

**MORAL PANIC OVER MERIT-BASED IMMIGRATION POLICY:
TALENT FOR CITIZENSHIP AND THE AMERICAN DREAM**

By

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Abstract

This thesis examines a moment in recent U.S. immigration history where an opportunity was created to move towards merit-based immigration, but that proposal was rejected. In addition to the highly publicized proposal for the legalization of undocumented immigrants residing in the United States, the 2007 Immigration Reform Bill proposed a merit-based immigrant selection policy, or “Point System.” The new system would have evaluated potential immigrants according to characteristics deemed to be in the U.S. “national interest.” Critical discourse analysis of policy documents, media coverage in *The New York Times* and *San Diego Union Tribune*, and political rhetoric on the floor of the U.S. Senate reveals a distinct moral geography to selection policy. Whereas in Canada, economic immigration is the popularly endorsed mode of immigrant selection, the U.S. “Point System” proposal launched a diatribe by politicians and pundits, who called merit-based immigration “an experiment in social engineering” (Barack Obama 2007), against a “natural” human and “moral imperative” to reunite families (Robert Menendez 2007). This thesis demonstrates the complexity of the relationship between race and class, and how its complexity, when considered against the backdrop of immigration policy reform, becomes bound up in state endeavours to form and perpetuate national identity through discourses of citizenship. The U.S. economy’s need for transient labour conflicts with the state’s nation-building project: one that excludes Hispanic migrants. The moral crisis over the dismantling of family reunification in the U.S. serves as a competing discourse to the existing anxiety about Latino immigration and undocumented migrants, and as discussion, albeit veiled, of whether or not it is morally right to construct an immigration policy that disadvantages certain groups, most notably Latinos.

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Chapter 1

Introduction

How many of our forefathers would have measured up under the point system? How many would have been turned back at Ellis Island?

- Senator Barack Obama (D - Illinois, 27 May 2007)

The global transition to a knowledge-based economy has created a “competitive immigration regime” that has involved in many receiving countries a reformulation of immigration strategy to target talent and compete against other immigrant receiving nations (Schachar 2006). This transition has meant that immigration strategy is no longer a domestic-focused endeavour, but rather involves multiple players both internationally and domestically as states seek to outbid their international counterparts for highly skilled immigrants while negotiating the demands of domestic interest groups. The move of a number of immigrant receiving countries to “talent for citizenship” arrangements does not reflect “harmonization” but rather competition. There is believed to exist a “global race for talent” whereby states are “willing to go so far as to reconfigure the boundaries of political membership in order to gain the net positive effects associated with skilled migration” (Schachar 2006: 155). Citizenship has become an instrument of competitive advantage. Thus, paradoxically, although analyses of immigration policy under neoliberal and globalizing pressures often point to the diminished power of the state under international and transnational influences, the neoliberal landscape has given impetus to nation-states to manage immigration policy through increasingly complex methods of assessing potential immigrants.

The prevailing neoliberal mentality, that “highly skilled workers generate substantial economic value and wealth,” has prompted Canada, Australia, and New Zealand, to adopt “point systems” aimed at capturing the world’s “best and brightest” immigrants (Schachar 2006: 105). The Canadian Point System, adopted in 1967, assesses immigrants and accords points based on their education (worth 25 points), language proficiency in both English and French (24 points), work experience (21 points), age (10 points), proof of employment in Canada (10 points), and adaptability, which includes the presence of family members and spouse’s education (10 points) (CIC 2005). Out of a total of 100 points, the passing mark is 67 points. France, Germany, Ireland, Sweden and the United Kingdom have also followed suit, implementing selection policies geared towards attracting the highly skilled (Schachar 2006). The United Nations “win-win-win” scenario focuses on harnessing the economic benefits of immigration for sending countries (through remittances), migrants (through employment), and for the receiving countries (Vertovec 2007: 2). The United States, however, stands out against the increasing number of countries adopting merit-based selection policies, and, perhaps most starkly, against its northern neighbor.

The “continental divide” (Lipset 1990) between U.S. and Canadian immigration selection policy is pronounced. Although both countries cast off discriminatory “white” immigration policies in the 1960s, U.S. policy quickly moved in the direction of family reunification while Canadian policy emphasized skilled immigrants. With the 1990 immigration reform, the U.S. effectively began to transition away from a purely family-based system, to a more merit-based one. Nevertheless, the majority of immigrants to the U.S. continue to enter through family migration; in 2006, 63.35% of legal permanent residents entered the U.S. via either the family sponsored preference category, or as immediate relatives. Between 2005 and 2006, the percentage of immediate relatives of U.S. citizens gaining legal permanent residency rose by 33% and their

total share of new legal permanent residents increased from 39% to 46% while the percentage of immigrants entering through the economic class decreased from 22% to 13% (DHS Office of Immigration Statistics 2007). In contrast, in Canada in 2001, 67% of immigrants entered through the economic stream whereas family immigration accounted for 27% of the total (LSIC, Statistics Canada 2003). Moreover, U.S. policy has recently moved towards stricter quotas for H-1B visas (for temporary employment for immigrants in high demand fields such as math, science and engineering), and has made it more difficult for foreign students to apply for visas. According to Schachar, this has meant that

We face an unprecedented moment in the modern history of skilled migration: The United States – the original initiator and inventor of the global IQ-talent hunt – is on the verge of losing its standing as the place for knowledge emigrants to fulfill their ‘American Dream.’ (Schachar 2006: 200)

Thus, the profile of new immigrants to the U.S. lies in seemingly sharp contrast to that of Canada: approximately two thirds of immigrants in Canada enter as economic migrants whereas two thirds of immigrants to the U.S. enter through family reunification.

Yet, where the Canadian context is concerned, immigration columnist for *The Globe and Mail*, Maria Jiménez, points out that Canada’s emphasis on economic migrants is a “polite fiction.” The percentage of immigrants entering Canada via the economic stream includes not only the principal, skilled applicants (55,000 per year) but also their often unskilled spouses and children (78,500), meaning that only 23% of immigrants to Canada enter based on their skill. Although it should be noted that Canada’s Point System is weighted to favor principal applicants with skilled spouses, the discrepancy here between data and rhetoric is significant (Jiménez, *The Globe and Mail*, 12 December 2005).

This thesis examines a moment in recent U.S. immigration history where an opportunity was created to move towards merit-based immigration, but that proposal was rejected. In addition to the highly publicized proposal for the legalization of undocumented immigrants residing in the United States, the 2007 Immigration Reform Bill proposed a merit-based immigrant selection policy, or “Points” System. The new system would evaluate potential immigrants according to characteristics deemed to be in the U.S. “national interest.” Proponents of the bill argued that such a change was needed to “better balance the importance of family connections with U.S. economic needs” (White House Office of the Press Secretary 2007). Under the proposal, education and employment were worth the greatest number of points, particularly for knowledge of math, science and technology, and for employment in a “specialty or high-demand field.” A smaller but significant number of points would be given for English skills, family ties and endorsement from an employer (Secretary 2007). The U.S. proposal, touted as a move towards a “Canadian style system,” met an enormous amount of opposition. After months of debate, on June 28th, 2007, the bill was defeated by a 46-53 motion.

Discourse analysis reveals a distinct moral geography to selection policy. On the one hand, there exists, inarguably, a “continental divide” with respect to U.S. and Canadian immigration policy. On the other hand, however, the two countries are strikingly similar in terms of discrepancy between immigration data on skilled immigrants and rhetoric concerning immigration policy. The 1990 Immigration Reform saw an increased emphasis on skill-based selection, yet, in 2008, Senators, pundits, interest groups, and the general population rallied around a “family values”-centred U.S. immigration system.

Proponents of the bill attempted to create panic around increases in unskilled “chain migration,” particularly by Latinos, amid pressures to compete for talent to maintain U.S. relevance in the global knowledge-based economy and to address the issue of undocumented immigration. Supporters of the move to merit-based immigration, largely Republican, touted the Canadian “Point System” as a potential model for U.S. policy. These discursive strategies, however, were largely overshadowed as the “Point System” proposal launched a diatribe by opposition politicians and pundits, who called merit-based immigration “an experiment in social engineering” (Obama – D, Illinois 2007), and being against a “natural” human and “moral imperative” to reunite families (Menendez – D, New Jersey 2007).

My argument is three-fold. First, the repeated renunciation of merit-based immigration as a denigration of family by the U.S. Senate and by journalists, as suggested in examples drawn from *The New York Times* and *San Diego Union Tribune*, contrasts sharply with the principles of neoliberal ideology. This contradiction suggests a unique construction of citizenship other than the “talent for citizenship” regime adopted by a large number of immigrant receiving countries. Second, although a moral panic around the erosion of “American” family values was engineered on the floor of the Senate, by the media, and by several interest groups, this panic could not have blossomed without an existing social anxiety about the state of U.S. immigration policy, particularly with respect to undocumented and highly racialized Latino migrants. Third, the neoconservative emphasis on preserving family and “community” as a rhetorical strategy is consistent with the patterned nature of U.S. immigration policy, especially with respect to Latino immigrants. Through discourse analysis of the 2007 Senate debate on immigration reform and newspaper coverage of the debates, I aim to illustrate the complexity of the relationship between

race and class and how this relationship is bound up in state endeavors to form and perpetuate national identity through discourses of citizenship.

The following chapter reviews recent literature on scale, citizenship, and moral panic, before focusing on developments in the history of U.S. and Canadian immigration policy relating to family and skilled immigrant categories of admission. Chapter Three details the methodology for the critical discourse analysis (CDA) component of the project. Chapter Four presents the results of the CDA. Chapter Five presents my analysis. Chapter Six offers some concluding thoughts on comparative U.S. and Canadian immigration policy.

Chapter 2

Literature Review

2.1 Citizenship and State Restructuring

This section aims to establish a theoretical foundation by linking citizenship, scale, and neoliberalism. Citizenship, once equated unquestioningly with the national scale, has been fundamentally altered and “re-scaled” by globalization as “new forms of financial flows, foreign direct investment, transnational migration, supra-national institutions, local autonomy movements and non-governmental organizations” take shape (Marston and Mitchell 2004: 93). Neoliberalism, an “economic and social philosophy of government,” has accompanied these processes of globalization and has been assumed by a number of governments around the world, informing not only economic policy but also social and *immigration* policy (Marston and Mitchell 2004: 94). Neoliberalism most often entails an “attack on systems of governance, especially the provision of social entitlements to a nation’s residents” and a disruption of the correspondence between state and citizen (Marston and Mitchell 2004: 94). Within this context, nation-states must work harder to patrol the borders of national identity through discourses of citizenship. Citizenship is therefore crucial to understanding the contemporary immigration debate in the United States as its discussion relates fundamentally to the question of *who belongs* on U.S. soil. Yet, the “problem” of undocumented migration to the U.S. demonstrates the difficulty of defining the U.S. border against the backdrop of increasing circularity and transnationalism in international migration. Here, the underlying theoretical connection between the state and citizenship is examined before moving to a discussion of scale as a socially constructed phenomenon. Finally, I examine the various ways in which geographers have theorized the impact of neoliberal processes of rescaling and reterritorialization on citizenship.

2.1.2 Citizenship and the State

At its most basic, citizenship can be defined as the legal association among individuals and the polity (Sassen 2002). But what defines the polity? Since the Peace of Westphalia in 1648, to which is pegged the emergence of the modern state, the sovereign national entity has been considered the *natural* political scale at which loyalty is invested and protection is granted. The notion of the “social contract” philosophically underpins this Westphalian or liberal democratic model of citizenship: free individuals agree to enter “contract with the state in which they consent to be ruled in exchange for certain privileges and protections” (Purcell 2003: 565). According to “contractarians” (Hobbes, Locke, and Rousseau), individuals “alienate” their liberty in exchange for the privilege of political participation in the community. An individual can only owe loyalty to one polity, if this entity is to be sovereign. The world thus becomes territorially divided into sovereign nation-states (Purcell 2003: 565). In essence, the sovereignty principle necessitates fusion between state and citizen.

The equation of citizenship with the nation-state has important implications for the study of immigration policy. Ellis (2004) points out that, despite the recent focus of academia on the various processes of globalization, the study of migration is still preoccupied by “methodological nationalism” (49). As the hegemonic scale of analysis, the focus on the nation-state precludes the recognition of “subnational dynamics” (Ellis 2004: 50) as well as circular and transnational relationships. The lion’s share of citizenship and immigration policy studies focuses on the scale of the national state (Ellis 2004: 49; Sassen 2002: 4).

Under the state-centred model of citizenship, the state monopolizes the power of recognition, deciding who belongs and who does not (Jenson 1997: 632). Recognition is accorded through

“birthright”; one is born a citizen of a particular country and is entitled to a range of services the state offers to its members (Nyers 2006). Access is controlled by passport and identity certificates. Most important for the purposes of this thesis is the state’s complex set of rules concerning naturalization procedures and the rights of residents who are not yet, and may never become, citizens. The issues surrounding which immigrants to accept, how many, “what rights they should possess, under what conditions and criteria they should be granted citizenship, and whether such citizenship should be the same as native born and naturalized citizens” pose major dilemmas for immigrant receiving countries (Isin and Wood 1999: 5). Most states have an intricate set of rules for admitting and categorizing the incoming; for example, as visitors, refugees, or permanent residents (Isin and Wood 1999: 4).

Jenson (1997) takes a state-centred, political economy approach to examining Canada’s changing citizenship regime. She contends that citizenship is socially constructed, profoundly political, and must be placed within its historical context. According to Jenson, a citizenship regime is the product of a triangular relationship constituting community, market, and the state; the regime at any given point reflects the shifting balance among these three components. Under Fordism it can be argued that the nation-state reached its pinnacle in both the political and economic sense (Purcell 2003: 567). The Canadian citizenship regime emerged after World War II when the state was entrusted with the responsibility of “ensuring the well-being” of its people, with the *Citizenship Act* of 1947 and culminated with the adoption of the *Canadian Charter of Rights and Freedoms* in 1982 (Jenson 1997: 634). This regime also includes the *Citizenship Act* of 1977, the *Canadian Bill of Rights Act* (1960), the *Official Languages Act* (1978); *Multiculturalism Act* (1978); *Human Rights Act* (1977); and the *Employment Equity Acts* of 1985 and 1995 (Garcea 2003: 59). The individual is the foundation of this regime, but the federal government is the key

ingredient. As Jenson explains, this regime involved an “active role for the state” for both the purposes of economic development, “social justice” and embodied the idea of a “single Canadian community” composed of individuals (Jenson 1997: 634). In the U.S., however, as Joppke writes, “in a society cherishing markets over the state and open borders over bounded community, entry and residence have always been more meaningful than citizenship” (1999: 632). The American Constitution, for example, enshrines “personhood and residence” as “protected categories” in lieu of citizenship (Joppke 1999: 633).

The nation-state is the “institutional and social-psychological” reality where immigration policy is concerned, but as Brubaker argues, it is important to recognize that the “nation-state is also an idea – and an ideal” (Brubaker 1998: 132). As Marston and Mitchell argue,

As many national governments lose the capacity to protect their citizens, at the same time that more and more groups are demanding the expansion and redefinition of citizenship rights, there has emerged an intense and often fractious struggle over the meaning and terms of citizenship worldwide. (2004: 93)

The relationship between the state and the foreign-born, and the rules that govern this relationship, are increasingly being redefined.

2.1.3 Citizenship and Scale

This thesis is concerned with the complicated relationship between citizenship and scale, and particularly how *belonging* in the United States, may be constructed differently at the national policy level than at the local scale. It is crucial to provide, at the outset, an overview of the theoretical advances in the study of citizenship that have examined this relationship. How does citizenship or the relationship of an individual to “the polity” change under the context of

globalization or neoliberal pressures? A consideration of scale as a social construction allows for conceptualization of the many different configurations of citizenship happening at different spatial scales: globally, nationally and locally.

The linkage between the scale of the nation-state and citizenship, and the conception of these scalar boundaries as unchanging and naturalized, has dominated discourse throughout the social sciences, but is increasingly challenged by an array of disciplines. Perhaps most notable of these challengers are the spatial sciences, which recognize political scale as socially constructed (Magnussen 2000). In the contemporary context of economic and cultural globalization, increasing transnational linkages, and rescaling associated with the rise of neoliberalism since the 1980s, the theoretical relationship between citizenship and the national state has come into question. Against this background, the “accepted definitions of citizenship are being undermined and rethought” (Purcell 2003). In a sense, citizenship is growing ever more slippery and in ways that make it increasingly difficult to address the implications of state immigration selection strategies.

Rescaling under neoliberalism has held the focus of geographers, such as Erik Swyngedouw and Neil Brenner, for the last several decades. Through a spatial lens, scale is seen as being socially produced and “as both the result and the outcome of social struggle for power and control” (Swyngedouw 1997). Swyngedouw is concerned with the processes by which scale is constructed and draws on the case of the Barings Bank collapse to illustrate how different groups made use of “scalar narratives” on different spatial scales to explain the event, as part of a discursive strategy, ranging from the global to the individual body (1997: 141). Scale is “inherently fluid and undetermined” rather than being a naturally produced, fixed order. Scales, like the national scale,

appear fixed as the result of deliberate political orchestrations to create a scalar hierarchy. Thus, “for a certain period of time, particular scales can take a dominant role within a set of scalar relationships and play a particularly prominent role in shaping processes at other scales” but they are always “temporary” (Purcell 2003: 568). Fordism saw the solidification of the nation state as the scalar hegemon; scales, however, have recently been “jumped” as social relations are increasingly played out on a global scale (Swyngedouw 1997: 160). This phenomenon has meant, for example, an increased salience of transnational identities, as well as the bypassing of state boundaries by minority groups seeking the expansion of their citizenship rights not from their own governments, but from supranational bodies like the United Nations. The United States and Canada, then, have been increasingly challenged by the need to police the boundaries of national identity.

The past three decades have seen major changes to the structure of the global economy and the nation-state, particularly by way of “rescaling and reterritorialization” (Purcell 2003: 567). Brenner also argues that “processes of reterritorialization—the reconfiguration and re-scaling of forms of territorial organization such as cities and states—must be viewed as an intrinsic moment of the current round of globalization ” (Brenner 1999: 431). In other words, under neoliberal pressures, the power of the national state deteriorates; power is simultaneously scaled down, devolved to the local (both regions and cities), and scaled up, to the supernational level, exemplified by the European Union (Brenner 1999: 439). Research on the “politics of scale” has fundamentally changed the way citizenship has been theorized.

3.1.4 Neoliberalism

Citizenship is becoming rescaled, reterritorialized, and reoriented under neoliberalism (Purcell 2003: 566). The U.S. Senate's rejection of merit-based immigration on grounds that it would damage family reunification appears to go against the very grain of neoliberal practice. Neoliberalism has meant the intertwining of economic policy with immigration policy, the reformulation of multicultural policy to emphasize "strategic cosmopolitan," and an overarching discursive phenomenon that links diversity with economic growth. Gertler (2001), for example, argues that the urban social environment, and in particular, the attraction and retention of immigrants, is crucial to economic vitality and competition (120). Perhaps, one of the best examples of the ramifications of this inter-linkage lies in the explosive success of Richard Florida's *Rise of the Creative Class* (2002). One of the reasons for the success of *The Creative Class* hypothesis is that it operates within the "neoliberalised urban landscape" (Peck 2005: 741). According to Florida, the key to economic success for communities is the attraction and retention of the "Creative Class" or those in "science and engineering, architecture and design, education, arts, music and entertainment, whose economic function is to create new ideas, new technology and/or new creative content" (2002: 9). Cultural diversity is important to the creative; as Florida writes, "diversity is simply something they value in all its manifestations" (Florida 2002b: 79). Under Florida's model, the attraction and retention of immigrants is the "cornerstone of innovation and economic growth" (Florida 2005: 40).

