



Asian American Society: An Encyclopedia

Undocumented Immigrants

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Undocumented immigrants are foreign-born individuals who entered the United States without federal authorization or who fell out of legal status because they overstayed or violated other conditions of their visas. There are more than 1.3 million Asian Americans and Pacific Islanders (AAPI) with undocumented status in the United States, and it is estimated that up to 15 percent of the total AAPI immigrant population is undocumented. The presence of undocumented AAPIs in the United States is a result of policies and laws that prevent them from the acquisition of legal status. This entry focuses on the various migration pathways, experiences, and forms of criminalization that undocumented AAPIs are subjected to because of their immigration status.

Demographics and Migration

Undocumented immigrants represent an estimated 34 percent of the total foreign-born population in the United States. In the past 30 years, the number of immigrants with undocumented status has increased from 2 to 4 million in 1980 to more than 11.5 million in 2010. AAPIs comprise approximately 10 percent of the undocumented immigrant population. Although the number of undocumented AAPIs has remained relatively consistent over the decades, stricter immigration laws and policies have led to an increase in their deportation and self-removal and a slight decline in their population in recent years.

Undocumented immigrants are disproportionately represented among certain ethnic groups. For example, one in five Koreans and one in six Filipinos are undocumented, while it is estimated that upward of one-third of Tongan immigrants have undocumented status. In 2010, the undocumented Indian population grew 40 percent from the previous decade. As of 2011, the majority of undocumented AAPI immigrants were from five countries: China (280,000), the Philippines (270,000), India (240,000), Korea (230,000), and Vietnam (170,000). Undocumented immigrants of AAPI descent have also demonstrated nonlinear migration patterns and entered the United States via Canada or through Latin, Central, or South American countries. Migrants of AAPI descent who have lived for generations in countries with a history of hosting the Asian diaspora (for example, Brazil and Peru) also make up the undocumented AAPI population in the United States.

The term *undocumented* is often considered a misnomer because many migrants with such a status possess some form of documentation, albeit sometimes expired or not related to residency status. The majority of undocumented AAPIs are overstayers and experience undocumented status acquisition. Overstayers are individuals who permissibly entered the United States but could not successfully change their status prior to the expiration of their visas. Those who have acquired an undocumented status include migrants who entered on tourist, student, or worker visas and lacked the opportunity, resources, or legal pathways to remain. For example, some immigrants who were recruited for work, and whose employer could no longer sponsor their work permits or permanent residency, often face the dilemma of whether they could remain. In many instances, undocumented status acquisition is a result of exploitation, including human trafficking. Human trafficking survivors are often misled to believe that their employers, recruitment agents, or marriage brokers prepare their documents and then later learn that they are victims of traffickers. Additionally, there are undocumented AAPIs who migrated as children with their parents and were unaware of their status until they were informed they lack status and are ineligible for legal residency, employment, drivers licenses, or opportunities related to education such as college access, scholarships, and financial aid.

Poverty and Labor

Immigrants with undocumented status are not protected under U.S. law, and thus, their experiences are marked by severe social, political, and economic disparities. One in five undocumented immigrant adults and one in three children of undocumented parents live in poverty. Undocumented immigrants have a lower median income than immigrants with legal status and their U.S.-born counterparts, although they also have more workers per household. Further, almost 60 percent of undocumented immigrants and nearly half of undocumented children do not have health insurance. The poor socioeconomic status of and lack of health care for undocumented immigrants is directly tied to legal restrictions that prevent them from obtaining secure employment opportunities.

Labor is central to understanding undocumented AAPI experiences. More than half of the AAPI workforce comprises immigrants from the Philippines, India, China, Vietnam, and Korea—the top five countries of origin for undocumented AAPIs. There are more than 8 million undocumented immigrant workers, or 5.2 percent of the American labor force. However, under the Immigration Reform and Control Act of 1986, undocumented immigrants are prevented from lawful employment in the United States. As such, AAPI and other undocumented workers participate in low-pay and often cash-based economies, including but not limited to agriculture, construction, domestic labor, manufacturing, and restaurant work. These industries are often characterized by wage violations, harsh working conditions, and unstable or insecure employment. In general, immigrants are less likely to earn minimum wage than U.S.-born workers, and such wage disparities are exacerbated for undocumented immigrants, especially women. Further, for many undocumented AAPIs, they display a trend of underemployment, a phenomenon in which individuals do not work or earn wages commensurate with their skills or educational attainment. Overall, low-wage employment constrains undocumented immigrants and families to reside in areas that are characterized by poverty or low-income status with little to no opportunities for economic or social mobility.

