

# Immigrants' Rights and Fear of Deportation During COVID-19 Pandemic: A Critical Study of The US Immigration Policies

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## ABSTRACT

*In recent years, anti-immigrant sentiments are taking a toll in American society. The COVID-19 pandemic have just proved to be the add on to the prevalent socio-political polarization. The news regarding the deaths of immigrants coming from the different nationalities and discriminatory behaviour of the federal agencies towards immigrant groups in providing them aid through the health care mechanism during the COVID-19 period are doing rounds in the world. People who do not have lawful status and proper documentation are left behind and have been ignored vehemently in providing COVID-19 testing and other medical facilities. Such treatment could be seen as a testament to the policy-driven barrier which is part and parcel of the U.S. immigration policies for the vulnerable section of the society that leads to the more severe COVID situation in the country. The proposed research paper tries to investigate and analyse the situation of undocumented immigrants who have been living in the U.S. which is considered as the most developed country in the world but failed to treat equally the "others" who suffered miserably during the COVID-19 pandemic due to the discriminatory policies of the various federal departments of the United States. Whereas, other developing countries are doing good who did not impose those policy-driven impediments on such groups. The paper tries to investigate how this biased behaviour towards some particular immigrants group and racial identities affects the US tag of a multicultural society and hampering its diplomatic ties with other nations as well. Apart from this, the paper also examines how the immigrant's rights have been tossed away and how they were living under the constant fear of deportation during the severe pandemic situation as situations were so grim in their home country as well.*

**Key Words:** COVID-19, Immigrants, Human rights, Federal Agencies, Multiculturalism, Immigration Policies, Discrimination.

## INTRODUCTION:

The COVID-19 crisis has been considered one of the biggest health crises in the history of humankind, be it developed nations or poor third world countries, all have borne the brunt of the virus severely. Immigrants' labours already found themselves vulnerable in the host country, and this pandemic has just added to their problems. Immigrants were at a crossroads as their own governments were not ready with all the logistics to run an evacuation programme at the ground level to save their people. Simultaneously, the host countries faced

problems providing all the medical facilities as resources were scarce. Hence, they were in favour of the deportation of labour migrants. The labour migrants were living under constant fear of deportation. It has become a strenuous task for the host countries to provide all the appropriate medical services to the immigrants. It is also an international obligation for the nation to accept their nationals who have been stuck in other countries during the covid-19 pandemic. However, governments are trying to co-operate with each other but failed badly. President Trump declared the United States of America (US) case an emergency. In the wake of rapidly spreading

COVID-19 in and across the US, he had directed federal, state and local government agencies to take immediate measures to control the pandemic. As the resources were scarce, the government ordered the deportation of undocumented immigrants. Hence, their life was at stake. Neither, they were getting good medical services to combat COVID-19, nor they would get any in the home country, as the situation is even worse in the home country too. This paper explores and analyses the recent changes in US immigration policies and how these policies have impacted unauthorised immigrants. How unauthorised immigrants have been treated differently, and in what manner immigration enforcement strategies have impacted different ethnic-racial minorities and people of colour (POC).

### **COVID-19 AND CHANGES IN THE US IMMIGRATION POLICIES**

During the COVID-19 pandemic, the first step that every country was opting to ban foreign nationals and immigrants from coming into their territory to stop the infection spread. In the US, various measures have been taken to prevent the spread of the virus. At the beginning of Feb 2020, five separate travel restrictions were imposed on the immigrants from the countries where the cases of the novel CORONA virus have been found. In March 2020, the US suspended routine visa services in every embassy and consulate worldwide. This move includes the suspension of immigrant and non-immigrant visa appointments. The entry of students, visitors, skilled workers and various other categories was halted. Every incoming is closed except H-2 visa cases, including agricultural workers and emergency visa appointments.

Another critical decision was to suspend work visas that had barred thousands of immigrants from seeking a job in the US. Such immigration measures aim to protect citizens from outside competition and provide better employment opportunities to the natives (Shear and Jordan, 2020). However, many were against such steps, as they directly closed the door for skilled talents worldwide. In 2017, the senate endorsed another important act, The Raise Act, limiting legal immigration by about 50%. However, the Trump administration was arguing that they are supporters of merit-based immigration, but by taking such steps, they want fewer immigrants in the country (Shear and Jordan 2020).