While neoliberal pressures have encouraged immigration policy geared towards selecting the economically competitive and highly skilled migrant, they have also created new forms of citizenship, particularly relevant for those excluded from the talent for citizenship model: the undocumented migrant. According to Holston (2001) the major implication of globalization for citizenship is the "globalization of democracy" (325). While the globalization of capital creates

inequality, democracy can act both to encourage capital markets as well as to “restrain” them. Metropolitan regions are “strategic arenas for the development of new citizenships,” and specifically for a new urban citizenship, distinct in its accessibility to non-nationals (Holston 2001: 326). Holston examines the debate around an urban-planning case in Crown Heights, an inner-city neighborhood in Oceanside, California. Crown Heights is home to a large Latino population, the majority of whom are illegal residents. Zoning laws in the neighborhood limit local commerce and have created an underground commercial network for food and medicine (Holston 2001: 343). To rectify this situation, an open-air market was proposed to cater to the needs of the Latino population on the grounds they have a “right” to sustain their Latin culture, regardless of citizenship. The proposal was challenged by some who argued that non-citizens could not justifiably claim a right to an alternate “form of urban space.” Holston thus frames the Oceanside case in terms of the politics of difference and multiculturalism and the equalization and differentiation of rights (Holston 2001:343). The mere fact that this issue was on the agenda in Oceanside, he argues, demonstrates the pervasiveness of the human rights regime and urban citizenship—a right to formulate urban space that is removed from national citizenship. Thus he asserts that “the experience of residential illegality motivates city government to address the dilemmas of democratic exclusion with innovative policies...grounded in notions of cultural rights and a politics of difference” (Holston 2001:345). Spatial illegality led to a new form of urban citizenship in Oceanside, California. Such a conception of citizenship is relevant to this thesis because of the ways in which the discussion of merit-based immigration is bound up with that of the undocumented Latino migrant in the U.S.

Brodie (2001) argues that in the 21st century, the “local” has the capacity to become the primary arena for politics around citizenship; for an urban citizenship to materialize, however, there must

be a focused movement to challenge the concept of the public and to broaden the scope of democratic citizenship. Brodie maintains that the “local is a potential, although not obvious, site for citizenship politics in the third millennium.” She asserts that while there has been much focus on the processes of rescaling, democratic theory has not sufficiently addressed the “global-local problematic” (2001: 115). There is a need for a deeper consideration of the ways in which contemporary globalization is undoing the relationship between citizenship, the nation state and democracy and in particular, what this means for the “local” (Brodie 2001: 126). This potential, however,

Depends first on a struggle for space—public space. It is the fleeting but essential condition for democratic citizenship: the discursive space attributed to the public sphere. It helps us interpret our social lives and institutions, what we consider to be a social problem and its appropriate remedies, where the sphere of political negotiation begins and ends and who we believe ourselves to be. (Brodie 2001: 125)

In order for an urban citizenship to materialize, there must be a focused movement to challenge the concept of the public and to broaden the scope of democratic citizenship, for, as Brodie contends, “without the terrain of the public, citizenship will be forever lost in space” (126). It is in this discursive space that debates on immigration policy, over the intent and form of selection policies, take place.

Along similar lines, Sassen (2002) argues neoliberalism has led to a release of certain “types of subjects” from the shackles of national citizenship, especially the “citizen-subject, the alien, and the racialized subject” (Sassen 2002: 6). Sassen posits that nowhere are these shifts more evident than in global cities, which have become denationalized spaces—places that allow rewriting of the rules of engagement of citizenship. Breaking these rules removes the bindings of “narrowly defined” nationality, allowing for the inclusion of multiple identities and interests, across a

modicum of issues, “from protests against police brutality and globalization to sexual preference politics and house-squatting by anarchists” (Sassen 2002: 6). She argues that the “destabilizing” processes of globalization create “operational and rhetorical openings for the emergence of new types of political subject and new spatialities for politics” (2002: 5). This is especially evident in the increasing disconnect between formal rights and the “normative project towards enhanced inclusion as various minorities and disadvantaged sectors gain visibility for their claim-making.” Most countries have failed where the “enabling condition” of citizenship is concerned (Sassen 2002: 6). Thus she argues that an “unbounding” of certain subjects is possible: for example the “citizen subject, the alien, and the racialized subject.” She examines these through the cases of undocumented immigrants in the United States, whom she argues are “unauthorized yet recognized,” and Japanese housewives, whom she argues are “authorized yet unrecognized” as political subjects (Sassen 2002: 13). These developments will be most evident in global cities as sites where extreme inequality exists in combination with enormous possibility for both citizens and non-citizens to claim rights to the city. She is hopeful that urban citizenship will be a positive force. Again, the undocumented immigrant is central to the discussion of citizenship reformulations where U.S. immigration policy is concerned.

Blomley and Pratt (2001) examine the manifold intersections of the “politics of rights and the politics of space” in Canada (154). In their view, the political geography of rights can indeed have a positive effect, as scale, and in particular, the “jumping” of scale can be employed as a spatial strategy for the pursuit of rights (for example, the appeal of indigenous peoples to the United Nations). This is because the “right to place,” which the authors define as the “right not to be excluded,” is an important foundation for [“spatialized”] political mobilization (163). Blomley and Pratt, also acknowledge, however, the potential for the politics of rights to create “closures”

as well as openings in particular places (163). Through two case studies, that of gentrification and property rights in Vancouver's Downtown Eastside, and the same city's Live-in Caregiver Program with respect to the human rights of migrant workers, Blomley and Pratt demonstrate how certain spaces can be "politically constraining" (154). In Vancouver's Downtown East Side, for example, landlords employ "images of transience and empty space" in order to impede the mobilization of longer term residents for "rights to place." Where the Live-in Caregiver Program is concerned, defenders of Vancouver's Live-in Caregiver program use "images of the sanctity of the home as a private space" in order to refuse rights for migrant workers (2001: 163).

It is my contention that a multiscalar approach is necessary when approaching the study of immigration policy and questions of national identity in the U.S. Geographers, like Mountz (2002) and Purcell and Nevins (2005), have made the link between recent immigration policy changes in the United States and theories of citizenship, scale, and state restructuring. Purcell and Nevins (2005) examine the history of policy changes concerning the U.S. border, culminating with "Operation Gatekeeper" in the 1990s, using these to illustrate theories of the state and to argue that this history cannot be reduced simply to a manifestation of "capitalist social relations" or capitalist accumulation. Their analysis of border policy is cognizant of the myriad actors with different positions vis-à-vis the state, looking particularly at "how state actors are motivated by the need to legitimize and reproduce political-geographical relationships between the state and its citizenry" (Purcell and Nevins 2005: 216). In other words, it is about politics too; the "state-citizen and national-local relationships" are "dialectical in nature" (221). Through the case study, the authors demonstrate that "concerns about the sanctity of national territory, the power of narratives, ideologies, identities, and discourses as they relate to a national 'we' and a foreign 'Other,' and the instability that often accompanies the 'thinning out' of places brought about

increased global glows” (217). Purcell and Nevins highlight the role of local actors in southern California particularly who influenced government border policy, demanding that the state “fulfill its perceived duty of making the boundary ‘real’ (221). The concept of representation as the interpretation and imagination of reality (Barnes and Duncan 1992) is also key. Purcell and Nevins focus on the 1990s policy changes as a particular era of heightened representation stimulating increased activity on the part of citizens of southern California. They argue that “while national state actors played a critical role in constructing these representations, citizen groups also played a significant role” (221). In other words, both state and citizen were responsible for interpreting events surrounding the U.S. border. Both groups took part in writing or perpetuating certain “narratives” about border security and the influx of Latino migrants, at the expense of others.

Mountz et al. (2002) examine the treatment of Salvadoran Asylum seekers under U.S. law. The U.S. government gives Temporary Protected Status (TPS) to Salvadorans seeking refuge within U.S. borders. Drawing on Foucault’s theory of governmentality as well as that of Aihwa Ong on “graduated sovereignty,” they contend that TPS demonstrates the ways in which asylum seekers are “subject to the nation-state.” U.S. legislation sparks “identity construction at different scales that aim to mediate transnational relations” (336). In other words, different tiers of policy exist for different groups of people (340) and the nation is paramount in orchestrating the creation of identities that unevenly allow the “mobility” of some groups while “disabling others as global, mobile labour forces” (339). Immigrants and refugees are constructed increasingly in purely economic terms (Mountz et al. 2002: 340). Changes in legislation necessarily entail different identity configurations at different scales, including that of the body and the individual immigrant’s identity. The authors are therefore concerned with the scale of the body and how

immigrants negotiate power structures, examining the daily lives of Salvadoran asylum seekers with TPS (341). They argue that the U.S. keeps asylum seekers in a situation of “permanent temporariness” (343) and that “immigrants individually and collectively practice various forms of resistance with discursive interventions into policies as they are interpreted and reinterpreted on the ground” (346).

Varsanyi (2008) also examines the scalar dimension, and particularly devolution, of immigration policy in the U.S. Once the purview of the federal government entirely, since the mid-1990s, control over “entry and exit” increasingly has been handed down to local governments (2008: 4). Varsanyi argues that this devolution of certain immigration powers is demonstrative of the “neoliberal rescaling of membership policy.” Such rescaling creates “neoliberal subjects:” particularly, a second class of membership is made more prominent, as undocumented people are further relegated to a realm “beyond the protections of the Constitution and the welfare capacity of the state” (16). Ultimately, she argues that the “contemporary devolution of select immigration powers is creating both opportunities and requirements that local governments discriminate against people as immigrants, a right once solely reserved for the Federal government” (Varsanyi 2008: 16). The shifting scale of immigration policy is also representative of changes to national identity and conception of who belongs on U.S. soil.

In summary, students of citizenship now recognize the limitations of conceptualizing polity at purely the national scale. This advance is significant particularly when examining U.S. immigration policy and attitude concerning undocumented migrants. On one hand, neoliberal pressures have resulted in talent-for-citizenship arrangements, the equation of immigrants with economic growth, and of diversity with economic strategy, disadvantaging Latino immigrants.

Paradoxically, neoliberal restructuring has also opened up new possibilities for the substantive citizenship rights of undocumented workers, a central issue for the 2007 immigration debate. On the other hand, neoconservative reactions, often tied to communities where the politics of race and class are played out, counter economic arguments with those of “family values.” Thus, although deterritorialization and reterritorialization of international migration flows has meant an increasing need for the state to engage in nation-building, particularly where borders are concerned, the definition of the “nation” is often at odds with this global discourse. My approach is concerned with multiple scales that reflect the deep complexity of race, class, and region in the U.S. This complexity emerges through competing moral panics.

2.2 The “Moral Panic” Literature

The concept of moral panic originates with Stanley Cohen’s (1972) work on media representations of Britain’s “mods and rockers” in the 1960s. Moral panic describes the public’s reaction to particular “threats” thought to endanger the very moral fabric of society, so much so that “something must be done” (Hier and Greenberg, 2002: 140). Cohen defines a moral panic as “a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests” (Cohen, 1972: 79) Cohen held that the episode of panic originated with interest groups (for example, “professional associations, the media, police, etc”) interested in “moral crusades” (Hier and Greenberg 2002: 140). In order to address the moral panic, these groups advocate a reformulating of the “existing mechanisms of social control (Hier and Greenberg 2002: 140). Instances of moral panic have “folk devils” who, while not at the centre of the moral panic, nevertheless act as “easily recognizable” symbols for the immorality associated with the episode; they are the “wrongdoers” or “deviants.” The folk devil is the “ideological embodiment of the moral panic” (Hier and Greenberg 2002: 140).

Hall et al. (1978), on the other hand, view moral panics as orchestrated purely by elites, rather than interest groups, with the specific intent of drawing society's attention away from the inherent crises of capitalism (Hier and Greenberg 2002: 141). The media are crucial in disseminating and perpetuating the message but are not the driving force of the message as Cohen would argue. In this conception, moral panic is created through the "processes of capital accumulation" (Hier and Greenberg 2002: 141). To dull the impact of deep economic crises, elites exert their power over the media, "orchestrating hegemony" in order to perpetuate "structures and relations of domination" (Hier and Greenberg 2002: 141).

Goode and Ben-Yehuda (1994) add to the literature on moral panics by stipulating that there must be an element of disproportionality in any episode of moral panic. In other words, society's reaction to the threat, as well as the media's interpretation of the threat, must magnify the actual threat (Pijpers 2006). They argue for a grassroots model of moral panic, holding that a panic cannot arise where there is no previously existing sentiment on the part of the public. In their words, "politicians and the media cannot fabricate concern where none existed initially" (Goode and Ben-Yehuda 1994: 127). Moral panics act as a "cathartic release" from social fear and anxiety (Hier and Greenberg 2002: 141). As examples they cite the Salem witch trials, fear of drug trafficking, nuclear energy risks, and rising crime levels. Importantly, Goode and Ben-Yehuda maintain that the three categories of moral panics: elite, interest group, and grassroots, can never be clearly separated. There will always be some influence of the others and

Some intense and seemingly exaggerated fears do arise more or less spontaneously; the flames of others are fanned with outside assistance; and with still others, the manifestations of the panic lie largely outside the sphere of public reactions. (Goode and Ben-Yehuda 1994: 134)

The second crucial contribution of Goode and Ben-Yehuda is that their model relies on constructions of the “imagined community” (see Anderson 1983; Gellner 1983). This idea is crucial where immigration is concerned as it follows that “commonsense perceptions of the imagined national community constitute an important foundation for how citizenship is understood” (Hier and Greenberg 2002: 141). In other words, everyday talk about “who belongs” within the U.S. and how immigrants should be selected to conform to this conception of belonging is crucial to understanding an American “imagined community.”

Hier and Greenberg (2002) take a grassroots approach, drawing on the notion of moral panic to examine news discourse surrounding the arrival of 600 migrants from China’s Fujian province by boat on Canada’s West Coast in 1999. The authors contend that through news reports of the incident, a “discursive space” came into being within which narratives of Canadian national identity and constructions of “who is and who is not a true ‘Canadian’” were played out (Hier and Greenberg, 2002: 138). The migrants were immediately and simultaneously racialized and illegalized in the news media: as “boat people,” “human cargo,” “aliens,” and “detainees,” linked to health risk and crime. The authors argue that the event must be considered within the context of the increasing problematization of illegal immigration in Canada and the national debate on immigration policy as a whole (151). In particular, Hier and Greenberg argue that media played to an existing moral unease, among the general public, concerning Canada’s immigration and refugee policy, and as such

The principles which underpin democratic liberalism were undermined by the racialization, objectification, and criminalization of the migrants. This in turn led to the deportation proceedings and to the igniting of a national debate on the state of Canadian immigration and refugee policy. (161)

The crisis took hold of the “reservoir of social anxiety” relating to increasing numbers of Chinese immigrants in Canada. The public reacted to the perceived challenge to a “deeply entrenched nostalgia for tradition and heritage, for cultural and aesthetic values, and for political habits” (143). Hier and Greenberg demonstrate how the state constructs itself by way of a highly “racialized discourse of citizenship and national identity” (2002: 139) and furthermore, that

The moral panic over the arrival of the migrants derived its particular strength from the fears and anxieties many Canadians hold concerning the growing presence of the Chinese in Canada, and from related uncertainties stemming from globalization and the rise of neoliberal ideology. ... The era of post modern capitalism, which is characterized by globalization, capital consolidation, and a political shift to the right, Euro-Canadian economic and cultural hegemony is increasingly being challenged by an upwardly mobile and steadily rising Chinese-Canadian population. The arrival of the migrants agitated a reservoir of social anxiety pertaining to whether Canada’s national identity was resilient enough to withstand social transformation in this increasingly inhospitable world. (156)

Hier and Greenberg thus link moral crises around immigration and racialization to neoliberal citizenship.

In summary, students of moral panic disagree on its origins, specifically whether such crises are elite, interest group, or grassroots driven, or a mixture of the three. Cohen (1972) argues that moral panics are interest group, and predominantly media, driven while Hall et al. (1978) argue for an elite-centred approach to the study of moral panics. Goode and Ben-Yehuda (1994) maintain that the seeds for panic must exist within the general population in order for a crisis to unfold and that the “imagined community” among this population is fundamental to understanding the origins of the crisis. Finally, Hier and Greenberg (2002), who also take a grassroots approach, frame the concept of moral panic within contemporary Canadian immigration policy. The next section examines the ways in which geographers have dealt with

moral panic and contends that a geographic perspective allows for a crucial understanding of moral panics concerning immigration in our era.

2.3 Moral Panic in Geography

The concept of moral panic has also been employed by social geographers concerned with spatializing crises of morality. Mathews and Limb (1999), for example, examine media-driven moral panics surrounding the safety of children (63). They contend that a moral panic is reformulating the meanings and divisions between public and private space with particular implications for children. Despite the fact that “children are more at risk in private space and from people they know, the moral panic about ‘stranger-danger’ is leading parents to encourage children of both sexes to spend most of their free time either at home with friends or taking part in activities organized by adults” (73).

Aitken (2001) considers the moral panic associated with the 2001 school shootings in San Diego, which precipitated widespread panic about the safety of America’s schools. Aitken contends that the foundations for the moral panic were laid from a much broader “set of social and spatial transformations” throughout the second half of the 20th century. In other words, panic did not ensue from the shootings alone, but rather embodies broader discourses about racism, masculinity, and “whiteness” in the United States (2001: 599).

Hubbard (2000) uses the concept of moral panic to examine the interactions between “sexuality and space” and the “territorialization” of heterosexuality in urban space with respect to the HIV/AIDS crisis. Defining moral panics as “intensely symbolic and periodic battles which require individuals to acknowledge and question their own morality,” he states that:

Thus, in these periods of moral panic, deeply ingrained ideas about sexual morality may be invoked by the press in order to reassert the moral order of the state. Frequently, as with the moral panic surrounding the transmission of HIV/AIDS, this process is based on the discursive deployment of fear as the press plays on popular fears concerning the 'danger' of sexuality cut loose from its traditional moorings in marriage and the family. (Hubbard 2000: 199)

Hubbard contends that episodes of moral panics expose reconstitutions of the "normative contours of society" (2000: 1). Moral panics are important to our understanding of history, and historical constructions of heteronormativity.

Hubbard further explores the concept of moral panic as linked to sexuality through the 2001 U.K. Criminal Justice and Police Act. He argues that the Act provides a key example of "moral panic legislation" (Hubbard 2002). The Act was intended to address what was seen as an increasing problem of "sex advertising in public space," and in particular, advertisements by prostitutes in telephone booths. Drawing on Cohen's (1972) theoretical framework of moral panics, Hubbard demonstrates how the Act attempts to restrain the visibility of "sexual deviance" which is held to be "morally injurious" (358).

The concept of moral panic has also been applied to the discourse of integration and assimilation. As Cox (2005) writes, "second generation immigrants from the Maghreb, on whom the recent 'moral panic' on integration has fastened, are, in spite of everything, fast assimilating into French society" (Cox 2005: 221).

Pijpers (2006) employs the concept of moral panic to examine media coverage and parliamentary debates in the Netherlands surrounding the expansion of the European Union and accompanying

freedom of labour. Pijpers argues that a moral panic centred on the influx of immigrants from other European countries, particularly Poland, looking for work, and how these people were “Othered” by the popular press as well as in political rhetoric. The crucial element of a moral panic is that it must “threaten the society’s moral order” (Pijpers 2006: 92). Pijpers holds, however, that the explanation for moral panic cannot be singularly reduced to the elite, media, or grassroots. Rather, these three interact and are “inextricably linked” in “instigating social anxiety about migration at different, yet, through information transfer and locally lived economic insecurity, *converging* spatial scales” (94). Pijpers argues that

Embedded in literature on moral panics, risk society and the ‘othering’ of strangers, the primary aim of this case study elaboration is to reflect on the consequences of fear of mass migration for bordering processes, which to an otherwise important extent are rooted in irrationality, exaggeration and political opportunism. (Pijpers 2006: 91)

And that,

Being assumed to pursue ‘evil’ agendas of collective action (*stealing* away ‘our’ jobs, *shopping* the welfare state), immigrants are accused of threatening the moral order proper. They challenge the invisible lines wrapped around that order, which, with some sense of imagination, may be called society’s moral boundaries. (93)

Pijpers also links the concept of scale to the moral panic literature. Like Hier and Greenberg, he examines the ways in which moral panics result from dislocations and “uncertainties” attributed, by the public, to globalization. From the local to the global, “moral panics articulate beliefs about belonging and not belonging, about the sanctity of territory and the fear of transgression” (Sibley, 1995: 43 in Pijpers 2006: 92). Local-global relationships have mediated moral panics in a variety of ways and geographers like Pijpers, rightly emphasize the importance of the dichotomy of public and private space, the relationship between racial discourse, territorialization, and spatial scale.