Criminalization, Removal, and Deportation

Undocumented experiences are also marked by the constant political threat of deportation. The federal government has the right to detain and remove any immigrant without permissible status. However, it is important to note that removal impacts certain ethnic and racial groups at disproportionate rates as well as those who are not undocumented. Pacific Islanders and Southeast Asians are deported at a rate three times higher than the immigrant population as a whole. The susceptibility to deportation for Pacific Islanders and Southeast Asians, more so than other groups, represents a combination of factors that include the criminal racialization of these communities, hyperpolicing practiced in low-income areas, and regressive immigration policies.

Pacific Islanders and Southeast Asians are overrepresented in the criminal justice system due to high rates of policing in these communities as well as stereotypes of gang affiliations that have often led to harsher punishment and sentencing for members of these groups. The incarceration of Pacific Islanders and Southeast Asians are important to note because, under various federal policies, serious criminal offenses deem both undocumented and immigrants with legal residency eligible for deportation. Laws such as the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, and more recently programs such as Secure Communities, have made it easier to apprehend, detain, and deport AAPIs. Each includes guidelines that have facilitated the racial profiling of people of color or broadened the type of criminal offenses that make

immigrants deportable, such as illegal drug activity, certain traffic offenses, and immigration-related offenses. Under such laws, the ability for immigration judges to consider individual circumstances in removal proceedings is also limited. Perhaps most significant, these laws include a retroactive component, so if an individual was charged, incarcerated, and had already served their time for their crimes, the fact that they committed the offense and are immigrants deems them removable from the United States despite evidence of rehabilitation.

These policies have not only led to the deportation of undocumented AAPIs but also legal permanent residents and refugees with criminal records. For example, many Southeast Asian refugees who might possess asylum or legal permanent residency are vulnerable to deportation under current federal policies. The deportation of refugees is problematic because their very presence in the United States is defined by having a well-founded fear of persecution in their home countries. For youth and young adults who are deported, many are repatriated to countries where they experience a cultural disconnect due to living in the United States during their developmental years. The heightened criminalization of all immigrants has fostered a strong culture of fear among those who are undocumented. Some undocumented AAPIs have begun to engage in self-removal practices. Self-removal, or voluntary return, is when migrants leave the United States without a deportation order; regardless, this action is state mediated. Undocumented Filipinos and Chinese practice self-removal more so than other AAPI ethnic groups. From 2009 to 2011, 23,180 Filipinos and 16,260 Chinese returned to their country of origin, only third and fourth behind Mexico and Canada, respectively.

Political Mobilization

Undocumented immigration is often defined in context of Latino experiences. Further, the scholarship and public discourse that focus on undocumented AAPIs often portray them as hesitant members of the undocumented community and perpetuate stereotypes of AAPI silence. However, there are notable examples of undocumented AAPI involvement in the political mobilization around immigration reform in the United States. Before her death in 2010, Tam Tran, a Vietnamese American “dreamer,” provided important testimony on behalf of undocumented immigrant youth in a 2007 hearing in front of the House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. “Dreamers” are undocumented, 1.5-generation immigrant youth who entered the United States as children. The Asian American Justice Center estimates that there are more than 100,000 AAPI dreamers.

Like Tran, other AAPI dreamers also used their activism to establish Asian Students Promoting Immigrant Rights through Education (ASPIRE), the first organization in the United States dedicated to addressing undocumented AAPI youth issues. Inspired by such youth organizing, in 2011 Pulitzer Prize-winning journalist, Jose Antonio Vargas brought national attention to undocumented AAPI experiences when he revealed in a *New York Times Magazine* article, and subsequently *Time Magazine*, that he was an undocumented Filipino. In 2012, the film *My Asian Americana*, which depicted the stories of Cambodians impacted by U.S. deportation policies, drew criticism to the White House Initiative on Asian Americans and Pacific Islanders after the film had been publicly voted for, but not included in, a national video competition about AAPI experiences. These examples show the diversity and complexity of undocumented immigration and help demonstrate how AAPIs have long been involved in the political mobilization along immigrant rights.

- undocumented immigrants
- deportation
- immigrants
- Asian/Pacific Islanders
- Pacific Islanders
- immigration
- political mobilization

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See Also:

- [Cambodian Americans](#)
- [Citizenship/Legal Status](#)
- [Human Trafficking](#)
- [Immigration \(Overview\)](#)
- [Prison/ Incarceration](#)
- [Undocumented Workers and Students](#)

Further Readings

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