ICE (immigration and customs enforcement) regularly transferred detainees from one centre to another. This practice was pushing undocumented immigrants towards

the more severe covid infection. At least eight people have died, and nearly 6000 undocumented immigrants tested positive for COVID-19 (Loweree, Reichlin-Melnick and Ewing 2020). These detention centres lacked basic facilities and were overcrowded. It had become quite difficult for the immigrants to maintain physical distancing. In the detention centre, immigrants were paying to get hand sanitiser, and also face masks were not distributed at regular intervals. Even the doctors were less likely to visit the detention centres as they have prejudices against undocumented immigrants (Loweree, Reichlin-Melnick and Ewing 2020). Besides that, ICE has continued to deport people outside the country during the pandemic, increasing the chances of spreading infection in the home country.

Prof. Williams and Dr Lisa A. Cooper (2019), an epidemiologist and professor at the Johns Hopkins University School of Medicine in Baltimore, noted in a study that:

**Across virtually every type of therapeutic intervention in the US, ranging from high-technology procedures to the most basic forms of diagnostic and treatment interventions, blacks and other minorities receive fewer procedures and poorer quality medical care than whites." (National Academy of Medicine 2019) (Sandoui 2020)**

### **PEOPLE OF COLOUR (POC) AND CONSTANT VIOLATION OF THEIR HUMAN RIGHTS**

"When the United States get a cold, we get pneumonia".

This classic aphorism seems quite relevant in the case of undocumented immigrants in the US. When everyone in the country was trying to safeguard themselves and their families from the CORONA virus, undocumented immigrants were fighting their own battle for life. During the COVID-19 pandemic, the worst sufferer were undocumented immigrants who did not have any legal status in the country and was left stranded in those dire situations. The gross human rights violations against immigrants made the situation more pathetic for them. This scenario has impacted broader social integration.

Immigrants' poor socio-economic conditions have a significant impact on dealing with COVID-19. They live in sub-standard accommodation, and most of them live in overcrowded dormitories. This situation has ultimately increased the risk of spreading the infection to a great

extent. Under those circumstances, social distancing has become tricky as they have no space to keep the COVID-19 patient in isolation. Many of them have been using public transport to get the maximum medical facilities. They were working at retail stores where maintaining physical distance was impossible. Still, many of them dint stop working.

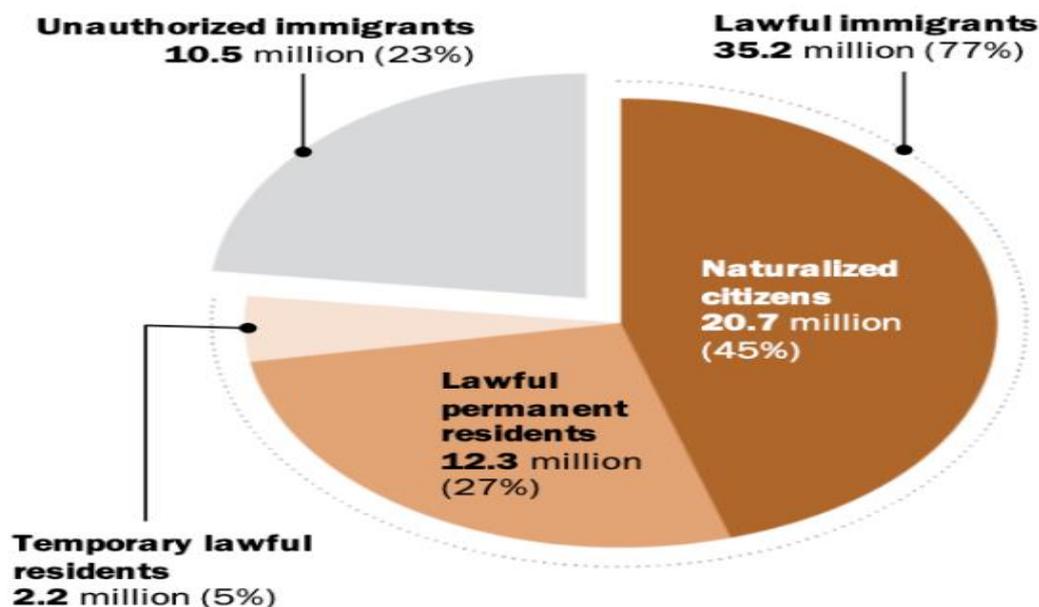
Policy to continue deportation flights during a global pandemic to vulnerable nations unable to tackle the situation in their territory. The fear of deportation of immigrants impacts their extended family at home too. In terms of health, job, education, language and public