2.4 Key Works in American Immigration Policy

Hing (2004) examines the history of immigration policy in the United States. He analyzes transitions in the construction of American citizenship or, in other words, the question “of who is a *true* or *real* American” (2). Hing’s account is motivated by the curtailment of rights of racialized non-citizen (as well as citizens) at borders and within the country in the aftermath of September 11th, 2001. Through specific case studies woven through an overview of immigration legislation since the arrival of Columbus, Hing demonstrates how the current political attitude towards immigrants reflects historical “patterns” (2004: 272). For, as Hing writes, “in times of stress or crisis, policy makers and those who enforce those policies express a vision of America that excludes bodies of people, based on skin color, ethnicity or political belief” (2004: 272). Throughout American history, that country’s citizenship has both “narrowed” and “broadened”—the definition of a true American has at some points been expanded (for example, by the 1965 amendments that ended the 1952 National Origins policy) and some points contracted (with Operation Gatekeeper, for example, in the 1990s, intended to close U.S. southern borders to illegal immigrants) (2004: 273). In a review of Hing’s work, Kobayashi argues that his outlook is an optimistic one, though not overly so:

Nevertheless, Hing’s optimism rests upon the fact that if the history of American immigration policy presents a strongly normative vision of who qualifies as American, the discourse of that definition has been anything but monolithic. Presidential views and the Supreme Court represent the most powerful voices in that discourse, but “ordinary” Americans, in their increasing diversity, are also part of the conversation, and change is possible. Racism may be deeply engrained in immigration law and policy, but there is plenty of room for debate, and that debate has not been complex, but emblematic of a country’s definition of itself. (Kobayashi 2004)

Hing thus contends that there is potential for change in U.S. immigration policy if the voices of regular citizens gain in strength.

Johnson (2003) takes a similar perspective to that of Hing in exposing the very tarnished history of American immigration legislation. Whereas Hing focuses on the nature of the exclusion present in the definition and construction of American citizenship through immigration legislation, Johnson emphasizes race and civil rights. Johnson organizes his analysis thematically, breaking American immigration history into examinations of policies surrounding civil rights, “racial minorities”, “political undesirables”, the poor, criminals, women, and lesbians and gays. Johnson’s overall claim is also more focused on critical race theory.

Johnson evokes the image of the “huddled masses” from Emma Lazarus’ famous (1883) poem, “The New Colossus”

Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore... (Lazarus 1883)

engraved on the Statue of Liberty to illustrate the blemished history of U.S. treatment of immigrants (Johnson 2003: 1). Johnson’s analysis demonstrates the “lack of U.S. openness to and acceptance of the ‘huddled masses,’ the ‘tired,’ or the ‘poor’” (Johnson 2004: 3). His overarching argument concerns the alarming but perhaps not surprising parallels between civil rights abuses and the treatment of immigrants. He contends that treatment of immigrants is similar to treatment of disadvantaged minorities: African Americans, Native Americans, and Japanese Americans during WWII for example, regardless of the Bill of Rights and Constitution. Substantively, minority groups have been denied certain citizenship rights and such exceptionalism sheds much

needed light onto American immigration policy (Johnson 2003: 3). With respect to the “exclusion” and “deportation” of non-citizens, Congress has been relatively unrestrained by the Courts and has often exercised its power (Johnson 2003: 3). As an example, he cites the comparable treatment of Arab non-citizens and citizens Post 9-11, writing that “the U.S. government’s treatment of non-citizens is inextricably linked to its treatment of citizens. Denial of rights to non-citizens lays the groundwork for the denial of rights to citizens” (Johnson 2003: 12).

On the one hand, Johnson presents a far starker picture than does Hing; debates on immigration policy often foreshadow hard times for racial and ethnic minorities. On the other hand, both authors highlight the importance of considering the patterns and parallels in immigration history: Hing is concerned with chronicling the patterns of exclusion and inclusion as they pertain to immigration policy, while Johnson’s focus is on drawing parallels between the treatment of minority citizens of the U.S. and immigrants. Both of these authors demonstrate the complexities of race and immigration throughout the history of U.S. immigration policy. In particular, Hing’s optimism is interesting given the focus of the 2007 Immigration Reform Bill primarily on the undocumented workers and the complexity of the debate on merit-based immigration considering the disadvantages Latino applicants would face under a “points system.” Put simply, the rejection of the Points System on the grounds that it would damage family reunification: the dominant stream of entry for Latino migrants, has perhaps something to do with a changing “normative vision” of what constitutes America. I further consider Johnson and Hing’s analyses, juxtaposing these with the results of the discourse analysis of the 2007 Immigration Reform Bill, in my analysis. The following section compares U.S. and Canadian immigration policy since the 1960s and their positioning on the spectrum balancing family and skilled immigration.

2.5 Balancing Family and Skill: U.S. and Canadian Immigration Policy Compared

U.S. and Canadian immigration policy was very similar until the early 1960s. Prior to 1962, both countries had “national origins” immigration policies, which effectively upheld white Anglo-Saxon nation-building projects (Simmons and Koehane 1992: 422; Hing 2004: 70). The 1924 U.S. National Origins Quota legislation embodied the “sense of ethnic and racial superiority of Anglo or western European stock for the foundation of who could become a true American” (Hing 2004: 70). Protestant western Europeans were the only immigrants thought to fit the American mold. Under the 1924 policy, 150,000 visas per year were distributed proportionally to the demographic makeup of the U.S., established by the 1920 census. As such, the selection strategy was particularly biased towards Protestant immigrants and against non-western Europeans (Borjas 1991). The United Kingdom received almost half of the visas available (65,721), with smaller numbers allocated to other Western European countries. Asian countries typically received 100 or less visas per year. North and South Americans wishing to immigrate were not subject to visa restrictions (Borjas 1991: 3).

Canada’s “White Immigration Policy” was much the same as the U.S. National Origins policy. It was the vision of Sir John A. MacDonald, Canada’s first Prime Minister (1878-1891), that Canada should be a white man’s country. This nation-building enterprise was to be accomplished first through the subjugation of indigenous peoples and expropriation of their land for the purposes of the *white* settlement of Canada (Dua 2007: 446). As Dua (2007) writes, “constructing a white settler nation was tied to exclusionary practices, as a set of legal and social practices emerged that marginalized from the nation-state those who were racialized as “non-white” (Dua 2007: 447). The “hegemonic vision” of “white Canada” became entrenched through two sets of policies: those aimed at attracting the sons and daughters of the British Empire—white, Anglo-

Saxon immigrants, and those policies aimed at excluding all others (Gabriel and Abu-Laban 2002: 37). Until 1962, an “implicitly racist” hierarchical system of preference was used to select immigrants. Those from the United Kingdom, United States, and France, and some Commonwealth countries, were preferred above all others (Borjas 1991: 5; Simmons and Koehane 1992: 22; Green and Green 1995: 1011).

While encouraging immigration of British agriculturalists in particular, for example through the British Empire Settlement Act of 1922, the Canadian government established numerous policies aimed at barring the entry of racialized minorities. A series of legislation reflects the sweeping “pattern” of Canadian anti-Asian sentiment and public policy (James 2005: 889). One such policy was the Continuous Journey Act of 1908. An Order in Council stipulated that only those emigrating directly from their countries of origin were eligible to land in Canada. Although the legislation did not explicitly target any racial group or country, the Canadian Pacific Railway (CPR) conveniently offered the only direct route between Canada and India and withheld tickets from Indian immigrants. Continuous Journey therefore effectively curtailed immigration from South Asia (Dua 2007: 454). The regulation was infamously upheld by the *Komagatu Maru* incident of 1914 where, after languishing for two months in the Vancouver harbour, 300 Indian migrants were denied entry to Canada.

The Continuous Journey regulation provides an example of the highly yet often unstated racialized nature of Canadian immigration restrictions. By framing policy as generally as possible, immigration officials effectively were able to discriminate *carte-blanche* against whomever they chose, on grounds of “unsuitability” to Canada. Continuous Journey, for example, was also applied to African Americans attempting to enter Canada from the United States, who

were prevented from doing based on inability to meet medical tests, or withstand the Canadian climate (Kazimi 2004). Similarly, Japanese immigration was controlled through a “gentleman’s agreement” between Canada and Japan, whereby the Japanese government agreed to limit Japanese emigration to Canada (Dua 2007: 453).

Discrimination also took much more explicit forms. The 1885 Act to Restrict and Regulate Chinese Immigration to Canada, for example, imposed a “head tax” of \$50 on all Chinese immigrants on grounds that Chinese immigrants, particularly women, were “morally depraved” and posed a danger to Canadian society (Dua 2007: 453). The head tax was repeatedly increased, reaching as high as \$500 by 1908. By 1923, Chinese immigration was officially banned by the Chinese Immigration Act, which remained on the books until 1947 (James 2005: 889). The citizenship rights of Japanese Canadians on the West Coast were revoked as they were uprooted from their homes and interned during WWII (Miki 2005: 2). Canada’s “white immigration policy” has also been discussed in terms of a white Christian immigration policy: Canada effectively closed its doors to Jewish refugees during World War II (Abella and Troper 1981).

2.5.1 The End of National Origins

In the United States, the 1965 Hart-Celler Immigration Reform Act overturned the National Origins Quota policy. The Act marked the beginning of “source country universalism” in American immigration legislation, allowing the U.S. momentarily to escape the shadow of its blemished history of “backward and intolerant immigration policies” (Joppke 1999: 25; Hing 2004: 110). The amendments included provisions for “Professional, Technical and Kindred” categories of immigrants, as well as opened spaces for the “exceptionally” able and others with desirable skills (Shachar 2006). President Lyndon Johnson framed the policy shift in terms of a

transition toward selection based on skill, contending that, finally, “those wishing to emigrate into America [would] be admitted on the basis of their skills” (cited in Shachar 2002: 170).

Most analysts agree, however, that the 1965 amendments made family reunification, rather than skill, the cornerstone of U.S. immigration policy (Borjas 1991: 4; Hing 2004: 104). Joppke (1999) argues that the 1965 Act belies a transition to a more open and humanitarian immigration policy, when in fact the opening was merely a consequence of an attempt to preserve an existing demographic balance. To legislators at the time, it seemed logical that a policy based on the family members of *existing* U.S. citizens would cause the least change (Joppke 1999). Hing draws a similar conclusion, arguing that the emphasis on family stemmed only partly, from a logical presumption that the policy would most benefit those groups already in the country, as in 1965, the Asian population in the U.S. was relatively small (2004: 104).

Joppke also argues that the 1965 Immigration Act was intended to rectify an “intra-European imbalance of immigrant stock.” Preferred countries with large quotas (those matching the demographics found in the 1920 American census) were not meeting their quotas, while others with small quotas, like Greece or Italy, had huge backlogs (Joppke 1999: 26). Furthermore, by the early 1960s, Jews and Italians were “well-entrenched” in the Democratic Party and pushed for reform and for an end to discrimination against Southern Europeans. Another reason for the 1965 reform stemmed from a need to match “law and policy.” Two thirds of legal immigrants entered outside of the national origins “quota” through provisions introduced to mediate the displacement caused by WWII and the Cold War.

Nevertheless, the passage of the legislation led to an influx of large numbers of Asian and Latino immigrants, as well as growing opposition on the part of established labour, fearful that these newcomers would drive down wages and take jobs away from the “real Americans” (who, as Hing points out, were older groups of immigrants). Hence, a number of provisions arose in the 1970s and 1980s geared towards stemming the influx of Mexican labour, in particular. The most important of these legislations was the diversity visa, which attempted to help countries that had been “adversely affected” by the 1965 amendments (Hing 2004: 111). This visa helped many Irish into the United States as the countries on the diversity list tended to be white and western European.

2.5.2 The End of Canada’s White Immigration Policy

Canada’s “White Immigration Policy” officially ended in 1962. With this policy change, Simmons and Koehane (1992: 422) argue, the “ethnocentric and implicitly racist provisions of the national preference system for immigrant selection were dropped.” This meant that those wishing to immigrate were assessed based on the skills, education, and training rather than their “particular origin, citizenship, country of residence or religious beliefs” (Kalbach and Kalbach 1999: 3).

The Progressive Conservative party under Diefenbaker returned to power in 1957. Diefenbaker campaigned on a platform of increasing immigration with the hope of reaching a population of 40 million. It is Ellen Fairclough, however, the first Canadian female cabinet minister, who is credited with the end of Canada’s racialized immigration policy. Diefenbaker saw her as a “caretaker minister” and did not expect much change to come about in the area of immigration

(Knowles 2007). It was Fairclough's drive, along with three important external factors, that led to the adoption of Canada's modern system of immigration selection.

First, British identity in Canada was beginning to fade. The concept of a distinct Canadian citizenship had come to the forefront of policy-making, exemplified by the 1946 Canadian Citizenship Act. Immigration became linked to Canadian citizenship, rather than citizenship of the British Empire, with the creation of the Department of Citizenship and Immigration (1949-1966) (Hawkins 1988).

Second, there was a general transition towards democratization and humanitarianism in the 1960s. The 1960 Bill of Rights, introduced by Diefenbaker and the Progressive Conservatives, signified a shift towards a rights-based society. Joint Senate-House public hearings facilitated the voice of a wide array of social actors. 1960 was declared World Refugee Year and, under international pressure from the United Nations to move towards non-discrimination and humanitarianism, Ellen Fairclough admitted 6,000 refugees. In addition, the movement against the Vietnam War and the general climate of sixties led to a push for a "global village" (Knowles 2007: 187).

Third, the late 1950s and early 1960s saw a huge influx of Southern Italian immigrants, who were largely unskilled, through family sponsorship. These numbers choked out the possibility of immigrating to Canada for skilled northern Italians, for whom a huge backlog existed. The lobbying efforts of Southern Italian immigrants gained leverage as their numbers and concentrations in urban areas increased. The Liberal party depended more and more on the support of immigrants in these areas. In 1959, under Fairclough, the PC introduced Bill 310,

which would have limited family sponsorship to immediate family members only for Egypt, “Europe, North America, Latin America, Lebanon, Turkey and Israel” (Knowles 2007: 181). Bill 310 brought the Liberal opposition and ethnic lobby up in arms. The PCs eventually backed down from the legislation but did not give up in their attempts to “prioritize” sponsored relatives.

On January 19, 1962, Fairclough introduced regulations in the House of Commons that would see Canada become the first country to cast away its white immigration policy. Under the regulations,

any un-sponsored immigrants who could satisfy the Department of Citizenship and Immigration that they had the requisite education, skill, or other qualifications were to be considered suitable for admission, irrespective of race, colour, or national origin, provided they were able to support themselves until they found employment or were coming to take a specific job. (Knowles 2007: 187)

The changes came into effect on February 1, 1962, and saw the creation of three categories of potential immigrants: sponsored, nominated relatives, and independent immigrants (Knowles 2007: 187).

In 1963, the Liberal Party came to power under the leadership of Lester B. Pearson. Amid concerns over what was seen as an increasing problem of “unutilized labour” and need to compete in the area of technology, the Department of Manpower and Immigration was created in 1966. Pearson argued that

immigration policy must be administered in the interests of the country and of the immigrants themselves in a context that takes into account the entire position of employment, training, and placement in Canada. (Lester B. Pearson as cited in Knowles 2007: 192)

Jean Marchand, Minister of the Department of Manpower and Immigration argued that “immigration must surely, but not exclusively, be related in some way to the requirements of the labour market” (Jean Marchand, cited in Knowles 2007: 193). Marchand’s deputy Minister, Tom Kent, is accredited with the creation of the Points System (Knowles 2007: 194). Along with other immigration officials, he wanted to devise a system that would function objectively and uniformly, and one that valued the skills of potential immigrants (Knowles 2007: 195). Thus, the Canadian “Point System” was born.

The policy was intended to allow Canada to

abolish discrimination, pay more regard to the claims of family relationship; act with both greater efficiency and greater compassion than in the past and, through an expansionist immigration policy, serve the needs of our growing Canadian economy. (Statement issued by the Department of Manpower and Immigration, Sept. 12, 1967, cited by Hawkins) 1988: 11)

Out of a total of 100 points, potential newcomers to Canada were assessed based on their occupation category, age, employment, and “personal assessment” by the immigration official, as well as other factors. The passing mark was 50 points (Borjas 1991: 4). In 1976 Canada revised the Points System to give more points to “nominated relatives” but education and training remained the most important “criteria” (Hawkins 1998: 32). The “Point System” reflects “long-term considerations of economic growth” (Schachar 2006: 171).

The “Point System” has not been immune to critique. Richard Bell, Fairclough’s successor as Minister of the former Citizenship and Immigration, argued in favor of the status quo “eyeball system,” where immigration officials have the opportunity to use their judgment when evaluating

immigrants “intangible qualities” (Knowles 2007: 196). Eyeball systems, however, are especially problematic given the potential for bias, and especially racial bias, based on seeing colour.

Borjas (1991) argues that the point system “works” only as a result of changes to the source countries and “not because it generates a more skilled immigrant flow” (3). More recent critiques of the Canadian system focus on the backlog of 700,000 applicants waiting to be processed under the “Point system,” the failure of economic migrants to recognize their economic potential (Grubel 2005), the undervaluing of immigrants labor (Bauder 2003), and the skewed geographic concentration of immigrants versus realities of labor force needs (Duncan 2003). Reitz calls attention to Canada’s failure to recognize the foreign credentials of many immigrants (2001; 2005). DeVoretz (2001) comments on the “brain drain” of skilled immigrants to the U.S. Maria Jiménez of the *Globe and Mail* has also pointed to the “polite fiction” that 60% of immigrants in Canada are economic migrants, when in reality, this figure represents the principal applicants *and* their spouses and children, asking “should we be surprised that overall, it is taking years for [immigrants] to catch up to Canadians in their earning power?” Principal applicants only account for 23% of immigrants (Jimenez, *Globe and Mail*, Dec. 12, 2005).

On the other hand, however, the Canadian Point System has been heralded as “one of the most illuminating examples of the talent-for-citizenship” immigration arrangement (Schachar 2006).

According to Schachar, the Point System

represents an almost ideal example of how a smaller-economy jurisdiction can use immigration policy to establish a significant share of the overall worldwide intake of highly skilled migrants, even when it must directly compete with a neighboring economic giant like the United States. Canada’s success in attracting highly skilled migrants has not gone unnoticed by other immigration receiving countries’ policymakers. (Schachar 2006: 177)

Canada was the first country to adopt a merit-based selection strategy. Since the Points System's adoption, other countries such as New Zealand and Australia have adopted Points Systems and France, Germany, Ireland, Sweden, and the United Kingdom have enacted similar merit-based policies.

U.S. Change of Focus

The 1990 immigration reform marked a watershed change to the selection of immigrants in the United States and "signaled the beginning of a shift in the focus of U.S. immigration law from concern with family reunification toward a policy of importing skilled workers" (Hing 2004: 109). Prior to 1990, 80% of the quota of 270,000 was reserved for families of American citizens or those who had already immigrated (Hing 2004: 104). The logic of this policy, according to the Select Commission on Immigration and Refugee Policy, was that

the reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States. (1981, as cited by Hing 2004: 104)

In 1986, for example, despite the fact that 20% of the total quota of immigrants was reserved for skilled immigrants, "when the unrestricted immediate relative immigration categories were added to the total number of immigrants each year, less than 10 percent of immigrants who were entering each year were doing so on the basis of skill" (Hing 2004: 107). With the 1990 legislation, however, education and "excellence" were brought to the forefront of American immigration policy (Schachar 2006: 184).

The number of spots reserved for employment immigration grew threefold, from 54,000 to 140,000, under the 1990 amendments, in four categories. The first category (40,000) is reserved for priority workers who “possess extraordinary ability in the arts, sciences, education, business, or athletics, or outstanding professors and researchers, and certain multinational executives” (Hing 2004: 108). The second category (40,000) is set aside for advanced degree holding professionals or those with “exceptional ability.” A third category reserved another 40,000 spots for skilled workers and unskilled workers in particular sectors where employment is needed, of which only 10,000 unskilled immigrants could be admitted. A fourth category reserves 10,000 visas for investors willing to invest at least \$500,000 in addition to creating ten jobs for non-relatives, otherwise known as the “million dollar visa” (Johnson 2004: 92).

Most important of the 1990 amendments was the creation of the H-1B category, allowing temporary workers to enter in “specialty occupations” of math, science and engineering. These workers are given a three-year employment visa, which is renewable for a maximum of six years. Those entering through H-1B may then apply for a green card, or permanent residency, if they wish to remain in the country. After five years, citizenship can be applied for (Schachar 2006: 184). The 1990 legislation made 65,000 H-1B visa’s available, which eventually grew to 195,000 with the American Competitiveness in the Twenty-First Century Act of 2000 (Schachar 2006: 185). Thus, as Hing writes, the 1990 Immigration Bill marks a

significant, and to some a revolutionary, revision of the focus of U.S. immigration law. After the passage of the act, although the main thrust of immigration law continued to be family immigration, highly skilled immigrants would be deliberately encouraged to resettle in the United States more than ever before. (2004: 108)

The 1990 immigration policies can be attributed to several major factors affecting the political and social climate of the 1980s.

