shirtwaist Fire. In *Remembering the Lower East Side: American Jewish Reflections*, ed. H Diner, J Shandler, BS Wenger, pp. 70–85. Bloomington: Indiana Univ. Press

Iskander N. 2021. *Does Skill Make Us Human?* Princeton, NJ: Princeton Univ. Press

Jenkins D, Leroy J, eds. 2021. *Histories of Racial Capitalism*. New York: Columbia Univ. Press

Jones R. 2021. *White Borders and the History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall*. Boston: Beacon

Keating A, Anzaldúa G. 2009. *The Gloria Anzaldúa Reader*. Durham, NC: Duke Univ. Press

Keck ME, Sikkink K. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell Univ. Press

Kretsedemas P. 2022. *Black Interdictions: Haitian Refugees and Antiblack Racism on the High Seas*. Lanham, MD: Rowman & Littlefield

Lahav G. 1998. Immigration and the state: the devolution and privatisation of immigration control in the EU. *J. Ethn. Migr. Stud.* 24(4):674–94

Lam E, Shih E, Chin K, Zen K. 2021. The double-edged sword of health and safety: COVID-19 and the policing and exclusion of migrant Asian massage workers in North America. *Soc. Sci.* 10(5):157

Lee JJ. 2017. U.S. workers need not apply: challenging low-wage guest worker programs. *Stanford Law Policy Rev.* 28(1):1–60

Lee TL, Tapia M. 2021. Confronting race and other social identity erasures: the case for critical industrial relations theory. *ILR Rev.* 74(3):637–62

Lempert R, Sanders J. 1986. *An Invitation to Law and Social Science*. Philadelphia: Univ. Pa. Press

Leong N. 2013. Racial capitalism. *Harvard Law Rev.* 126(8):2151–2226

Lipsky M. 1980. *Street Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Found.

Lucas SR. 2008. *Theorizing Discrimination in an Era of Contested Prejudice: Discrimination in the United States*. Philadelphia: Temple Univ. Press

Maich K. 2014. Marginalized struggles for legal reform: cross-country consequences of domestic worker organizing. *Soc. Dev. Issues* 36(3):73–91

Martin PL. 2017. *Merchants of Labor. Recruiters and International Labor Migration*. Oxford, UK: Oxford Univ. Press. 1st ed.

Massey DS, Pren KA. 2012. Unintended consequences of US immigration policy: explaining the post-1965 surge from Latin America. *Popul. Dev. Rev.* 38(1):1–29

McCarthy J. 2022. U.S. approval of labor unions at highest point since 1965. *Gallup*, Aug. 30. **https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx**

McIntosh J, Mendoza-Denton N. 2020. *Language in the Trump Era: Scandals and Emergencies*. Cambridge, UK: Cambridge Univ. Press

Menjívar C, Simmons WP, Alvord D, Valdez ES. 2018. Immigration enforcement, the racialization of legal status, and perceptions of the police: Latinos in Chicago, Los Angeles, Houston, and Phoenix in comparative perspective. *Du Bois Rev.* 15(1):107–28

Milkman R. 2006. *L.A. Story: Immigrant Workers and the Future of the U.S. Labor Movement*. New York: Russell Sage Found. Press

Milkman R, Ott E. 2014. *New Labor in New York: Precarious Workers and the Future of the Labor Movement*. Ithaca, NY: Cornell Univ. Press

Minow M. 1990. *Making All the Difference: Inclusion, Exclusion, and American Law*. Ithaca, NY: Cornell Univ. Press

Mitra D. 2005. Driving taxis in New York City: Who wants to do it? In *The New Urban Immigrant Workforce: Innovative Models for Labor Organizing*, ed. S Jayaraman, I Ness, pp. 33–56. Armonk, NY: ME Sharpe, Inc.

Ngai MM. 2003. The strange career of the illegal alien: immigration restriction and deportation policy in the United States, 1921–1965. *Law Hist. Rev.* 21(1):69–107

Ngai MM. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton Univ. Press

Passel JS, Cohn D. 2016. 2. Occupations of unauthorized immigrant workers. *Pew Research Center's Hispanic Trends Project*, Novemb. 3. **https://www.pewresearch.org/hispanic/2016/11/03/occupations-of-unauthorized-immigrant-workers/**

Patel F. 2021a. Ending the 'national security' excuse for racial and religious profiling. *Brennan Center for Justice*, July 22. **https://www.brennancenter.org/our-work/analysis-opinion/ending-national-security-excuse-racial-and-religious-profiling**

Patel I. 2021b. *We're Here Because You Were There: Immigration and the End of Empire*. New York: Verso Books

Perlmann J. 2005. *Italians Then, Mexicans Now: Immigrant Origins and Second-Generation Progress, 1890 to 2000*. New York: Russell Sage Found.

Pitts SC. 2018. The National Black Worker Center Project: grappling with the power-building imperative. See Fine et al. 2018, pp. 115–37

Portes A. 2007. Migration, development, and segmented assimilation: a conceptual review of the evidence. *Ann. Am. Acad. Pol. Soc. Sci.* 610(1):73–97

Ramírez CS. 2020. *Assimilation: An Alternative History*. Oakland: Univ. Calif. Press

Ribas V. 2015. *On the Line: Slaughterhouse Lives and the Making of the New South*. Oakland: Univ. Calif. Press

Riley AR, Chen Y-H, Matthay EC, Maria Glymour M, Torres JM, et al. 2021. Excess mortality among Latino People in California during the COVID-19 pandemic. *SSM Popul. Health* 15:100860

Robinson CJ. 2020. *Black Marxism, Revised and Updated Third Edition: The Making of the Black Radical Tradition*. Chapel Hill: Univ. N.C. Press

Robinson W, Santos X. 2014. Global capitalism, immigrant labor, and the struggle for justice. *Class Race Corp. Power* 2(3):1

Rodriguez RM. 2008. (Dis)unity and diversity in post-9/11 America. *Sociol. Forum* 23(2):379–89

Rodriguez RM, Saucedo L, eds. 2022. *Race, Gender and Contemporary International Labor Migration Regimes: 21st-Century Coolies?* Cheltenham, UK: Edward Elgar Publ.