opinion, everything has become critical at that juncture. Everything was at stake for them, and how the host countries' immigration policies had a significant impact on the lives of undocumented immigrants.

COVID-19 has a more considerable economic impact on Undocumented immigrants and has a spiral impact on other spheres of life. The epidemic has made their job less stable, due to which they were not able to get easy access to medical facilities. Every institution and Public health care facility was not prioritising the health concerns of these immigrants.

## Unauthorized immigrants are almost a quarter of U.S. foreign-born population

*Foreign-born population estimates, 2017*



Note: Figures for the total and subgroups differ from published U.S. Census Bureau totals because census data have been augmented and adjusted to account for undercount of the population. All numbers are rounded. Unauthorized immigrants include some with temporary protection from deportation under Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), as well as pending asylum cases.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

**PEW RESEARCH CENTER**

The Pew research estimates that about 11 million unauthorised immigrants are in the United States (Budiman 2020).

The unauthorised immigrants' top countries of birth were Mexico (48%), El Salvador and Guatemala (7%), and India (5%) (Esterline and Batalova (PEW Research Centre 2020).

Barak Obama's government has proposed the Deferred Action Plan for Childhood Arrivals (DACA) under original rules. It would be worth noticing how many applications have been received since its launch in 2012. Under the DACA program, two years of deportation relief has also been given, and work authorisation to eligible young unauthorised immigrants has been offered. However, the Trump administration attempted to terminate DACA in 2007, but the court has challenged this move. Nevertheless, the entry has been closed for the new entrants. The court has ruled that cancelling the DACA program violates federal laws. According to the 2013 reports, more than half a million people have applied for DACA, in which 72% of the total applications have been approved, and only one percent have been denied the status (Svajlenka and Singer 2013).

### **What are the risks and challenges associated with undocumented immigrants in the United States during COVID-19?**

People in the US face various problems during COVID-19, but undocumented immigrants are the worst affected. Not having legal status in the country has a role in worsening their situation. They don't get proper health care facilities and were involved in menial jobs. Hence, they were exposed to the virus while doing frontline jobs. Also, due to lack of money, they have limited access to information and technology as there are apps which can tell which area is severely affected by COVID-19 or not. Therefore, the poor's lack of information and technology contributed to the more severe spread among unauthorised immigrants. Consequently, the death rate was also high amongst these marginalised populations. In addition to that, undocumented immigrants were hesitant to register their cases of COVID-19 as they would have landed them in another trouble of deportation. These things prevent them from getting the health care facilities on time.

### **THE ECONOMIC IMPACT OF COVID-19 ON UNAUTHORISED IMMIGRANTS**

Fear of losing jobs is very much prevalent among the marginalised section of society during COVID-19. Financial and economic security were at stake during that period. Whatever little they were earning was not sufficient for them, and they were surviving. Because of that, they could not send money back to their home; therefore, the situation was grim at home, as most work in the informal sector (Kantamneni 2020). After losing their job, they opted to do more essential services and risked their lives to earn money to run their livelihood. They have started selling fruits and vegetables to get some money to feed their children.

All this has made a significant impact on the family's mental health. The trauma they had gone through during COVID-19 was unbearable, but still, anyhow, they were managing. On the work front, they are not considered skilled labour. To compensate, they have started to learn a few new skills to survive and be ready to work in life-threatening and hazardous conditions (Sandoiu 2020, Maria 2020).

During the COVID-19 pandemic, unauthorised immigrants were facing the fear of deportation. Fear of deportation is accompanied by other fears like losing a job and trouble finding a new job. They were asked for immigration documents, and the people associated with them were also suffering; extended relations also suffered (Becerra 2016). They lack confidence that government officials will treat them equally, lack confidence that the judicial system will treat them at par with other citizens, and are less sure about a better future.