During the 1980s the ailing American education system was brought to the attention of policy makers and the public. Reports warning of a coming skilled labor shortage began to emerge, threatening that the United States would not be able to compete in the context of the “technological changes that were transforming the working world” (Hing 2004: 105). As Hing points out, these reports were further emphasized by the publication of *Workforce 2000*, by William B. Johnston, which admonished that the American population was being overwhelmed by unskilled people. As the 1990 legislation reads, the Act was “responding to years concerning the U.S. workforce’s ability to compete in the global economy” (INA 121 (6)).

This rhetoric created a climate of “impending doom,” which prompted the U.S. government to do two things; First, it invested in the education system. Secondly, and most importantly for the purposes of this thesis, the focus shifted towards attracting the “right kind of immigrants,” in other words, the highly skilled (Hing 2004: 106). By just before the 1990 immigration act, the attitude in congress had fully accepted the notion that unskilled immigrants were the “greatest threat to the economy” (106).

Alan Simpson, a republican senator formerly involved with the Select Commission on Immigration and Refugee Policy, created Senate Bill S. 358. In Congress, Bill 4300 was brought forth by democratic Congressman Bruce Morrison. Simpson’s primary objective was to curb Asian and Latino immigration, which the diversity visas had not really addressed. Simpson also wanted to bring down the numbers of people entering through family immigration – the bill

called for a 630,000 (3 years) visa cap (July 1989): 480,000 for family and 150,000 skilled. The bill, however, did not pass in the House. Bill 4300 was passed in Congress, which mandated a huge cut to family immigration, bringing the levels down to 185,000 family and 95,000 skilled (1 year). 4300 passed and became S. 358: joint in the Senate and Congress. On October 26, 1990 the immigration bill passed. Its provisions included 700,000 (1992-1994) and after that reduced to 675,000 with no cutbacks to family immigration. In the end, Simpson, otherwise called “Stonewall Simpson,” did not succeed in his ultimate objective for immigration reform, which was to curb Asian and Latino family immigration; however, he did accomplish the setting forth of an “overall numerical cap” (Hing 2004: 109).

Schachar (2006) argues that the United States is not doing enough to attract skilled immigrants from around the world and will face serious economic consequences unless U.S. policy is reformulated to take part seriously in what he sees as a global competition for highly skilled labour. Schachar compares the immigration policies with respect to skilled workers, in the United States, Canada, Australia, Germany, Sweden, New Zealand, and the United Kingdom. As evidence he cites a study conducted by the National Science Board of the United States, which examined the prospects for the science and engineering workforce and concluded that the U.S.’ “talent-for-citizenship-exchange” is in serious need of revision (195). His major criticism of U.S. policy involves the H-1B visa. These visas are highly unstable: there is no guarantee that a visa approved once will be again, and thus the path towards citizenship is an uncertain one for skilled workers in the United States. The H-1B visa system is mired in an extensive backlog, which further exacerbates the problem of instability (2006: 195). Another problem is that the system does not recognize common law—or same-sex—partnerships of immigrants (185). On the other hand, other immigrant receiving nations “are realizing that talent does not recognize geographic

borders or country of origin” and are tweaking their policies to make themselves more attractive to the highly skilled (198-199). While the 1990 legislation gave the U.S. economy a much-needed boost, it did not last, as the cap on H1-B visa’s was cut to 65,000 by 2004. A proposal was made in 2005 to raise it by 30,000 and to allow 90,000 temporary green cards, but this proposal did not succeed. Schachar warns that “the United States—the original initiator and inventor of the global IQ talent hunt—is on the verge of losing its standing as the place for knowledge emigrants to fulfill their “American Dream”” (200).

Schachar concludes by grounding his study in the terms of citizenship theory. His argument here is that traditional citizenship theory is unequipped to deal with the global competition for skilled immigrants, as it focuses on “national identity and belonging” (203). Instead, Schachar calls for a “more calculated, competition induced and interest based approach” to examine the citizenship implications of “managed immigration.” He points out that emigrant countries are also being forced to reformulate their emigrant policies, particularly with respect to those holding multiple citizenships, and the laws governing foreign direct investment (FDI). Increasingly, the countries on the losing end of immigration patterns are exerting their “control over the definition of membership in its polity as a tool to ensure greater talent and related inflows from these highly skilled emigrants who seek to retain their citizenship ties with the home country” (202). This has entailed a “reconception of the nation’s membership boundaries” as countries are under increasing pressure to be more open in terms of granting permanent residency and citizenship to skilled immigrants.

Skilled migrants clearly have much to contribute to destination countries through their ingenuity, creativity, and hard work; but by no stretch of the imagination are they part of the traditional *ethnos* or *demos*. (2006: 206)

Schachar argues, thus, that “counter intuitively, and under conditions of uncertainty, national immigration agencies have reasserted themselves as significant players in the global market for the highly skilled” (206).

Bloemraad (2002) also compares U.S. and Canadian naturalization legislation, attempting to account for the distinct gap between rates in the two countries. In the U.S. 43.4% of immigrants choose to naturalize, whereas in Canada, 72.7% do so (198). Her overarching argument is that “the underlying process of citizenship promotion, couples with material support, drives the North American naturalization gap” (217). She argues that the typical macro-institutional approach that dominates the study of immigration cannot go far enough to explain the difference, and instead advocates an institutional approach. She contends that “naturalization differences do not stem from simple and obvious dissimilarities in Canada and American immigration, nor do current theories adequately explain the gap” (194). Bloemraad (2002) uses U.S. and Canadian Census data from 1990 and 1991, respectively, and as well as draws on qualitative interviews with comparable Portuguese immigrant communities in Toronto and Boston (196).

Bloemraad explains that laws governing legislation in the U.S. and Canada are strikingly similar, with the exception of two details. First, the United States has a longer waiting period, or residency, before citizenship can be attained (five years v. three years in Canada). Second, Canada has accepted dual citizenship since 1971 while the U.S. has more de facto acceptance of dual citizenships. She argues that these differences do not account for naturalization differences because, with regards to the first difference, the numbers of people naturalizing should level out after five years, and they do not (205). Bloemraad presents two major arguments that emerge from the data and interviews. The first part of her argument centres on the personal characteristics

of the immigrants themselves and is most relevant to the purposes of this paper. She argues that the difference in proportions of skilled, family, refugees, etc immigrant categories in the U.S. and Canada, impacts naturalization rates. She states that the “vast bulk of immigrants to the U.S. gain entry because they have relatives already there” whereas most immigrants enter Canada via the Point System. She writes, “to the extent that naturalization correlates with better language skills and increased levels of education, Canada apparently selects immigrants who are more likely to naturalize” (208). She speculates that perhaps the fact that Portuguese immigrants in Toronto have a higher median income than their counterparts in Boston means they have a higher interest in politics, which might make them more likely to naturalize (208).

The second part of her argument relies on “institutional configurations” (213). One is that the normative stance of the state towards immigrants matters. Canada has an interventionist position towards immigrants and the “state provides symbolic and material support for ethnic associations and leaders, encouraging leaders to naturalize community members” through Canada’s official Multiculturalism policy (213). The U.S., in comparison, embodies an “anti-state ethos” (214) where the INS remains neutral towards the naturalization processes of immigrants. Furthermore, there is a “disconnect between government and ethnic organizations” in the U.S. that does not exist in Canada (215). A telling example is that of the time spent on each citizenship file in both countries: In the U.S. its 3.3 hours per file, while Canadian officials spend 6.8 hours per file. At the local level, there is more encouragement in Canada, by ethnic community leaders, which Bloemraad attributes to a greater amount of funding of organizations in Canada which is more accessible to community leaders, as well as a closer “linkage” between the federal government and community organizations in Canada (217).

Banting (2005) examines the relationship among ethnic diversity, support for multicultural policy and for redistributive policy, using the U.S. and Canada as case studies. Though similar in most respects, (as immigrant-receiving, racially and ethnically diverse, Western liberal democracies), Banting emphasizes that the two countries differ considerably in the interplay of diversity and “social solidarity.” In the U.S., welfare policy is eternally mired in conflict concerning racial tensions, and it is thought that such tensions preclude the effective formation of social capital (Putnam 2004), as well as support for multicultural policies and redistributive measures. Analyses of these relationships have been touted as an inescapable consequence of the increasing ethnic diversity of Western nations as a result of immigration. Yet, Banting attempts to dispel this “master narrative” by juxtaposing the Canadian example against that of the U.S.. Studies of Canadian social policy and social attitudes demonstrate that racial tensions do not necessarily “define the politics of social policy” (109) and that it is possible for governments to “maintain expansive immigration programs and promote multiculturalism without necessarily eroding support for social welfare programs” (111).

In summary, narratives of U.S. and Canadian immigration policies are strikingly similar until the 1960s when the U.S. moved to entrench family reunification as the core of its immigration strategy while Canada adopted a skilled-based “Points” system that has been variously critiqued, praised, and copied. The 1965 Hart Celler Immigration Act was intended to preserve the existing ethnic and racial composition of the U.S., but resulted in increasing numbers of Asian and Latino immigrants, prompting the U.S. to revisit its policies throughout the 1970s and 1980s. These responses, to increasing numbers of Latinos in particular, eventually culminated in the 1990 Immigration reforms, which moved to emphasize skill (although still remaining shy of the Canadian figures). Here, three main issues arising from this literature review must be emphasized.

First, Latino applicants would be seriously disadvantaged by the shift to merit-based immigration proposed by the 2007 Immigration Reform Bill much in the same way the 1965 Hart Celler Immigration Act and 1990 immigration reforms intended, which supports Hing's contention that U.S. immigration policy is highly patterned. Second, there are also important parallels between the political-economic climate of the 1990s and today. The crisis in the mid to late 1980s around a skilled labor shortage and a sense of "impending doom" relating to the inability of the U.S. economy to compete globally, was the driving force behind the 1990 reforms. Third, critiques of the Canadian Points System have highlighted the fact that Canada's emphasis on economic class migrants is more rhetorical than factual (the figures on economic migration include unskilled spouses and children). Although the actual statistical difference remains: Canada's Points system is weighted to prioritize Principal applicants with skilled dependents, the rhetorical differences between U.S. and Canadian immigration policy cannot be overstated. Canada overemphasizes its commitment to economic migration, while the U.S. overemphasizes its commitment to family reunification. What accounts for these rhetorical differences?

Chapter 3

Methodology

3.1 Introduction

The ideas of prominent communication theorists and linguists, Harold Innis, Marshall McLuhan, Michel Foucault, Stuart Hall, Dirk van Dijk, and Norman Fairclough, among them, argue that society is constructed around communication. Their ideas have had a significant influence on the way geographers think about relationships between social phenomena and the media. From the poststructuralist perspective, meaning is “multiple” and socially constructed, emerging from the interplay between text and audience (Murdoch 2006: 8).

This project is concerned with the role of political discourse in the “enactment, confirmation or challenge of attitudes and ideology” (van Dijk 2000: 87 about immigration policy in the U.S. and Canada). In particular, I am interested in talk about skilled immigrants and legislative changes concerning selection policies. Such analysis reveals “social representations” as well as the potential ramifications of political debates for the representation of immigrants and Canada and the U.S. ideologically, “within a socio-political context of legislation and public opinion formation” (88).

This chapter briefly discusses the concept of discourse and development of discourse analysis as a methodology before outlining the specific adaptation of critical discourse analysis for use in this study.

3.2 Discourse Analysis

As a starting point to understanding discourse, its analysis, and its significance to the discipline of geography, Barnes and Duncan (1992: 8) offer a definition of discourses as the “frameworks that embrace particular combinations of narratives, concepts, ideologies and signifying practices, each relevant to a particular realm of social action.” The analysis of discourse is a qualitative “approach” geared to expose “underlying structures, meanings and uses of representation through in-depth reading and interpretation” (Vanderbeck 2003: 367).

The constructionist strand of discourse analysis with which I am concerned finds its roots in the work of poststructuralists such as Foucault. While on one hand dismissing Marxism “as a specific theory of the mode of production, as a critique of political economy, or as a dialectical method,” Foucault advocated a “critical view of domination which ... takes all social practices as transitory, and all intellectual formations as indissociably connected with power and social relations” (Olssen 2004: 254). As such, Foucauldian thought can be said to be distinct from the main premises of Marxism but at the same time involves a “partial usage of Marxist tenets” (Olssen 2004: 254). Foucault saw discourses as generating “regimes of truth” considered crucial for understanding identity formation and the inherent linkage of knowledge and power (Lees 2004: 103). Proponents of this method hold that speech cannot be removed from the power relations played out in “institutions, techniques, and social forms and in many important ways determine the behavior of social agents” (Sui 2000: 326).

In the field of geography, the constructionist perspective to textual analysis has been undertaken by a number of researchers (Vanderbeck 2003, 2006; England 2004). The lion’s share of studies on media in *The Annals of the Association of American Geographers* or *The Professional*

Geographer utilizes some form of discourse analysis. Vanderbeck (2003), for example, uses discourse analysis to examine media coverage of the murder of a “traveler,” a term Vanderbeck uses to describe persons of Roma origin. Vanderbeck’s analysis shows that media reporting of the affair emphasized stereotypes of travelers but also focuses on the anxieties “in the UK about young people, social exclusion and the underclass” (Vanderbeck 2003: 379). A later study by Vanderbeck (2006) takes a similar approach, this time examining media representations of Vermont “whiteness,” demonstrating how a “variety of economies of representation—some with quite long lineages—have contributed to popular (and often explicitly politicized) imagining of Vermont as both a homogeneously and distinctively white space” (653). England (2004), applies methods of discourse analysis to a documentary film made by the Vancouver Police Department, examining how “discursive productions of visual culture articulate, inscribe and discipline space and subjectivity”; as well as how “aboriginal women, in particular, negotiate and resist the material consequences of those representations, mediated through their multiple subject positions including gender, race and class” (296).

Discourse analysis allows for in-depth examination of phenomena. Instead of starting with a list of pre-determined concepts to search for in the text (as is the case with discourse analysis’ quantitative counterpart, content analysis), the list of themes is developed through the research. Furthermore, with the study of media and text, there is considerable safety and non-reactivity involved.

The benefit of the more interpretive nature of discourse analysis is sometimes outweighed when research methodologies are not appropriately outlined. One major problem with the use of discourse analysis in geography is the tendency of geographers not to explain how their methods

were performed (Lees 2004: 101). The next section outlines the development of a specific method of discourse analysis, critical discourse analysis (CDA), and its adaptation for use in this project.

3.3 Critical Discourse Analysis

The development of critical discourse analysis methodology cannot be removed from its sociopolitical context of neoliberalism, and especially 1980s Thatcherism (Slembrouck 2001). Thatcherism, and its U.S. counterpart, “Reaganomics,” saw the rise of neoliberal policies: the retraction of the state from social welfare, privatization, and deregulation. These policies remained largely unchallenged in the political realm throughout the 1980s (Slembrouck 2001: 35). During the second half of the decade, however, Thatcherism increasingly came to be questioned by groups in the U.K. and Australia (Slembrouck 2001:34).

Stuart Hall became the Director of the Birmingham Centre for Contemporary Culture Studies in 1972. He synthesized French structuralism and cultural studies, uniting each around Gramscian “political struggle” (Slembrouck 2001: 35). This school of thought was concerned with the impact of Thatcherism on mass culture, and the effects of the priorities of neoliberalism on “intellectual” material. Neoliberal pressures to reduce the “provision of social entitlements” were creating regimes of knowledge/discourse, or invisible “shackles” around intellectual boundaries and Hall was interested in exposing and addressing these shackles by way of critical analysis. Cultural studies gained a new status as academics became increasingly concerned with the “critical analysis of discourse.” The poststructuralist approach to cultural studies was introduced into linguistics, which placed an emphasis on examining “symbolic practices” as a pathway to understanding how “social relationships” are formed and negotiated in “everyday social practice”

(Slembrouck 2001: 35). The media, held Hall, were fundamental “sites for the production, reproduction, and transformation of ideologies” (Henry and Tator 2002: 19).

Norman Fairclough coined the term “critical discourse analysis” (CDA) in *Language and Power* (1989) (Rogers et al. 2005). CDA was intended to serve as an “interpretative mode of linguistic enquiry with explanatory ambitions and, second, the development of an emancipatory project of empowerment aimed at eliminating social inequality” (Slembrouck 2001: 35). In other words, interpretation was emphasized over description as means of challenging and struggling against dominant institutional power relationships/discourses; the “social context” of text becomes crucial to understanding its meaning. CDA centred on analysis of the ways in which language is used in “institutional practices and within the larger social ordering of institutional domains” (Slembrouck 2001: 36). At its inception, CDA was thus three-tiered, focusing on the text itself, its institutional context (or how it was produced, disseminated, and perpetuated), and the social practice or foundation underlying the production of the text. CDA revolutionized thinking about language and society in academia (Slembrouck 2001: 37).

3.4 Adaptation of Methodology

The critical discourse analysis portion of this project occurred at two levels. First, I collected and analyzed newspaper coverage of the debates leading up to and following the vote on the 2007 U.S. Immigration Reform Bill. Second, I analyzed the debates on the floor of the U.S. Senate on the topic of immigration reform concerning the move to the immigration “Point System.” The following sections of this chapter outline the methodologies adapted for this analysis.

3.5 Methodology: News Coverage

Methodology for the newspaper coverage portion of the study was adapted from Hier and Greenberg (2002) who take a critical discourse approach to the analysis of representations of Chinese migrants in the Canadian press. I analyze coverage of the Point System debate from the point of view of an east coast newspaper, *The New York Times*, and a west coast newspaper, *The San Diego Union Tribune*. Concepts were not coded from a pre-defined set; the list of thematic categories was designed to emerge as the research unfolded, and the number of citations was flexible. Articles were selected by searching *Factiva*, an online full-text database owned by Dow Jones and Reuters, for *The New York Times* and *San Diego Union-Tribune* headlines or lead paragraphs, containing the words “immigration” and “point system” (and variations) from May 1 to August 1, 2007.

Henry and Tator (2002) provide a list of “motifs” to consider when analyzing immigration discourse. The following questions are used as a guide for development of the thematic categories:

- Who belongs in this country?
- Who should be admitted to (or removed from) the country?
- What policies should be enacted to keep them out?
- What are the goals of immigration restrictions?
- What values and norms are applied in these activities?
- What are the relations between us and them?
- What is at risk for ‘Us’ (health, education, welfare system, social stability, etc.)?
- What resources do we have to deal with the problem (public policies, legislation, enforcement procedures)?
- What new actions are required to protect our space, our national identity/citizenship, and culture? (Henry and Tator 2002: 109)

The material was not limited to “hard news.” I included editorials and opinion pieces, letters, and guest columns. Hier and Greenberg omit these items, as they are not constrained by “conventional journalistic standards of objectivity and balance” (143). I, however, adopt the perspective of van Dijk, who holds that “editorial opinion is generally institutional and not personal ... editorials count as the opinion of the newspaper and not just a single columnist or reporter” (van Dijk 1996 in Henry and Tator 2002: 75). Furthermore, Henry and Tator argue, the opinions presented in the “editorials of the most influential papers are followed by members of Parliament, corporate managers, and other elite members of society” (2002: 75).

First, headlines were analyzed. Headlines invoke “historically derived, culturally shared models and scripts about people and events” (Hier and Greenberg 2002: 144). Readers typically can only recall the headlines or a few aspects about an article they have read (van Dijk 1986, 1988, 1994). In other words, headlines function as “retrieval cues” for readers, to allow them to match news to their existing body of knowledge about the world (van Dijk 1988: 228 in Hier and Greenberg 2002: 144). Headlines are intended to grab the attention of readers by sounding newsworthy to sell papers. A “numeric analysis” of concepts occurring in the headlines (recurrence of words and phrases) was performed.

Second, CDA was employed to examine the “semantic macrostructure” of the news coverage. Of these superstructures, van Dijk argues that

Semantic macrostructures, they represent what speakers find most important, they regulate overall coherence of discourse, how discourse is planned and globally controlled and understood, and what is best remembered by the recipients. For discourse about ethnic minorities or ethnic events, topics define what speakers think or discursively display as the most important information or opinions about Us and Them. (2000: 90)

I examined the organization of the discourse by theme. Like Hier and Greenberg, here I do not try and create a “clearly defined set of mutually exclusive categories, since a crucial characteristic of news coverage is that the themes often contradict and blur into one another” (144).