Rodriguez Del Orbe D. 2022. Black immigrants in the United States face racism and criminalization. *Teen Vogue*, April 5. **https://www.teenvogue.com/story/black-immigrants-tps-ukraine**

Rodriguez-Diaz CE, Guilamo-Ramos V, Mena L, Hall E, Honermann B, et al. 2020. Risk for COVID-19 infection and death among Latinos in the United States: examining heterogeneity in transmission dynamics. *Ann. Epidemiol.* 52:46–53.e2

Romero M. 2008. Crossing the immigration and race border: a critical race theory approach to immigration studies. *Contemp. Justice Rev.* 11(1):23–37

Rosales R. 2014. Stagnant immigrant social networks and cycles of exploitation. *Ethn. Racial Stud.* 37(14):2564–79

Rosenfeld J. 2014. *What Unions No Longer Do*. Cambridge, MA: Harvard Univ. Press

Sampaio A. 2015. *Terrorizing Latina/o Immigrants*. Philadelphia: Temple Univ. Press

Sanya BN. 2021. Blackness, biopolitics, borders: African immigration, racialization, and the limits of American exceptionalism. *Ethn. Racial Stud.* 44(9):1527–48

Serna de la Garza JM. 2019. Global governance and the protection of migrant workers' rights in North America: in search of a theoretical framework. See Bada & Gleeson 2019a, pp. 55–82

Solorzano DG, Yosso TJ. 2001. Critical race and LatCrit theory and method: counter-storytelling. *Int. J. Qual. Stud. Educ.* 14(4):471–95

Stuesse A. 2016. *Scratching Out a Living: Latinos, Race, and Work in the Deep South*. Oakland: Univ. Calif. Press

Stumpf JP. 2006. The crimmigration crisis: immigrants, crime, and sovereign power. *Am. Univ. Law Rev.* 56(2):367–419

Svajlenka NP. 2020. *Protecting undocumented workers on the pandemic's front lines*. Rep., Dec. 2, Cent. Am. Prog., Washington, DC. **https://www.americanprogress.org/issues/immigration/reports/2020/12/02/493307/protecting-undocumented-workers-pandemics-front-lines/**

Tapia M, Alberti G. 2019. Social movement unionism: a toolkit of tactics or a strategic orientation? A critical assessment in the field of migrant workers campaigns. In *Social Movements and Organized Labour*, ed. J Grote, C Wagemann, chapter 6. Abingdon, UK: Routledge

Telles EE, Ortiz V. 2008. *Generations of Exclusion: Mexican Americans, Assimilation, and Race*. New York: Russell Sage Found.

TRAC (Trans. Rec. Access Clgh.). 2020. *Asylum denial rates continue to climb*. Rep., TRAC Immigration, Syracuse Univ., Syracuse, NY. **https://trac.syr.edu/immigration/reports/630/**

Treitler VB. 2013. *The Ethnic Project: Transforming Racial Fiction into Ethnic Factions*. Stanford, CA: Stanford Univ. Press

Trouillot M-R. 1995. *Silencing the Past: Power and the Production of History*. Boston: Beacon

Turner L, Cornfield DB. 2007. *Labor in the New Urban Battlegrounds: Local Solidarity in a Global Economy*. Ithaca, NY: Cornell Univ. Press

UCLA Labor Cent. 2022. *Justice for Janitors*. **https://www.labor.ucla.edu/what-we-do/research-tools/campaigns-and-research/justice-for-janitors/**

UFCW (Unit. Food Commer. Work.). 2022. *The status of migrant agricultural workers in Canada, 2022*. Rep., UFCW. **http://ufcw.ca/templates/ufcwcanada/images/Agriculture_Workers/2022/Migrant-Workers-Report-2022-V6-EN.pdf**

Van Dyke N, McCammon HJ. 2010. *Strategic Alliances: Coalition Building and Social Movements*. Minneapolis: Univ. Minn. Press

Vang M. 2020. *History on the Run: Secrecy, Fugitivity, and Hmong Refugee Epistemologies*. Durham, NC: Duke Univ. Press

Volpp L. 2015. The indigenous as alien. *Immigr. Nat. Law Rev.* 36:773–812

Vosko LF. 2016. Blacklisting as a modality of deportability: Mexico's response to circular migrant agricultural workers' pursuit of collective bargaining rights in British Columbia, Canada. *J. Ethn. Migr. Stud.* 42(8):1371–87

Wadhia SS. 2019. *Banned: Immigration Enforcement in the Time of Trump*. New York: NYU Press

Waldinger RD, Lichter MI. 2003. *How the Other Half Works: Immigration and the Social Organization of Labor*. Berkeley: Univ. Calif. Press

Wane A, Coletu E. 2019. Lives on the line. *Biography* 42(3):524–35

Weil D. 2014. *The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It*. Cambridge, MA: Harvard Univ. Press