### **UNAUTHORISED IMMIGRANTS AND CASES OF DISCRIMINATION DURING THE COVID-19**

These immigrants are being termed illegal, a drain to society, eating out taxpayers' money, disease-carrying, a threat to economic stability, and considered dangerous from the security point of view. Despite all these odds, they know how to fight back against discrimination and show resilience to discrimination experiences. They are in the hope that their future will be bright someday.

Various reports claim that unauthorised immigrants have been ignored not only during COVID-19 but also after the pandemic. There are cases of impaired immunity after COVID-19. These common side effects in the cured

COVID -19 patients make the person more vulnerable to other diseases and illnesses.

During COVID-19, they have worked as frontline workers, and their contribution to society needs to be recognised. The need of the hour is that revision of the immigration policy is a must to benefit these unauthorised immigrants. They have been working tirelessly during and after the COVID-19 pandemic. Hedwig Lee, a professor of sociology at Washington University in St. Louis, said being safe is an essential dimension of being healthy. Those who are not feeling safe and are not being prioritised by the government are unauthorised immigrants. Their safety should also be the concern of the state. They have gone through mental trauma during the Covid-19 period.

They face discrimination based on race, origin, religion, housing, and other fields. We should have policies that do not land to racial residential segregation. Diversity and multi-ethnicity would make the community a more tolerant society. People living in such places would be able to know each other, which would ultimately lead to fewer cases of police violence and fewer people exposed to COVID -19. Things are interlinked. Those who worked in the health sector confirmed that racial discrimination against unauthorised immigrants has existed. A recent analysis by Yale University found that black people are 3.5 times more likely to die from COVID-19 than white people in the US. The analysis also revealed that Latino people are almost twice as likely to die from COVID-19 compared to white people. The reports claimed that these people of colour are most likely to be exposed to covid-19 due to their occupational structure.

Black Lives Matter is a significant social movement to bring justice to the racially discriminated people in the United States (Sandoiu 2020). The various human rights groups and other individual groups are protesting and making people aware of the racial discrimination in US society. These human rights groups claimed that discrimination is very much prevalent in society in every sphere, such as the educational sector, jobs, health sector, state institutions, and other sectors. These groups are protesting to address significant scale policy issues. They are trying to ensure these people of colour get medical facilities. They should have a home to isolate themselves. These People of colour should have that much freedom to take a break from work without any salary deduction. These social movements are in the more significant

societal interest. Nevertheless, it is being said that these movements are creating a hotspot for COVID-19 and exposing society to more severe COVID-19 infection.

COVID-19 is one such example that showcases the racial disparities in US society at a larger surface. These movements for People of colour are trying to secure their future generations from such discrimination.

The POC people have overrepresentation in jail wherein they can not maintain physical distance. The jails are overcrowded and hence become the hotspot for virus spread. Various scholars have argued that racial groups are not biological but are now socially constructed. Earlier, one drop rule said anyone with a single drop of black blood is justified for enslavement (Hollinger 2005). Multiracial people and people of colour feel attacked when the other person does not recognise them in the way they want. If someone associates a particular racial identity with a negative script, that can hamper the person's mental health.

Various research scholars argue that race is essential and silencing discussion over race is also very problematic. People should be encouraged to feel pride in having a multiracial identity, and also acceptance of other cultures is essential for a healthy community.

## CONCLUSION

At the state level, Congress has adopted various policies to provide immediate relief to COVID-19 sufferers, such as CARES Act (Coronavirus Aid, Relief and Economic Security Act). Under this CARES Act, approximately 2 trillion dollars would be spent providing emergency services to the people impacted by the virus (Loweree, Reichlin-Melnick and Ewing 2020, Snell 2020). Nevertheless, unauthorised immigrants failed to benefit from these programmes due to the lack of their legal status. They are the people of colour who have been experiencing such a grim situation in a community popularly known as a democratic- multicultural community. Various research scholars argue that race is essential and silencing discussion over race is also very problematic. People should be encouraged to feel pride in having a multiracial identity, and also acceptance of other cultures is essential for a healthy community. At this crucial juncture, the new regime change will bring some positive changes in the life of undocumented immigrants living in the US.

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