3.6 Policy, Materials, and Sampling Procedures

Methodology for the analysis of the Canadian parliamentary debates on the Point System as well as the U.S. Congressional debates was developed from Hier and Greenberg who draw on Van Dijk (2000). U.S. debates were accessed via the Congressional Record Online. Volume 153 (2007) was searched for the words “immigration” and “point system,” yielding 25 documents ranging from May 7th, 2007 to September 19th, 2007. Irrelevant documents were discarded.

Again, here, CDA was used to examine the semantic macrostructure of the discourse. Thematic categories, again, were not mutually exclusive. Overall, I aimed to discern “which semantic structures and strategies are especially relevant in discursively representing these beliefs, especially in the context of legislation and parliamentary debate” (van Dijk 2000: 90).

More micro-structural aspects of the texts were also considered. This methodology, adapted from van dijk (2000), included:

- Implicitness
- Disclaimers
- Specificity v. completeness
- Evidentiality
- Vagueness
- Contrast
- Comparison
- Illustration
- Intertextuality
- Lexicalization

Pronouns Style

Analysis of discursive implicitness refers to that which is not formally “expressed” by the text, but is “implied or presupposed” (van Dijk 2000: 91). In particular, I asked, “whom does it serve when specific information is not expressed?” (van Dijk 2000: 92).

Disclaimers are important in van Dijkian analysis of debates about immigration and policy debates more generally. One example of such a disclaimer is an “apparent denial” whereby the speaker claims he or she has nothing against the issue at hand, and then makes an excuse, or uses a “but” statement (92). The contrasts between “specificity and completeness” were also recorded: when the negative aspects of the in-group are discussed in general terms whereas negative issues concerning the out-group are dealt with specifically, and vice versa (92). Thus, talk about the in-group and talk about the out-group were compared.

Evidentiality was considered: “where do the speakers get their evidence about immigrants? From hearsay? Observation” (93). Vagueness or “hedging” where the controversy surrounding the immigration bill was also examined as “vagueness characteristically functions as a form of impression management: protecting our own face (when being vague about racisms for instance), and where possible being vague about the positive properties of the Others” (94).

Contrast and comparison figured prominently in the discourse analysis (us and them, good and bad, “what they do with what we do”) (94). Illustration, examples, and the stories used to increase credibility were also examined.

Intertextuality was considered. People's knowledge and beliefs draw on "talk and text, and such discourse will often be integrated as a "link" in the current discourse, often as a credibility or knowledgeability device" (94) In other words, I asked, how do the speakers draw on other discourses? (94).

The lexicalization of the discourse was considered, examining the specific words chosen to describe immigrants and the issue at hand (95). Specific attention was paid to pronouns, and particularly the use of "we," "them," "us," etc. (95). Finally, the style of the speaker was considered (whether the representative was a member of government or opposition, for example).

Chapter 4

Results

The following chapter presents the results of the discourse analysis of both the Senate debates on merit-based immigration and coverage of these debates in *The New York Times* and *San Diego Union Tribune*. The analysis uncovered seven semantic macrostructures employed by both sides of the debate on U.S. immigration reform. Table 1 summarizes the quantitative analysis of the references made on the floor of the Senate and in the two newspapers. Table 2 shows the newspaper articles written about the merit-based debate, published during the study period.

TABLE 1

Semantic Macrostructures in U.S. Debate on Merit-Based Immigration

Semantic Macrostructure	References
Erosion of American Family Values	65
Global Competition	42
Chain Migration and Unskilled Workers	35
Canadian Point System	33
Morality/Immorality	32
Illegal Immigration	15
Citizenship	13
Total	235

The shift to a point system of immigrant selection was directly linked to the denigration of the family structure: both of the immigrant family and the broader “American family.” A discourse of global competition emphasized, as a reason to shift to a more merit-based system and an increasing need to compete for talent to maintain the U.S.’ international economic position. The

TABLE 2

Newspaper Coverage of U.S. Senate Debate on Merit-Based Immigration			
Paper	Journalist	Title	Date
<i>The New York Times</i>		Lawmakers near agreement on new immigration rules	17 May 2007
	Robert Pear	After aiding bill on immigration, employers balk	21 May 2007
	Editorial desk; SECTA	Make a bad bill better	29 May 2007
	Robert Pear	A point system for immigrants incites passions	5 June 2007
	Julia Preston and Christopher Mason	Canada's policy on immigrants brings backlog	27 June 2007
<i>San Diego Union Tribune</i>	Bill Ong Hing	Abandoning family values	10 May 2007
	Ruben Navarrette Jr.	Very few happy with immigration compromise	23 May 2007
	Opinion	Immigrant skills: Employers are better judge than bureaucrats	7 June 2007

issue of chain migration, or the migration of families, and the influx of unskilled workers, was also addressed in the argument for a U.S. point system. Those in favour of the shift point to the Canadian system as evidence of an immigration policy that serves national interest. The merit-based system was proposed as a mechanism to fight illegal immigration and was constructed as pivotal in both welcoming and barring those who truly “belong” as American citizens. These six discourses were interwoven by a moral discourse, which is dealt with as a distinct macrostructure in this chapter. The seven macrostructures are presented here, in order of highest to lowest recurrence.

4.1 Discourse of moral panic: erosion of the American Family

The first and most ubiquitous rhetorical strategy in the debate on merit-based immigration in the U.S. Senate was the creation, by opponents of the bill, of a moral panic concerning the potential erosion of the American value of “family” through the dismantling of the existing family reunification-based immigration policy. Table 3 shows the Senators and interest groups involved in this discourse.

TABLE 3

U.S. Senate Debate References to the Erosion of American Family Values

Senator	Party	State	References
Robert			
Menendez	Democrat	New Jersey	30
Christopher			
Dodd	Democrat	Connecticut	15
Barack Obama	Democrat	Illinois	6
Edward Kennedy	Democrat	Massachusetts	3
Patrick Leahy	Democrat	Vermont	2
Jon Kyl	Republican	Arizona	1
Interest Group			
U.S. Catholic Bishops			4
Interfaith Immigration Coalition (IIC)			2
Jewish Council for Public Affairs (JCPA)			1
Mexican American Legal Defense and Educational Fund (MALDE)			1
Total			65

Family reunification, argued these Senators (see Table 3), was a traditional pillar of U.S. immigration policy—a policy that had entrenched the family structure as the “bedrock” and “fabric” of America (Menendez, 17 May 2007: S6255). Thus, opponents of the shift to skill-based selection invoked a historical discourse that painted family reunification as a project of the “forefathers.” Lexicalization included the recurrence of terms such as “essence,” “core,” “fabric,”

“bedrock,” “forefathers,” “community,” “tradition,” as well as a broader metaphorical construction of America itself as a family:

- They also propose virtually doing away with provision for family reunification which has been the bedrock of our immigration policy throughout our history. (Menendez, 17 May 2007: S6255)
- ...first and foremost, it tears at the fabric of family reunification by limiting and eliminating the ability of U.S. citizens and lawful permanent residents to petition for their children, their parents, and siblings to join them in this country. I took it very much to heart when President Bush said family values don't stop at the Rio Grande, that we all share those family values. Yet here we are with a piece of legislation which I gather is largely supported by the White House which undermines the very essence of that. (Menendez, 17 May 2007: S6255)

A recurring discursive tactic on the floor of the Senate was to list notable Americans who would not have qualified to immigrate under a merit-based system. These included Jonas Salk, Thomas Edison, Bob Hope, Peter Jennings, Colin Powell, and David Petraeus. Menendez and Obama, in particular, repeatedly made mention of their own parents, and the parents of other Senators:

- This deal would have prevented my own parents, a carpenter and a seamstress, from coming to this country. They wouldn't have qualified under this point system. I would like to think that they and others whom I have heard about around this Chamber – I have heard so many stories from my colleagues in the Senate and formally in the House, talking about their proud history. Their parents would not have been eligible to come to this country under this bill. I would like to think that, on both sides of the aisle, they have contributed to the vitality of this Nation. I have listened to so many of the stories of our colleagues, and I know many of their parents never would have qualified to come to this country under this bill. (Menendez, 23 May 2007: S6504)

Throughout the debate, family reunification was repeatedly linked to citizenship. With this rhetorical strategy, a “good” citizen, someone who serves in the U.S. military, attends church, and is economically productive, should have a right to bring family members to the U.S.

- I hope we can make this journey a safe, orderly, and legal process that preserves and fulfills the American dream for all, that upholds the right of U.S. citizens to seek the reunification of their families. It takes those who serve our country and who are not U.S. citizens yet and gives us the right to say: You fought for America, you may have been wounded in the process. You have done everything we would want of any citizen. Your right to make a simple claim to have your family reunited for you will not be snuffed out by this legislation. (Menendez, 23 May 2006: S6504)

The argumentative strategy employed by the opponents of merit-based immigration also involved the construction of the debate around moral lines. Menendez, for example, argued that facilitating the “natural” human instinct of families to migrate to one another was the moral imperative of U.S. immigration policy. Any adulteration of the family-based immigration policy, he maintained, would only further fuel the incentive for illegal entry and damage economic productivity, thereby jeopardizing social stability. Family reunification was therefore represented as part of the moral essence of community. With the words of Pope John Paul II, Menendez argued:

- ‘The church in America must be a vigilant advocate, defending against any unjust restriction of the natural right of individual persons to move freely within their own Nation and from one nation to another. Attention must be called to the rights of migrants and their families and to respect for their human dignity.’ Practically speaking, a breakdown of family structure often leads to a breakdown of social stability. (Pope John Paul II, cited by Menendez, 23 May 2007: S6504)

Menendez also emphasized the dehumanizing nature of the concept of chain migration, which proponents of merit-based selection pointed to as the reason for reform. Lobby groups—the U.S. Catholic Bishops, Interfaith Immigration Coalition (IIC), Jewish Council for Public Affairs (JCPA), and Mexican American Legal Defense and Educational Fund (MALDEF)—pushed for amendments that would restore the centrality of family reunification to the bill. The moral arguments made both for and against merit-based selection were numerous enough to warrant a separate thematic category.

The preservation of family reunification figured prominently in the *New York Times* discussion of the point system debate where family reunification policies were discussed as the “basic stepping stones” of the U.S. system (Mason and Preston, June 26, 2007). In particular, the effects on Latino families’ ability to be reunited were emphasized:

- But Herminia Licon Sandoval, a cleaning woman from Honduras, would have no hope of bringing her 30 year old son to the United States. He works as a driver at an oil refinery, lacks a high school diploma, speaks little English and would fare poorly under the Senate bill, earning fewer than 15 of a possible 100 points. (Pear, *New York Times*, 5 June 2007)

The *San Diego Union Tribune* focused more intently on the issue of family reunification than did the *New York Times*. The newspaper featured several editorials, one by immigration lawyer and professor at the University of California Davis, Dr Bill Ong Hing. Hing’s editorial characterizes family immigration as the “bedrock” of U.S. immigration policy and the point system as a “huge step backward,” writing that

- Perhaps as a first step in getting a sense of the unquantifiable values of family reunification, we could begin by thinking of our own families – including our siblings and older children – and what each one of our loved ones means to us. How less productive would we be, having to constantly be concerned about their sustenance, safety, or general well-being? How more productive are we when we know that we can go home at the end of the day and enjoy their company or share our day’s events with them? (Hing, *San Diego Union Tribune*, 10 May 2007)

Another opinion piece in *the San Diego Union Tribune* supported the shift away from family reunification but warned about allowing the federal government too much control over the flow of labour.

4.2 Intertextuality: Discourse of global competition

An opposing rhetorical strategy adopted by proponents of the shift to a merit-based system was to emphasize the U.S. imperative to remain competitive internationally. This macrostructure centred on the need to attract talent and ability for the sake of U.S. national interest. Table 4 shows the Senators involved in this discourse.

TABLE 4
U.S. Senate Debate References to Global Competition

For Merit-Based				Against Merit-Based			
Senator	Party	State	References	Senator	Party	State	Reference
Jeff Sessions	Republican	Alabama	16	Barack Obama	Democrat	Illinois	1
Edward Kennedy	Democrat	Massachusetts	12	Robert Menendez	Democrat	New Jersey	1
Bernard Sanders	Independent	Vermont	3				
Mel Martinez	Republican	Florida	1				
John Ensign	Republican	Nevada	3				
John McCain	Republican	Arizona	1				
Judd Gregg	Republican	New Hampshire	1				
Jon Kyl	Republican	Arizona	1				
Arlen Specter	Republican	Pennsylvania	1				
Lindsey Graham	Republican	South Carolina	1				
Total			40	Total			2

Proponents of the bill warned that the U.S. ability to compete globally was in danger due to a lack of highly skilled workers; the merit-based system would “boost U.S. competitiveness” in the global economy by attracting immigrants with degrees in science, technology, engineering and math (Sessions, 21 May 2007: S6369). The geographical scale at which this argument is mustered is striking, as it moves from the local sphere of the family to a global scale:

- Our competitiveness in the global economy is at risk when our employers cannot find the able workers they need. (Kennedy, 21 May 2007: S6379)

Immigrants were therefore constructed as pivotal for economy growth and competitiveness:

- Immigrants contribute to scientific discovery, to culture and the arts. They help make our economy the most vibrant one on the planet. (Kennedy, 21 May 2007: S6379)
- By combining family ties, we can build a stronger immigration system that will help to build a stronger, more competitive economy and Nation. (McCain, 25 May 2007: S6938)
- We have a merit-based system, as I said, that will pretty much ensure these green cards go to the best and the brightest, the high-skilled people who will bring with them the kinds of things we need to compete in the global economy. (Kyl, 25 May 2007: S6986)
- What a great opportunity we have as a country not to repeat the mistakes of 1986 by having a merit-based immigration system that has a strong family component but frees up some green cards so we can be competitive. (Graham, 6 June 2007: S7157)

Even Democratic Senator Barack Obama, one of the strongest opponents of the shift to merit-based immigration, admitted that

- Mr. President, we live in a global economy, and I do believe America will be strengthened if we welcome more immigrants who have mastered science and engineering. (Obama, 6 June 2007: S7155)

This rhetorical strategy emphasized the inseparability of immigration and national economic interest and represented family reunification as being separate and unrelated to national interest:

- I believe it was the columnist Charles Krauthammer, in one of his columns about this subject, who mused as to whether we shouldn't be like the NFL football draft and look out all over the world and pick the best and brightest who would flourish in America and strengthen our Nation and make us a better, stronger, more vigorous, and talented country. (Sessions, May 21, 2007: S6368)
- If a person comes, then you can bring your brother and sister. If your brother is married, the wife comes with your brother. If they have three children, those come. If she moves forward to a green card or citizenship, she can also bring in her relatives. Then the wife can bring in her brothers and sisters. So that is how this system works. It is unrelated to skills and the productivity of the person intending to come. It is unrelated, therefore, to the national interests of the United States. It is unconnected to them. It is their interest they are concerned about and not the national interest, which is to make the persons who come are honest, hard-working, decent people with skills and capabilities to be successful in America. (Sessions, 22 May 2007: S6432)
- We hear stories about familial reunification. I know that is nice to talk about. That could be important to an immigrant who becomes a citizen and wants to also bring their extended family. It might be important to them personally. But the real question is, what we have to ask is: Is this important to the national interest? The best national interest, I believe and other nations of the developed world have included, requires a movement where you can bring your wife and children, but you don't get to bring extended family in. (Sessions, 22 May 2007: S6429)

Opponents of the shift to merit-based immigration, however, argued that instead of aiming to attract human capital from abroad, the U.S. should focus on educating Americans.

A number of references (7) appeared in *The New York Times* surrounding the need for the U.S. to compete in the global economy, particularly, through competition for the brightest "minds" in the world. Global competition was not a significant issue in the *San Diego Union Tribune* coverage of the Senate debate.

4.3 Discourse of panic: Chain migration and the influx of unskilled workers

A third rhetorical strategy employed by proponents of the shift to merit-based immigration was to create an opposing sense of panic around chain migration and the influx of unskilled workers created by the family reunification system (see Table 5).

TABLE 5

U.S. Senate Debate References to Chain Migration and Unskilled Workers

Senator	Party	State	References
Jeff Sessions	Republican	Alabama	26
Edward Kennedy	Democrat	Massachusetts	3
Wayne Allard	Republican	Colorado	2
Jon Kyl	Republican	Nevada	2
Sam Brownback	Republican	Kansas	1
Diane Feinstein	Democrat	California	1
Total			35

Merit-based immigration, it was argued, would reduce chain migration and alleviate pressures created by unskilled workers on the U.S. middle class. In particular, the panic centred on the drain on the U.S. medical and welfare systems especially in light of an aging U.S. population. Merit-based immigrants, it was argued, were less likely to pose a burden on social services than those entering the U.S. through family reunification. Highly skilled immigrants were represented as being more productive than other immigrants, serving as a greater tax base, and contributing to the “health and vitality” of the nation (Sessions, 16 May 2007: S6176). Merit-based immigration would mean more immigrants holding steady jobs and health insurance:

- I am concerned that we will end up with a system that will not be effective to move us to a more merit-based system, which would serve our long-term national interests and would ensure the people who do come to America come with every prospect and every ability to flourish in our country and to do well, and not only not be a drain on our medical system or our welfare system, but actually be prosperous taxpayers contributing to the health and vitality of our Nation. (Sessions, 16 May 2007: S6176)
- Mr. Rector studied the numbers. He used a framework of the National Academy of Sciences study in 1990. That study tried to analyze the economic impact of immigration. He took this disproportionate number of low-skilled and uneducated workers and he

demonstrated, as Senator Bunning told us, that it is not this year and not next year the crisis will hit us, but in the outyears. Do you know what Mr. Rector said? He said they will begin to draw the biggest amount of money about the time the baby boomers are drawing the biggest amount of money out of the Treasury, and Medicare and Social Security will be damaged tremendously by this program. (Sessions, May 21, 2007: S6375)

- If you take the smaller number who come to America with any college, he said – 2 years of college or above, they tend to do fabulously well. They tend to be very successful. They and their children almost never go on welfare. They pay their medical bills. (Sessions, 21 May 2007: S6376)

Here, the concept of chain migration was used as a rhetorical strategy to cause panic over an endless influx of aging family members whom American taxpayers would be required to support:

- So those 40,000 more elderly parents—by the way, Canada gives points for youth. They believe Canada benefits from a younger rather than an older immigrant. But those parents who come—we have to be honest with ourselves are not going to be net gain like a young skilled person. But that was the compromise they pounded away at. Some said family reunification, we have to have family reunification. So instead of eliminating aging parents, they agreed to cap them at about half the number we currently have of parents who get to come each year. (Sessions, 22 May 2007: S6429)

Chain migration was represented as “out of control.” The backlog of families trying to immigrate to the U.S. was frequently referenced:

- So we think it will total up to 6 to 8 million people who are in the backlog. (Sessions, 22 May 2007: S6427)

Panic also ensued over accusations that the 2007 reform bill would actually triple chain migration:

- Not only do we greatly expand our guest worker program, we are actually increasing chain migration, even though they are telling us this bill will take care of that. Chain migration allows an immigrant to bring his spouse and children and the sisters and brothers and inlaws, grandparents, aunts and uncles. One of the reasons the wait to

migrate to America is so long for many people overseas is that the open slots that could become open to immigrate here legally are going to people who are bringing their relatives over, people who can't even support themselves, but they are family members. (Rohrabacher, May 22, 2007: H5616)

- But, unfortunately, the bill fails to meet this goal. For the next 8 years— almost a decade—instead of moving to a merit-based system and ending the chain-based system, chain migration will increase. After that, merit admissions will reach just more than one-third of all immigrants entering our country. So we will continue this system that, in effect, favors lack of education and low-skill workers, and denies entry to those who have higher skills, education, speak English, and have college degrees. (Sessions, 25 June 2007: S8350)

It should be noted that three references were made by opponents of merit-based immigration who argued that the point system would discount the importance and humanity of unskilled labour (Kennedy, 5 June 2007: S7038).

The New York Times discussed the point system with regards to the potential impact on the availability of essential workers: those who work in reproductive, non-reproductive service industries, and construction:

- Democrats insisted, and Republicans agreed, that some points be awarded to people who had close relatives in the United States or could perform low-skill jobs for which there was a high demand. (Pear, *The New York Times*, 17 May 2007)

The issues of chain migration and the influx of unskilled workers did not figure prominently in the *San Diego Union Tribune's* coverage of the U.S. merit-based immigration debate.

4.4 Discourse of evidentiality: representations of the Canadian point system

A fourth rhetorical strategy involved the repeated reference to the Canadian point system as evidence in support of a shift to merit-based selection (see Table 6). Evidentiality is important, for, as Van Dijk writes,

As is the case for most argumentative discourse, parliamentary discourse needs to spell out the evidence of beliefs or claims, especially the sources of beliefs... Reference to each of these sources has variable implications for the credibility of the speaker. Often, evidentiality is a form of *intertextuality*. (2000: 93)

TABLE 6

U.S. Senate Debate References to the Canadian Point System

Senator	Party	State	References
Jeff Sessions	Republican	Alabama	32
Christopher Dodd	Democrat	Connecticut	1
Total			33

The discourse concerning the Canadian system in the U.S. Senate was positive; those opposing the merit-related section of the bill did not use the Canadian system as evidence against adopting a point system. Sessions repeatedly argued that reform of the U.S. immigration system should be modeled after the Canadian system. Australia, New Zealand, and the U.K. were also used as evidence, but to a much lesser extent.

Sessions held that Canada was “happy” with the points system as it served the Canadian “national interest” and was more “objective” than the American system, allowing Canada to select immigrants based on the language abilities, education, and skills:

- On the basic entry, citizenship entry into the United States, we need to be far more similar to Canada, which has a merit-based, skill-based system that

evaluates applicants on what they bring to Canada: Do you speak English? Do you have an education? Do you have skills that Canada needs? It is a skill-based point system. It is objective and fair and it serves the Canadian interests, and they are very happy with it. (Sessions, 8 May 8 2007: S5693)

- Look at Canada. They had 60 percent merit based immigrants; that is, they asked those people: Are you educated? Do you have language skills? Can you speak in English or French? What kind of skills do you have that Canada needs? What prospects do you have as an immigrant to be successful in Canada, to be a productive citizen who will contribute to Canada, make Canada a stronger and better nation? That is what Canada does. (Sessions, 21 May 2007: S6363)

Another point that was consistently invoked was that of fairness and objectivity. Here the lottery system of current U.S. policy was argued to be unfair. Both Canada and the U.S. receive a huge number of applicants and can only admit a tiny fraction of that number. Sessions argued that selecting immigrants based on a list of qualifications was fairer than selecting by family ties:

- But a nation like Canada has had to deal with it. They wrestled with it and they decided it would overflow the country and more people want to come than they can accept—that they would accept people who have the job skills that will be successful in Canada and therefore they will pay more in taxes than they will take out in benefits. (Sessions, 21 May 2007: S6375)

The numbers—Canada admits approximately 60 percent of its immigrants based on skill, whereas the U.S. admits only 20 percent—were frequently juxtaposed. In fact, Sessions argued, the reform bill did not go far enough—it would only increase skill based immigration from 20 to 40 percent; still shy of the Canadian target.

- In 2006, employment-based or skill-based immigration made up 22 percent of our immigrant flow. In 2006, we only had 12 percent. So, recently, skill based immigration has made up 12 percent to 22 percent of annual immigration. As I stated before, Canada has 60 percent and Australia has 62 percent skill based immigration. Under the Senate bill, skill-based or merit-based immigration will make up about 18 percent of the total immigration levels for the first 5 years. That is not even as high as we had in 2005. Then, for the years 6 through 8 after the bill passes, merit immigration will drop to 11 percent of the total annual immigration level, lower than the 12 percent we had in 2006. Even when the

percentage finally increases after the ninth or tenth year, it only raises to as high as 36 percent based on skilled immigration, which is a little more than half of what the Canadian system now has. I don't think that is a strong enough move, and it is a strong disappointment to me that this is the case. (Sessions, 22 June 2007: S8282)

Whereas in the Senate the Canadian system was represented positively as the model to work toward, in sharp contrast, *The New York Times* discussed Canada overwhelmingly in terms of a “cautionary tale.” Representations of the Canadian system in the *Times* were predominantly negative. The backlog and overall slow pace of the Canadian system emerged as a major theme. In one article, for example, the Canadian system is likened to an “immovable beast” (Mason and Preston, June 26, 2007). The Canadian system was also compared to a “bathtub with an open faucet and a clogged drain”: a system that is “deluged” with applicants, and overflowing (Mason and Preston, 26 June 2 2007).

The taxi driver analogy was also employed. Mason and Preston wrote, “If you advertised for professors and one comes over and is driving a taxi,” he said, “that’s a problem” (Mason and Preston, June 26, 2007). In other words, *The New York Times* echoed the recurring Canadian narrative of the highly skilled immigrant who, upon arrival in Canada, discovers that his credentials are not recognized. Needing to support himself and his family, he takes whatever work he finds. The resulting “taxi driver phenomenon” is one of the major criticisms leveled against the Canadian system of merit-based selection: if skills and potential are “underutilized,” the economic strategy of the “Points” system is null (Thompson 2000: 9).

The labour shortage in Canada was also used as a warning to American immigration reform. The boom in Alberta, and the inability of the Canadian system to accommodate its labour needs was pointed to: “The sheer size of the Canadian point system, the complexity of its rules and its

backlogs make it slow to adjust to shifts in the labor market, like the oil boom in Alberta” (Mason and Preston, 26 June 2007). The Canadian point system was represented as burden on the Canadian government. On this point, Pear wrote, “Since applications are not screened first by employers, the government bears the burden and cost of assessing them” (Pear, 5 June 2007).

The *New York Times* discourse on the Canadian point system represented it as overly complicated, drawing on the expertise of Don J. Devoretz: ““I am a university professor, and I can barely figure out the point system,” said Don J. Devoretz, an economics professor at Simon Fraser University in British Columbia who studies immigration systems” (Mason and Preston, 26 June 2007).

Finally, the Canadian system was likened, although indirectly, to that of the Soviet Union, in opposition to the market:

‘The point system is like the Soviet Union,’ Ms. Lofgren said. ‘The government is saying, in effect, we have a five year plan for the economy and we will decide with this point system what mix of skills is needed.’ That is not the way a market-based capitalist economy works best. (Pear, 5 June 2007)

Canada did not, however, serve as a cautionary tale in the *San Diego Union Tribune* coverage of the point system debate. In fact, the Canadian system was barely mentioned during the study period.

Canada was repeatedly used as evidence of a functioning and ideal system of immigrant selection by the Republicans. The Democrats in opposition, however, never pointed to the failings of the Canadian Points System as evidence against those in favour of a move to merit-based selection.

The New York Times, however, focused on problems with the Canadian scheme. The differences in the positioning of the Canadian system as evidence on the floor of the Senate, in *The New York Times* and the *San Diego Union Tribune* suggest that regional and scalar dynamics are crucial to understanding the 2007 Immigration Reform debate on merit-based immigration.

4.5 Discourse of morality

A fifth discursive strategy, used by both sides of the debate, drew on moral arguments for or against merit-based selection (see Table 7). This was done in a number of ways.

TABLE 7

U.S. Senate Debate References to Morality

Senator	Party	State	References
Robert			
Menendez	Democrat	New Jersey	13
Jeff Sessions	Republican	Alabama	9
Barack Obama	Democrat	Illinois	6
Wayne Allard	Republican	Colorado	3
John McCain	Republican	Arizona	1
Total			32

To begin, those for merit-based immigration pointed to the immorality of the existing lottery system: the number of applicants vastly outweighs the number of spots available for those to come to the U.S. The imbalance, they argued, makes it the moral imperative of U.S. immigration policy to select immigrants based on their hard work, rather than through “nepotism” (McCain, 25 May 2007: S6938).

- I will raise it as a moral issue. Remember, we have a certain zero sum game. We will put an ultimate level on the number of people who can enter our country. The question is, who will enter our country? We know, as I noted earlier, in the year 2000, 11 million applied for the 50,000 lottery slots. Think about that, 11 million want to come to America and they applied for those lottery slots. Only 50,000 names were drawn out of that 11 million. We can't accept everybody and we should focus on what we can do for the people who will most likely flourish here, will pay more in taxes than they will take out in revenues, and who have proven themselves acceptable. Since we can't take everybody, let's raise this question. (Sessions, 21 May 2007: S6375)
- Recently, David Brooks wrote in his column: The United States is the Harvard of the world. Millions long to get in. Yet has this country set up an admission system that encourages hard work, responsibility and competition? No. Under our current immigration system, most people get into the U.S. through criminality, nepotism, or luck. The current system does almost nothing to encourage good behavior or maximize the nation's supply of human capital. (McCain, 25 May 2007: S6938)

This particular discourse was closely linked to the panic surrounding chain migration. Senator Sessions, for example, argued that immigrants do not have a moral right to bring their parents and adult children and those "distant" relatives should not have an automatic right to immigrate, a moral argument that is bolstered by a direct reference to religion:

- Now, no one disputes and this bill certainly doesn't, and neither do I, that if we give permanent residence to anyone, to a man, to come to America, he should be able to bring his wife and his minor children. But if you choose to come to America—you tell me, I say to my church friends—tell me why, if you choose to leave your extended family and come to America and establish a new life, what right do you have to demand that your aging parents should come with you? What right do you have, what moral right do you have to demand that?" (Sessions, 22 May 2007: S6427)
- So if you have an overall cap on how many people can come legally and you are allowing parents and brothers and sisters—without any reference to whether they have any skills or not— then you are denying slots to people." (Sessions, 25 June 2007: S8351)

Within this discussion, Senator Allard also made the point that merit-based selection would be pivotal in avoiding terrorism and drug cartels:

- We don't want people coming into this country because they are terrorists and they want to destroy our society. We don't want people coming into this country because they are

part of a drug cartel or they are smuggling weapons – in or out. We do need to secure our borders. I think that is the primary thing we need to accomplish. (Allard, 25 May 2007: S6934)

A second, related moral discursive strategy involved the “yes” side’s attempt to advocate for the creation of a “level playing field” or objective mechanism for immigrant selection. Here, the idea of fairness was evoked in support of the shift to merit-based immigration by Senator Sessions. Sessions argued that a merit-based system would be more objective and fair than the existing system:

- On the basic entry, citizenship entry into the United States, we need to be far more similar to Canada, which has a merit-based, skill-based system that evaluates applicants on what they bring to Canada: Do you speak English? Do you have an education? Do you have skills that Canada needs? It is a skill-based point system. It is objective and fair and it serves the Canadian interests, and they are very happy with it. (Sessions, 8 May 2007: S5693)

The counter-argumentative strategy, employed in particular by Senators Menendez and Obama, was to portray the merit-based system itself as immoral and fundamentally unfair. This strand of discourse is inherently intertwined with that of the importance of family. Senator Obama argued that the point system is not only radical, but also an “experiment in social engineering.” He introduced an amendment (1202) to re-evaluate the point system, after five years:

- The proposed point system contributes, at a minimum, a radical experiment in social engineering and a departure from our tradition of having family and employers invite immigrants to come. If we are going to allow this to go forward, then Congress should revisit the point system in five years to give us time to examine the concept in depth and determine whether its unintended consequences are worth the cost of continuing the experiment or whether we should return to the existing system that allows immigrants to be sponsored through family and employers. (Obama, 23 May 2007: S6512)
- I have serious concerns about this new experiment in social engineering, not only because of the lack of evidence that it will work but because the bill says the new point system cannot be changed for 14 years. For that reason, I come to the floor today, joined by

Senators Menendez and Feingold, to offer amendment No. 1202 to sunset the point system after 5 years. (Obama, 6 June 2007: S7155)

Senator Menendez was similarly concerned and invoked the morality of family reunification. He also argued against the date for the switch-over of 1 May 2005 on the grounds that this date is “arbitrary” and therefore unfair:

- So the legislation, as currently drafted, says that if you legally apply for a visa after May 1, 2005, you have to compete under an entirely new system. It is an arbitrary date that was picked out of thin air. Let’s think of how fundamentally unfair that is. Imagine you are a lawful permanent U.S. resident. You have fought for your country, you have shed blood for your country, and in some cases, you may even have died for your country. (Menendez, 23 May 2007: S6504)

Along these lines, another strand of moral discourse weighed U.S. history and values against economic production. Here, the “no” side argued that the U.S. has a unique history and values based on faith and dignity that would be undermined by following the path to merit-based selection of countries like Canada and New Zealand; U.S. history should be valued over producing and the economy and therefore the merit-based system would not be appropriate. Immigration policy was therefore, taken as embodying “American values” (Menendez, 21 May 2007: S6387):

- As I understand it, a similar point system is used in Australia and Canada and is intended to attract immigrants who can help produce more goods. But we need to consider more than economics; we also need to consider our Nation’s unique history and values and what family-based preferences are designed to accomplish. (Obama, 23 May 2007: S6512)
- So let’s not dehumanize this reality. This isn’t about “chain migration.” This isn’t about some abstract sense of how we try to change a very important concept – family, family values, reunification, strengthening communities, and having great Americans who have altered the course of history and made this country the greatest experiment and country in the history of the world. (Menendez, 24 May 2007: S6600)

- Mr. President, we live in a global economy, and I do believe America will be strengthened if we welcome more immigrants who have mastered science and engineering. But we cannot weaken the very essence of what America is by turning our back on immigrants who want to reunite with their family members, or immigrants who have the willingness to work hard but might not have the right graduate degrees. That is not who we are as a country. Should those without graduate degrees who spoke Italian, Polish, or German instead of English have been turned back at Ellis Island, how many of our ancestors would have been able to enter the United States under this system? Character and work ethic have long defined generations of immigrants to America. But these qualities are beyond the scope of this bill's points system. It tells us nothing about what people who have been without opportunity can achieve once they are here. It tells us nothing about the potential of their children to serve and to lead. (Obama, 6 June 2007: S7155)

Throughout *The New York Times* coverage of the merit-based debate, the authors invoked the concepts of passion, heart, and hope and contrasted these with the objectivity of the point system. Opponents, for example, objected “passionately,” and low skilled workers had “no hope” of getting in under the point system:

- It has already stirred passions, because it would profoundly change the criteria for picking future immigrants. (Pear, 5 June 2007)
- But Herminia Licona Sandoval, a cleaning woman from Honduras, would have no hope of bringing her 30-year old son to the United States. (Mason and Preston, 26 June 2007)

A more general discourse of morality also weaved itself through *The New York Times* articles.

One editorial stated, for example

...as we check our turnstiles carefully for those bright enough to merit entry, bask in the labor of a churning class of serfs, check people's ID's, raid workplaces and fill our detention centres. The anti-amnesty fringe will be pleased with itself but it won't be an America the rest of us will want to brag about. (Editorial desk, May 29, 2007)

The discourse of morality figured much more prominently in the *San Diego Union Tribune's* coverage of the point system debate (9 references). The *Tribune* also contrasted objectivity with values. An opinion piece wrote “This isn't anti-family, as some on the left claim. It's common

sense” (Opinion, *San Diego Union Tribune*, 7 June 2007). Furthermore, in his editorial, Bill Ong Hing wrote, “The psychic value of family reunification is generally overlooked by empiricists perhaps due to difficulty in making exact calculations” (*San Diego Union Tribune*, 10 May 2007).

4.6 Intertextuality: Discourse of illegal immigration

A sixth discourse, that of illegal immigration, was woven into nearly all of the seven semantic macrostructures discussed here. The rhetorical strategies employed with respect to illegal immigration can be divided into two parts where merit-based immigration is concerned: One argumentative discourse held that all immigrants should have to go through the appropriate channels. Z visa immigrants (those receiving “amnesty”) should have to compete with other immigrants through the merit-based system instead of being handed a green card and effectively “rewarded” for breaking the law. This would give illegal immigrants a chance to “come out of hiding” without a full amnesty. The second argumentative discourse surrounding illegal immigration was that illegal immigrants should not, under any circumstances, be rewarded through the point system. Table 8 shows the Senators involved in these discourses.

TABLE 8

U.S. Senate Debate References to Illegal Immigration

Senator	Party	State	References
Wayne Allard	Republican	Colorado	6
Robert Menendez	Democrat	New Jersey	3
Jeff Sessions	Republican	Alabama	2
Mel Martinez	Republican	Florida	1
Edward Kennedy	Democrat	Massachusetts	1
John Ensign	Republican	Nevada	1
Jon Kyl	Republican	Arizona	1
Total			15

The bill contained a provision to allow Z visa immigrants to compete through their own merit-based pool rather than forcing them to compete against all merit-based immigrants. Senator Allard introduced an amendment which would eliminate the “separate schedule” for Z visa recipients.

- What many may not know is the enormous advantage the bill’s point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to the so-called supplemental schedule for Zs. This separate schedule awards up to 50 bonus points, points that are not available to people who have never broken our immigrations laws, to holders of Z visas seeking permanent status. (Allard, 25 May 2007: S6935)
- Regarding the merit-based system that was put into the bill, I have an-other amendment that would say to Z visa holders: You can stay here. But if you want to get a green card and even-tually citizenship, you would get in line with all of the other merit-based immigrants who seek that same goal. Not at the front of the line, not at the back of the line, the Z visa holders would get in line with everybody else who is applying for a green card. (Ensign, 7 June 2007: S7280)

Neither *The New York Times* nor the *San Diego Union Tribune* coverage of the merit-based debate linked the shift to merit-based selection to the issue of illegal immigration.

4.7 Discourse of Citizenship and Belonging

A final discursive strategy involved a much deeper discussion of citizenship and who “belongs” in the United States. In the immigration debate, citizenship was linked repeatedly to military service, race, and language, and more broadly, to the idea of a social contract between immigrant and receiving nation. Table 9 shows the Senators involved in this discourse.

TABLE 9
U.S. Senate Debate References to Citizenship

Senator	Party	State	References
Robert Menendez	Democrat	New Jersey	7
Barack Obama	Democrat	Illinois	3
Jeff Sessions	Republican	Alabama	1
Edward Kennedy	Democrat	Massachusetts	1
John Ensign	Republican	Nevada	1
Total			13

First, an argumentative strategy employed by the opponents of the merit-based system was to link immigration and the Iraq war, particularly by Senators Menendez and Ensign. The importance of military service to U.S. citizenship was deeply emphasized:

- You are a U.S. citizen. You have paid your taxes. You may have served your Nation. You attend church. You make a good living. You are a good citizen. You have petitioned

to have your adult child come to America but you did so after the date of May 1, 2005. Under this bill, that U.S. citizen loses their right. (Menendez, 23 May 2007: S6504)

- I hope we can make this journey a safe, orderly, and legal process that preserves and fulfills the American dream for all, that upholds the right of U.S. citizens to seek the reunification of their families. It takes those who serve our country and who are not U.S. citizens yet and gives us the right to say: You fought for America, you may have been wounded in the process. You have done everything we would want of any citizen. Your right to make a simple claim to have your family reunited for you will not be snuffed out by this legislation. (Menendez, 23 May 2006: S6504)
- Service members, who are not United States citizens or were not United States citizens, in different branches of the Armed Forces of the United States, who were worthy of wearing the uni-form of the United States, worthy of fighting for the United States, worthy of being injured and shedding blood on behalf of the United States, but not worthy—not worthy—of being able to claim their family members? (Menendez, 4 June 2007: S6991)

Secondly, a discourse of Latino immigration was deeply woven into that of who belongs on American soil. Senator Obama repeatedly argued that Spanish-speaking people should be able to join the “American family”:

- But for reform to work, we also must respond to what pulls people to America and what pushes them out of their home countries. Where we can reunite families, we should. Where we can bring in more foreign-born workers with the skills our economy needs, we should. And these goals are not mutually exclusive. We should not say that Spanish speaking or working class immigrants are only good enough to be temporary workers and cannot earn the right to be part of the American family. (Obama, 23 May 2007: S6511)
- The design of the points system leaves numerous questions unanswered. Beyond pushing workers from Latin America to the back of an endless line with no hope of ever reaching the front, the new points system leaves un-specified the crucial question of how migrants with sufficient points will be prioritized. (Obama, 6 June 2007: S7155)
- They support the amendment be-cause the new points system shifts us too far away from the value we place on family ties and moves us toward a class-based immigration system, where some people are welcome only as guest workers but never as full participants in our democracy. Indeed, the practical effect of the points system is to make it more difficult for Americans and legal permanent residents with family living in Latin America to bring them here. (Obama, 6 June 2007: S7155)

Thirdly, a discourse of a “social contract” existed, particularly on the part of the proponents of merit-based immigration, which stipulated a written and unwritten agreement between

immigrants and the receiving nation. In other words, if immigrants choose to go to the United States, then they effectively agree to certain conditions. Specifically, immigrants agree to contribute to the U.S. economy by being productive “citizens”:

- A person who wants to come to this country, has to ask to be admitted into the United States of America, and say that: I have not been a criminal, I meet the standards for admission, and I want to be a productive citizen. (Sessions, 21 May 2007: S6363)
- But under our plan, more distant relatives will no longer have an automatic right to immigrate. They must first prove that they have the skills, education and English abilities to contribute fully to our economic strength.” (Kennedy, 21 May 2007: S6379)

These three discourses: of military service, race, and language, and that of a social contract between receiving nation and immigrant, embody a value system concerning what makes a *true* citizen of the United States.

The following chapter presents my analysis of the seven semantic macrostructures uncovered by the discourse analysis.

Chapter 5

Analysis

5.1 Introduction

I am principally concerned with exposing the “moral boundaries” of society (see Pijpers 2006: 93) and uncovering how immigration policy represents the positioning of various actors: political parties, government ministries, citizen organizations, at multiple scales and their positioning vis-à-vis the state. I attempt to frame my analysis within the concept of citizenship and national identity. Policy can be viewed as the “reproduction” of social relationships. Legal discourse and practice authenticate the reproduction of “social identities” and the manifestation of everyday power relations. A geographical approach to the study of legal discourse exposes the mutual relationship between law and space. In particular, such discourses represent constructions of the concept of “community” operating “simultaneously across a variety of different scales in ways that can marginalize and exclude relatively powerless groups” like immigrants and refugees (White 2002: 1055). Changes to selection policies entail changes to a national conception of who belongs within the borders of that country, begging the questions: what kind of person belongs within the United States? Who can become a citizen and who should have access to rights?

Furthermore, as van Dijk explains, discourses concerning national identity and belonging do not usually stand by themselves. Instead, they must be considered as part of

complex social and political debates, which various sources ... competing or alternative discourses, and other forms of text or talk are explicitly referred to for examples, evidence, opinions, ways of speaking and so on. This is also true for discourse about immigration and minorities, especially because most dominant group members have few direct experiences with the Others. Much of what they know or believe, is thus based on

talk and text, and such discourse will often be integrated as a link in the current discourse, often as a credibility or knowledgeability device. (van Dijk 2000: 94)

Here, I attempt to marry the literature on citizenship and national identity with that of moral panic. A highly racialized “reservoir of social anxiety” (Hier and Greenberg 2002: 143) undoubtedly exists in the United States with respect to illegal immigration, and particularly the increasing “presence” of Latino migrants and Hispanic Americans. Their presence, it can be argued, has “threatened a deeply entrenched nostalgia for tradition and heritage, for cultural and aesthetic values, and for political habits” (Hier and Greenberg 2002: 143). The issue of illegal immigration and amnesty dominated the ill-fated 2007 U.S. immigration debates, largely overshadowing the discussion on merit-based immigration. Yet, here I aim to highlight the importance of this intertextuality to the analysis of immigration policy.

My argument is three-fold. First, the rejection by the U.S. Senate of merit-based immigration, predominantly on grounds that such a model is harmful to family values, fundamentally contradicts the principles of neoliberal ideology, indicating a divergent construction of citizenship. Second, a moral panic around the erosion of “American” family values was engineered on the floor of the Senate, by the media, and by several interest groups, tapping into an existing social anxiety about the state of U.S. immigration policy particularly where undocumented, and deeply racialized, Latino workers are concerned. Finally, the heavy reliance by the Democrats on preserving family and “community” as a discursive strategy demonstrates the “highly patterned” nature of U.S. immigration policy, especially with respect to Latino immigrants. The 2007 Senate debate on immigration reform and newspaper coverage of the debates demonstrates the ways in which states form and perpetuate national identity through discourses of citizenship (see Hier and Greenberg 2002). The discourse analysis shows that the

issue of skill-based selection cannot be removed from the U.S. policy panic over an undocumented Hispanic migrant “Other.” The panic concerning the dismantling of the family structure is a foil for talking about the “problem” of Latino migration. Democratic Senators Barack Obama (Illinois) and Robert Menendez (New Jersey), in an attempt to avert moral panic over racialized Latinos and to attract Hispanic voters, handled the merit-based issue by appealing to family values. Ultimately, the intertextuality of these discourses reveals the complexities of the relationship among race, class, and citizenship in the United States.

5.2 Turning away homo economicus: why?

The geographic literature on globalization has focused on state restructuring and, particularly, on the state’s diminishing position within a “global space of flows” (Ley 2003). Where global migration is concerned, this apparent erosion of the state has left it increasingly vulnerable to the trafficking of human beings and the undocumented immigrant. Immigration is no longer a one-dimensional phenomenon; it has been transfigured by the “circularity of transnationalism,” which “challenges the tendencies of the state towards enclosure within its borders, particularly in its desire to reproduce national citizens” (Ley 2003: 427). The 2007 Immigration Reform Bill’s proposal to move to a merit-based system of immigrant selection must first be placed within the context of this global space of flows.

As stated by the Bill, the intent of the shift to merit-based immigration was to “keep the U.S. competitive in the global economy” (White House.org 2007). Political rhetoric on the part of proponents of skill-based selection therefore stressed the need to compete internationally. Senator Edward Kennedy (D - Massachusetts), for example, argued that “our competitiveness in the

global economy is at risk when our employers cannot find the able workers they need” (Kennedy, 21 May 2007: S6379).

- We have a merit-based system, as I said, that will pretty much ensure these green cards go to the best and the brightest, the high-skilled people who will bring with them the kinds of things we need to compete in the global economy. (Kyl, 25 May 2007: S6986)

Here, the emphasis is on attracting and retaining the “best and brightest” in highly skilled workers: doctors, lawyers and engineers. The proposed move to merit-based immigration policy in the United States is representative of state’s need to capture a highly mobile, economic actor.

Supporters of the shift to merit-based immigration, particularly Senator Jeff Sessions (R – Alabama), argued that U.S immigrant selection policy should be modeled more closely on the Canadian Point System:

- I have argued we should move dramatically in the way that Canada moved to create a merit-based system for immigration, based on skills and abilities, which countries such as Canada or the United States would deem helpful to their nation. (Sessions, 16 May 2007: S6176)

Immigration policy in Canada as well as in a number of immigrant-receiving countries has become increasingly concerned with “capturing *Homo economicus*” or the ultimate representative of the “neoliberal global space of flows” (Ley 2003: 428). For Ley, *Homo economicus* is the agent of the neoliberal order: a highly mobile, educated, economic unit, and

In seeking to lure homo economicus with the prize of citizenship in return for entrepreneurial activity, the state is engaging the heart of the enterprise culture, the very figment of the imagination of neoliberal globalization theory. Far from being sidelined, then, the state is at the center of the globalization process, negotiating new terms of engagement between capital and national jurisdictions. (Ley 2003: 437)

Immigration in Canada is increasingly viewed as an instrument of neoliberal economic policy, particularly due to the ways in which it aims to change the composition of the workforce. The link between immigration and the economy is not a new development. Immigration has been a key ingredient to national development since the 19th century, and there has been a crucial shift in the conceptual link between human capital, immigration, and economic growth in the last two decades. Prior to 1992, immigration was considered as a short-term tool of the economy; immigration intake increased during economic upswings, and contracted during economic recession. The 1992 *Immigration Act*, under the Conservative party, marked a shift from this short-term thinking to long-term policy management. Shaping the make-up of the Canadian workforce in terms of the skills possessed became the primary imperative of immigration policy (Green & Green 1999: 437). This “new philosophy” of immigration led to a reconsideration of the rules of admission to favor “those with human capital, business skills and/or significant financial wealth” (Hiebert 2005: 40). According to Ley, the privileging of the highly skilled economic migrant and business class migrant through the Canadian Points System constitutes an attempt by the state to mediate the forces of globalization (2003: 428).

Furthermore, the concept of citizenship, in Canada and elsewhere, has been fundamentally reformed by the processes of neoliberalism, towards an emphasis on the “strategic use of diversity for competitive advantage in the global marketplace” (Mitchell 2003: 398). Mitchell examines the ways in which this shift has been articulated through the education systems in Canada, the United Kingdom, and the United States. In particular, she argues that the transition from Fordism to neoliberalism has altered the “conceptual basis of multiculturalism” (2003: 399). Under Fordism, the model citizen was the “multicultural self” or one who, in the “spirit of

harmonious accumulation,” was able to “work with and through difference, conditioned to believe in the positive advantage of diversity in constructing and unifying the nation” (2003: 392). With neoliberalism, however, the ideal citizen is a “strategic cosmopolitan,” a highly individualized, highly mobile citizen who is compatible with the “meaner, harder logic of competition on a global scale, and of a strategic, outward-looking cosmopolitanism” (2003: 388). The “strategic cosmopolitan” functions as the nexus of the global economy, as the “new, superior footsoldier of global capitalism” (Mitchell 2003: 400). This “new kind of capitalism based on human creativity” has manifested itself in a “high stakes war for talent” (Peck 2005: 740). The 2007 Immigration debate in the U.S. must be considered within this context.

The concepts of the neoliberal search for *Homo economicus* and the “Strategic cosmopolitan” have very clear implications for immigration policy. Yet, the failure of the U.S. Senate to pass the 2007 Immigration Reform Bill is an apparent rejection of these pressures. The U.S. should be trying to harness this economic potential in the global space of flows. Why has the state been held back in this “enterprise”?

Ley claims that contemporary theory discounts the agency of not only migrants, but also the state. He argues that the state is an “intentional, though not uniform, agent” that is “goal-seeking in its actions while also multivocal and sometimes inconclusive in their prosecution” (428). In other words, the popular view among globalization theorists: that the state is eroding under neoliberal restructuring, must be qualified. As Ley puts it, “the state’s sovereignty is real, but it is partial” (428).

State immigration policies are not “reducible” to “capitalist social relations” (Purcell and Nevins 2005). Purcell and Nevins argue that the

complex relationships between state actors and groups of citizens have an important effect on the decisions state actors make, the institutional forms the state takes, and the policies it enacts. In order to maintain political legitimacy and effective authority over its people, the state must reproduce a politically stable relationship between state and citizen. While these expectations are tied to the maintenance of capitalism in important ways, they are not reducible to that imperative. There are significant elements of state-citizen relations that cannot be comprehended by tracing them back to accumulation and capitalist social relations. (Purcell and Nevins 2005: 213)

In other words, actors within the state must constantly work to “legitimize and reproduce political-geographical relationships between the state and its citizenry” (Purcell and Nevins 2005: 216) particularly within the context of the “thinning out of places” linked to globalization. National immigration policy making must be seen within this realm of competing influences at multiple scales; the failure of the U.S. Senate to pass the 2007 Immigration Reform Bill is fundamentally related to these relationships and interests and cannot be reduced to simply the manifestation of capitalist relations.

In particular, “state-citizen and national-local relationships” are “dialectical in nature” and the state must always work to buttress its legitimacy in the eyes of its citizens. Thus, the actions of states can be attributed to this pressure to reproduce this relationship between “ruler and ruled” and the “need to demonstrate to citizens that state actors are working to secure perceived citizen interests” (Purcell and Nevins 2005: 216). Citizens often “expect the state to ensure territorial security, provide a certain level of public services, protect their political rights, or preserve the cultural character of the nation” (Purcell and Nevins 2005: 217). In this way,

citizens' political support is therefore conditioned by a contingent, differentiated and changing set of expectations; the state must meet some combination of those expectations sufficiently in order to maintain the overall political support of citizens. (Purcell and Nevins, 2005: 217)

Furthermore, "state actors also operate entrepreneurially by cultivating citizen expectations and desires to more closely match those actors' particular agendas" (Purcell and Nevins 2005: 217). As an example, the authors point to the Republican party's attempt to encourage apprehension about increased crime rates because the party is known for being tough on crime and "stronger on law and order" (217). Where U.S. immigration reform is concerned, the picture is complex. Although significant diversity exists within the Republican Party in the United States, its general image is one of fiscal and social conservatism; GOP platform issues in the 2004 election were divided into five chapters: "winning the war on terror; ushering in an ownership era; building an innovative, globally competitive economy; strengthening our communities and protecting our families" (GOP Platform, 26 August 2004). One might not expect a Party with this image to advocate for a shift towards a more "Canadian" immigration policy and for a shift away from family values.

Skill-based selection must be seen within the context of the nation state's attempt to create a "global, mobile labour force" (Mountz 2002: 339). The proposal to move to merit-based selection in the U.S. sparked "identity construction at different scales" that attempted to "mediate transnational relations" particularly in relation to pressures of this global labour force (336). Although Mountz et al. argue that immigrants and refugees are constructed increasingly in purely economic terms (2002: 340) my analysis demonstrates that this is not strictly true.

The outcome of the 2007 Immigration Reform Bill debate demonstrates that the state's power is not "uniform." Instead, its policy represents a multiplicity of interests, not excluding the interests of migrants themselves. The U.S. Senate's failure to pass the reform bill represents not the inability of the national state to exert its influence over the global space of flows, but rather the "uncertain extent" of the state's "capacity to transform desires into actions and then outcomes" (Ley 2003: 428). Specifically, the failed bill demonstrates that the state does not monopolize negotiation of the relationship between race and class. On the issue of merit-based immigration, Senators Barack Obama and Robert Menendez were careful to distance themselves from their Republican counterparts and also from white Democrats (Senator Kennedy, for example, advocated *for* skill-based selection). Ultimately, the panic created over the potential dismantling of family reunification is not only a discourse; it also represents an attempt to achieve a specific political position. At the time of the debate, Senator Obama already had his sights on the Democratic nomination and the Presidency. Both Obama and Menendez interpreted the merit-based system as disadvantaging Latino migration in an effort to pander to significant Hispanic populations in Illinois and New Jersey. The merit-based debate thus served as a convenient foil for talking about race and the positioning of racialized minorities in electoral politics in the U.S.

In the following section, I will examine, through the 2007 Senate debates and *New York Times* and *San Diego Union Tribune* coverage, how various actors at multiple scales influenced state policy. I also examine the actions of citizen groups active in lobbying against the shift to merit-based immigration: Mexican American Legal Defense and Education Fund, Jewish Council for Public Affairs, and the U.S. Catholic Bishops. In particular, I aim to show that a moral panic occurred across the U.S. surrounding the adoption of a merit-based system that was deeply linked to a racialized Latino migrant and the dislocations created by globalization.

5.3 Moral Panic and the Uncertainties of Globalization

In *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, Stanley Cohen defines a moral panic as “a condition, episode, person, or group of persons” that “emerges to become defined as a threat to societal values and interests” (1972: 79). In this case, the prospect of a U.S. point system surfaced on both the floor of the Senate and in newspaper coverage as a menace to the long-established American value of “kinship” within the “uncertain” context of globalization and “neoliberal ideology.” As such, morality was territorialized throughout the Senate debates. In particular, a “discursive crisis” was engineered around the proposed increase of skill-based immigrant selection by way of a number of rhetorical strategies. Coverage of the debates by *The New York Times* and *San Diego Union Tribune* “encouraged” its readers to view the changing immigration policy “as a crisis.” Lobby groups such as the U.S. Conference of Catholic Bishops and MALDEF lobbied the Senate to amend the bill in favour of family unification. A moral panic was created on the floor of the U.S. Senate surrounding the merit-based proposal justified on the grounds that dismantling family reunification would damage the moral fabric of American society and actually serve to impede, rather than increase, economic productivity.

To begin, the 2007 Immigration Reform Bill, had it passed, would have seen only a minimal shift towards merit-based immigration; for the first eight years of its implementation the bill would have cleared the backlog of migrants waiting to be reunited with their families, thus increasing the numbers of immigrants entering through family reunification. After eight years, skilled-based immigrants would account for only as high as one-third of all immigrants to the U.S. Ultimately the bill would have *increased* family reunification as the backlog was dealt with. Moreover, despite a consensus on the part of immigration policy analysts (see Borjas 1991; Johnson 2004;

Hing 2004) that the 1990 immigration reforms marked *the* watershed in terms of the shifting emphasis from a family-based system to a preference for skilled workers, the rhetoric of politicians and the media during the 2007 debate suggests otherwise. In other words, American policy had already once been reformulated to emphasize skilled immigrants. On this point, Johnson (2004) writes that

wealth and job skills clearly facilitate immigration to the United States. The employment based visa system, for example, favors immigrants whose skills will benefit the nation's economy. (92)

Johnson's analysis, however, contrasts sharply to the rhetorical strategies of those Senators against the 2007 Immigration Reform Bill, particularly, Democratic Senators Barack Obama (Illinois) and Robert Menendez (New Jersey). On the floor of the Senate as well as in *The New York Times* and *San Diego Union Tribune* coverage of the issue, the proposed Point System was hugely criticized for heralding a new era of American immigration policy, whereby immigrants are selected based on skills rather than on more "morally" based family ties. Democrats argued that tampering with family reunification would also damage the morale of immigrants and hamper economic productivity. Interestingly, this line of argumentation contrasts sharply with the Canadian government's argument that reductions to the merit-based system would harm Canada's economic productivity. Undoubtedly, the Democrats invoked moral arguments about family unification as a political strategy against their Republican counterparts in the Senate. This contradiction, between the literature on U.S. immigration policy and the rhetorical strategies employed on the floor of the Senate, suggests something more profound related to the construction of citizenship in the United States. As Stanley Cohen argues, the object of panic can be "quite novel and at other times it is something which has been in existence, but suddenly appears in the limelight" (Cohen 1972: 79). Why did this modest proposal to shift to merit-based

immigration emerge as a moral crisis? I first consider the role of elites in engineering the moral panic over skill-based selection before moving on to consider the role of media and interest groups.

5.3.1 The Role of Elites

Hall et al. (1978) argue that episodes of moral panic are purely driven by the interests of elites and the panic serves as an instrument of the “ruling class to mystify deeper crises in the capitalist system” (Hier and Greenberg 2002: 141). In other words, moral panics are created as smokescreens to hide the true cause of the crisis: advanced capitalism. When such crises of capitalism occur, elites must “orchestrate hegemony” through their control of the media who “reproduce structures and relations of domination” (Hier and Greenberg 2002: 141). This perspective views the economy as inherently crisis prone and it the purview of the state to “secure social cohesion and political stability” to avoid a “collapse of capitalist economic relations” (Purcell and Nevins 2005: 212). Immigration policy reform is part of the spatial fix necessitated by crises of capitalism as part of the changeover of the process of crisis mediation into “economic, political and military struggles between nation states” (Harvey, 1981).

On the floor of the Senate, Menendez and Obama engineered a discursive crisis around the moral destruction of family reunification that dominated the discussion on selection reform by way of a number of rhetorical strategies. A moral panic, by definition, must threaten the very moral fabric of society. During the debates, American family values were repeatedly referred to as integral to the traditional fabric of the United States:

- No longer will certain family members be allowed to be sponsored by their loved one in the United States. Instead, proponents seek to create a supposedly merit-based green card

system subject to a point system, where family ties are deemphasized, and immediate contributions through education and job skills already attained are valued. I recognize that we may benefit in the short run from a more highly-skilled foreign labor pool, but I have grave concerns about doing so at the expense of our traditional and commitment to family unity and fostering strong families. What are the family values here? (Leahy, 21 May 2007: S6382)

- This Nation has been built by immigrants whose success stories are already written, They are already written. Family reunification will be deemphasized under this deal, serving to tear families apart. From a moral perspective, this undermines the family values I hear so many—in different contexts—so many of my colleagues talk about all the time. (Menendez, 23 May 2007: S6504)
- Families want to migrate to each other, and that is a natural human instinct. We undermine that in this respect. (Menendez, 23 May 2007: S6504)
- But the most disturbing aspect of this bill is the point system for future immigrants. As currently drafted, it does not reflect how much Americans value the family ties that bind people to their brothers and sisters or to their parents. (Obama, 23 May 2007: S6511)

Leahy (D - Vermont), Menendez and Obama played on a deep-rooted longing for tradition and traditional family values: a profoundly conservative, and it should be noted, *Republican*, stance; the GOP Convention is referred to by Stacey (1996) as a “family-values orgy” (54). Harding (1999) links the family values movement to the “political doctrines” and “economic strategy” of Thatcherism, and as a response to “liberal legislation,” particularly concerning abortion and divorce (124). In the U.S., Stacey (1996) points to the role of “old fashioned family values warriors, like Jerry Falwell, Dan Quayle, and Pat Buchanan” as “right-wing Republicans and/or fundamentalist Christians” (54). The family values platform has also been adopted by the New Right, who, as Abbott and Wallace (1992) claim

are arguing for a return to what they see as the traditional family form. They perceive this ‘natural’ family as having been undermined by feminism and the welfare state. The family is seen to be the foundation of a strong, moral society and to be essential for the maintenance of capitalism. This view of family and family life is central to New Right thought. (Abbott and Wallace 1992: 16)

Although more recently, a “Revisionist Campaign” in family values has been seized by a complex structure of centrist interest groups, think tanks, and academics, informing, for example, the Clinton administration, more often than not these groups are more “conservative than liberal” (Stacey 1996: 55). The family values rhetoric of the Democrats must be seen as a profoundly conservative stance.

If Hall et al. (1978) are correct and elites orchestrate moral panics to cover economic crises, what was the crisis in the capitalist system at the time of the study period that necessitated panic around destruction of family structure? According to the Marxist perspective, migration cannot be separated from the capitalist project. Migrants provide an “industrial reserve army of labor” that depresses wages. It follows that capitalists are pro-migration but that economic up- and downturns influence immigration quotas and policy. What’s more, some argue that “immigrant labor enters the society at the lowest tier of the socioeconomic ladder, thereby raising the native workers to a higher tier and lessening the intensity of the class conflict” (Meyers 2000: 1249). Immigration is thus seen as mediating recession and ultimately avoiding crises of capitalism (Meyers 2000: 1248).

Immigration reform and the debate over “amnesty,” or potential to eliminate the undocumented “reserve army of labor,” may have served as the impending economic crisis. Senators, or elites, should have held the same interests in distracting the U.S. public. The left-right dichotomy, however, is pronounced where merit-based reform is concerned.

Advanced capitalism has led to a profound alteration in the differentiation of class (Isin and Wood 1999: 137). Students of the dislocations of advanced capitalism point to the arrival of a

new class of capitalist relations (Gouldner 1979; Bourdieu 1979; 1984; Perkin 1989). Gouldner emphasizes the rising importance of cultural capital, or the value of education and qualifications as a form of capital in and of themselves (Isin and Wood 1999: 140). Educational qualifications are on equal footing with material forms of capital as “factories and machines” (Isin and Wood 1999: 132). Perkin (1989) argues that the world is composed of occupational “hierarchies” that are decided based on skill and ability (2). As Isin and Wood write

Many professionals are highly mobile, and accumulate not officers or occupations but skills, expertise, symbolic products, habits and education – in short, cultural capital. They use their cultural capital as leverage for mobility. In advanced capitalism, occupation is not a form of property but a form of realized capital. (1999: 129)

Isin and Wood argue that policies associated with advanced capitalism have changed the negotiation of class and citizenship (Isin and Wood 1999: 134).

Yet as Perkin points out, pronounced remains the left-right dichotomy of contemporary liberal democracies, and particularly the United States: a vestige of the class relations of industrial society. In particular Perkin asks,

if the political landscape and class situation of postindustrial society is so different from industrial society, why is the political discourse still dominated by the terms of industrial society such as the ‘left’ versus ‘right’ or ‘capitalist’ versus ‘working class’?

According to Perkin, class discourse serves to bolster those driving the “master conflict of professional society” while a discourse of the “left” serves the interests of “public sector professionals” as they must work to preserve and enhance the state apparatus. The discourse of left and right conceals “what is happening in the contemporary economy and society and helps to

serve the professional ideal to legitimate its claim as though it were the universal social ideal” (Isin and Wood 1999: 137).

Perhaps, left-right discourse in the 2007 Immigration Reform debate represents the machinations of class interests but the picture is further complicated by the concept of merit-based immigration where immigrants, or the “reserve army of labour” are selected based on their skills. The Marxist perspective sees the trend of diminishing family class immigration in favour of economic immigration as bolstering the public treasury and the shift to economic immigration as a *capitalist* one. In the case of the 2007 Reform Bill and merit-based immigration in the U.S., capital’s desire for access to a transient labour pool of [undocumented] workers conflicts with the state’s nation-building project: one that is written to exclude the Hispanic migrant. Elites, Senators Obama and Menendez, worked hard to create a moral panic over skill-based selection, not for the purposes of creating a smokescreen to veil a crisis of capitalism, but rather, to talk about race and selection policy without explicitly dealing with these topics. Obama and Menendez, in putting forward a conservative discourse of family values, are actually addressing a discourse of race, one that must be considered within the context of the differential racialization of African Americans and Latinos in the U.S.; the positioning of “the status and meanings associated with” different groups is relational among minorities and results in racial hierarchies that vary across localities in the U.S. (Pulido 2006: 4).

It must also be mentioned, that at the time of the study period, Obama was heavily engaged in the so-called “battle for Latinos,” attempting to lure the Hispanic vote away from his principle opponent in the race for the democratic nomination, Senator Hillary Clinton (D – New York). During the study period (May – August 2007), Obama campaigned against Clinton for the

Democratic nomination. The African American and Hispanic votes are crucial for the Democratic ticket and Clinton, the frontrunner at the time, held a strong grasp of the U.S. Hispanic vote. Thus, not only was the Hispanic vote significant in Obama's home state of Illinois (12.3% of the population), but also, looming ahead of the 2007 Immigration Reform Bill was a much larger prize: the Democratic nomination and the White House. The merit-based issue was one of significance for Latinos because their family members hoping to join them in the U.S. would be severely disadvantaged by a Point System and Obama, at least in part, played to these interests.

It is thus my argument that the complexity of the debate on merit-based reform demonstrates the inability of pure Marxist or New Class theories to fully explain the intricacy that exists between race and class in the United States, an intricacy that is not solely attributable to capitalist social relations. On one hand, Obama's position on the debate over merit-based reform cannot be removed from the realm of elite political maneuvering. On the other hand, however, it must also be considered against deeper complexities of race and class that emerge in the analysis of media representations of the debate as well as interest group activity, discussed in the following sections.

5.3.2 The Role of the Media: *The New York Times* and the *San Diego Union Tribune*

Coverage of the debates by *The New York Times* and the *San Diego Union Tribune* also fostered the sense of crisis surrounding the changing immigration policy among its readership and, significantly, in a different way than took place on the floor of the Senate. Cohen's theory of moral panic is interest group driven: groups such as the police and professional associations serve as the catalyst and driving force in any episode. This view holds that the moral panic is the "unanticipated and unintended outcome of moral crusades undertaken by particular interest

groups—professional associations, the police, the media—in their efforts to draw public attention to a specific ‘moral evil’” (Hier and Greenberg 2002: 140).

For the most part, the *Times* and *Tribune* took their cues from elites, reporting largely on what had been said on the floor of the Senate. The *Times* coverage, however, is notable for its focus on the Canadian Point System as a “cautionary tale,” a discursive strategy noticeably absent from the Senate debate. The picture painted by the *Times* of the Canadian policy was that of a broken system, where qualifications of skilled immigrants are not recognized and their economic potential is wasted while unskilled and trade labour shortages abound:

- But in recent years, immigration lawyers and labor market analysts say, the Canadian system has become an immovable beast, with a backlog of more than 800,000 applications and waits of four years or more. (Mason and Preston, *The New York Times*, 26 June 2007)
- Scott Burns, president of Burnco Rock Products in Calgary, a construction materials company with about 1,000 employees, said he had been able to meet his labor needs only by using temporary work permits. Mr. Burns hired 39 Filipinos for jobs in his concrete plants and plans to hire more. He said that many of the temporary workers had critically needed skills, but that they had no hope of immigrating permanently under the federal point system. ‘The system is very much broken,’ Mr. Burns said. (Mason and Preston, *The New York Times*, 26 June 2007)

Although Senator Jeff Sessions (R - Alabama) repeatedly pointed to the Canadian system as a model the U.S. should follow, neither his opponents nor the *San Diego Union Tribune* countered by highlighting the problems associated with the Canadian Point System. This finding suggests that the *Times* played a fairly individualized role in encouraging the moral panic among its readership. As Pulido (2006) points out, regional differences are important

because although all of the United States is informed by a national racial narrative, class structures and racial divisions of labour take shape and racial hierarchies are experienced at the regional and local levels. Because the United States is so large and diverse, it is

primarily at the regional level that nuanced and meaningful comparison must take place.
(4)

Likely, the proximity of the Canadian border to New York accounts for a good deal of the emphasis on the Canadian example by the *Times*. What's more, the *San Diego Union Tribune* likely focused more on the moral question of merit-based immigration particularly as it relates to Latino migrants because of California's large Hispanic population and San Diego's proximity to the Mexican border.

Mountz et al. (2002) argue that U.S. legislation, particularly concerning immigration policy, precipitates "identity construction at different scales that aim to mediate transnational relations" (336). The difference in the evidence used at the national policy scale and regional scale of New York and San Diego demonstrates how the conception of "who belongs" on American soil varies on a regional and scalar basis. *The New York Times* coverage of the merit-based debate was much more focused on evaluating the Canadian system than was the *San Diego Union Tribune*. The difference in media coverage of the *Times* and *Tribune* was pronounced, and demonstrates the importance of regional influence and scale to immigration policy. Most importantly, this finding demonstrates that the moral panic was not purely elite driven but was also being played at the regional scale.

The discourse of moral panic surrounding the merit-based system was also highly racialized, as demonstrated by the *Times* and *Tribune*'s discussion of the adverse effects of the proposed Point System for Latino immigrants.

- Immigrants from Latin America would "face more difficulties" in getting green cards. More than 40 percent of recent immigrants from this region are in the preferred age

range, 25 to 39, but many lack educational credentials and English language skills. More than 60 percent of adult immigrants from Mexico have not completed high school. Just 5 percent have college degrees. Only 15 percent of recent Mexican immigrants are proficient in English. (Pear, *The New York Times*, 5 June 2007)

- But the point system would adversely affect people like Ms. Licona Sandoval, the Honduran who cleans government offices at night. “It will be impossible to bring my son, Jose Lionel Duron Licona,” she said. (Pear, *The New York Times*, 5 June 2007)
- It is no surprise that many liberal lawmakers—beholden as they are to labor unions and Latino groups—want to kill the guest-worker program and preserve family reunification as the guiding principle for admitting immigrants. (Navarette, *San Diego Union Tribune*, 23 May 2007)

Latino immigrants and Mexican applicants in particular, would be among the least likely to gain entry via a merit-based system, considering that they are less likely to have graduate degrees and to be fluent in English. 49% of Mexican immigrants are fluent in English compared to 62% of other Latino immigrants. Furthermore, “Mexican immigrants have much less educational attainment than either native-born workers or non-Mexican immigrants” (Borjas and Katz 2005: 42) and both the *San Diego Union Tribune* and *New York Times* pointed to this disadvantage.

5.3.3 The Role of Interest Groups

Other interest groups also played an important role in creating the moral panic around the shift to merit-based immigration. Four of these are discussed here: The Mexican American Legal Defense and Education Fund, the Jewish Council for Public Affairs, the Interfaith Immigration Coalition, and the U.S. Conference of Catholic Bishops all lobbied the Senate to amend the 2007 Immigration Bill to make it more amenable to family reunification.

The Mexican American Legal Defense and Education Fund (MALDEF) were active in pressuring the Senate to amend the 2007 Immigration Bill to make it more amenable to family reunification. MALDEF was established in 1968 in San Antonio, Texas and is self-described as the “leading nonprofit Latino litigation, advocacy and educational outreach institution in the United States”

whose aim is to “foster sound public policies, laws and programs to safeguard the civil rights of the 45 million Latinos living in the United States and to empower the Latino community to fully participate in our society” (maldef.org). MALDEF has been instrumental in the “redrawing of group boundaries” in the United States. The organization safeguards the rights of Hispanics in the U.S. regardless of their status: “legal, undocumented, or U.S. citizens” (Joppke 1999: 180).

MALDEF advocated against the shift to merit-based immigration on the grounds that it would damage family values and would also put Latin Americans hoping to immigrate to the United States at a disadvantage. The Fund stated that “MALDEF opposes this point system entirely. If it remains in the Senate bill, we will work to remove it in the House” (Press release, MALDEF.org, 23 May 2007). Latin American migrants would be the most adversely affected by a shift towards merit based immigration as

many lack educational credentials and English language skills. More than 60 percent of adult immigrants from Mexico have not completed high school. Just 5 percent have college degrees. Only 15 percent of recent Mexican immigrants are proficient in English. (Pear, *The New York Times*, 5 June 2007)

In the Senate, MALDEF lobbied for five amendments relating to the merit-based component of the bill. The Menendez/Hagel (1194) amendment would have changed the cutoff date for the shift to the merit-based system from May 1, 2005 to January 1, 2007. A Clinton/Hagel Amendment (1183) intended to reduce the wait times for spouses and minor children of immigrants through the merit-based system. Menendez and Obama introduced two amendments: one was to sunset the point system after five years, whereupon Congress would have the option of voting to extend the legislation. A second amendment would have accorded more points to family members within the merit-based program. The bill reduced the number of parent visas available by half, to 40,000.

The Dodd/Hatch Amendment would have reinstated the current quota of parent visas to 90,000. Each of these amendments failed.

It can perhaps be argued that MALDEF as well as other Latino organizations saw the shift to a merit-based system as a bi-partisan plan to curb Mexican immigration. As Hing argues, the history of exclusion and inclusion in U.S. immigration policy is highly patterned; the U.S. proposal to move towards a Point System can be seen as a design to keep out Mexican labour, devaluing both legal and illegal Mexican labour. MALDEF's focus on blocking the 2007 legislation can also be interpreted, as Pulido (2006: 7) writes, as a "reflection" of "Chicanas/os' intermediate racial position as a 'problem minority.' Their racial status and particular historical experiences cemented their position as low-wage workers ... and all that such a position entails" and thus, MALDEF advocated against a policy that would disadvantage low-wage workers attempting to immigrate.

Several faith based organizations also exerted pressure on the Senate to amend the 2007 immigration bill in favor of families. Aside from its status as a faith based organization, and its mandate to "act collaboratively and consistently on vital issues confronting the Church and society" the U.S. Conference of Catholic Bishops is a particularly interesting lobby group because of the Catholic Church's reliance on Latin American immigrants, who are predominantly Catholic, for its new members. The Pew Forum on Religion and Public Life's U.S. Religious Landscape Survey found that Catholicism is losing members at the fastest rate, compared to other affiliations. Yet, these statistics have been largely mitigated by immigration. Newcomers to the U.S. are almost twice as likely to be Catholic as protestant ("46% Catholic vs. 24% Protestant") whereas the reverse is true among the general population ("55% Protestant vs. 21% Catholic")

(Pewforum.org). 2.6% of the U.S. born population changed their affiliation to Catholic. The Pew Forum reports that

Major changes in the makeup of American Catholicism also loom on the horizon. Latinos, who already account for roughly one-in-three adult Catholics overall, may account for an even larger share of U.S. Catholics in the future. For while Latinos represent roughly one-in-eight U.S. Catholics age 70 and older (12%), they account for nearly half of all Catholics ages 18-29 (45%). (Pewforum.org 2007)

The Catholic Bishops lobbied hard in the Senate for the Menendez/Hagel Backlog Reduction Amendment.

The Jewish Council for Public Affairs (JCPA) also opposed the shift to merit-based immigration and lobbied for several amendments. Established in 1944 under the title of National Jewish Community Relations Advisory Council (NJRAC), represents the “organized American Jewish community in addressing the mandate of the Jewish community relations field.” Its mandate is to “to safeguard the rights of Jews here, in Israel, and around the world” and “to protect, preserve, and promote a just American society, one that is democratic and pluralistic.” On the floor of the Senate the JCPA argued:

- However, JCPA holds serious reservations about other aspects of the bill, particularly those that address family-based immigration. For example, the JCPA believes that several aspects of Title V of the Senate compromise are unworkable and unjust. Cutting entire categories of family-based immigration and restructuring our current immigration system to favor employment-based ties over family ties not only undermines the family values that are central to our national identity, it is also detrimental to our economy. Immigrant families bring an entrepreneurial spirit to our country. Family-based immigration allows newcomers to pull their resources together, start businesses, integrate more easily into their communities and be more productive workers. In addition, using education, English proficiency and job skills as the basis for obtaining a green card does not necessarily meet the economic need, as the U.S. Department of Labor predicts that the U.S. economy has a higher demand for low-skilled workers. (Jewish Council for Public Affairs, May 24, 2007:S6616)

The Interfaith Immigration Coalition, is a “coalition of faith-based organizations committed to enacting comprehensive reform that reflects our mandate to welcome the stranger and treat all human beings with dignity and respect” (Interfaith Immigration Coalition, 24 May 2007: 6615).

- Members of the coalition are extremely concerned about the provision of S.1348 that would undermine family reunification, and therefore urges Senators to VOTE YES on the following amendments that will reaffirm the United States’ longstanding commitment to family values and fairness. (Interfaith Immigration Coalition, 24 May 2007: 6615)

Interest groups thus played an important role in lobbying the Senate to amend the 2007 Immigration Reform Bill. The JCPA and IIC maintained that family reunification is essential to preserve the dignity and humanity of the immigration process. More significantly, MALDEF voiced its concern, and rightly so, over the extreme disadvantage that Latino applicants would face under the point system, viewing the move to merit-based immigration as a poorly veiled place to stop Mexican immigration. The U.S. Catholic Bishops’ concern was intertwined with MALDEF’s, as the Catholic Church in the U.S. relies on immigration, particularly by predominantly Catholic, Latino immigrants, for new members. The political activism of these diverse groups demonstrates the complex picture of differential racialization in the U.S.

5.3.4 The Grassroots Model

Goode and Ben Yehuda (1994) argue that, ultimately, a moral panic cannot be created where anxiety among the general population does not already exist; the seeds of moral panic are sown not with elites or interest groups, but rather within the larger population and that

moral panic provides a cathartic release for more fundamental, deep-seated reservoirs of social insecurity. It follows that neither politicians nor news manufacturers are capable of fabricating public anxiety where none exists. (Hier and Greenberg 2002: 141)

Hier and Greenberg adopt a similar grassroots model, arguing that such an approach is vital “to explain the important but generally neglected links between immigration, national identity and moral panic on the one hand, and the processes of racial exclusion on the other” (141). Senators Obama and Menendez, the *Times*, *Tribune*, and various interests groups played on a pre-existing “reservoir of social anxiety” relating to immigration. In particular, social anxiety exists over whether the U.S. “national identity” is “resilient” enough to hold up against “social transformations” caused by the influx, and what is perceived to be, overly rapid influx of Latin American migrants, both legal and undocumented.

According to Cohen, every moral panic has a folk devil. That is to say, with every episode, someone or something comes to symbolize the wrongdoing associated with the moral crisis. Although not necessarily at the centre of the moral panic, the folk devil serves as its “ideological embodiment.” Who is the folk devil in the case of the U.S. immigration debate? The obvious answer to this question is the illegal immigrant. Linked to each of the seven semantic macrostructures unveiled by the discourse analysis, the issue of undocumented workers dominated every discussion of the 2007 Immigration Reform Bill.

Thus, as Pijpers (2006) argues, in an episode of moral panic, the actions of the elite, media and interest groups are all deeply intertwined and cannot be analytically separated. This argument holds true for this case study: The discourse analysis of the newspaper coverage of the U.S. Immigration debate and the debate on the floor of the Senate, illustrate that the moral panic cannot be attributed to purely elites, interest groups, or the grassroots: the rhetorical strategy of

moral panic by the Democratic party played to an underlying unease among the population at large concerning Hispanic undocumented workers.

Chapter 6

Concluding Thoughts

The competition between immigrant receiving nations for highly skilled applicants has been dubbed a “war for talent.” The U.S.—Canadian comparison is an interesting one because of the divergence in immigration policies but also because of the major similarity in the ways in which national rhetoric about immigration and “who belongs” differs significantly from the actual data on who is entering.

Throughout the Senate debates on immigration, the family unit was constructed as the essence of community, on the local scale as well as that of the broader “American” community. In particular, Senators Menendez and Obama repeatedly invoked the concept of community and the importance of family to social stability:

- I always thought a mother or father, son or daughter, brother or sister was not a chain: I thought that was a circle of strength. It is a circle of strength within our community. It is a sense of what our society is all about, regardless of what altar you worship at, what creed you believe in. I thought, when I heard the speeches of family values on the floor, that this was a circle of strength and dignity and the very essence of what is essential for our communities to grow and prosper. (Menendez, 24 May 2007: S6600)

Iris Marion Young (1995) argues that the concept of community is homogenizing; communities imply the existence of an all-encompassing “we” and sameness that forces a multiplicity of identities to come together—but under the banner of the dominating identity, writing that

rarely do those who invoke an ideal of community as an alternative to capitalist patriarchal society ask what it presupposes or implies, or what it means concretely to institute a society that embodies community.” (Young 1995: 234)

Communities are necessarily defined around the terms of the dominant group and therefore marginalize difference. Young maintains that the term community must be done away with in order for justice concerning difference to prevail, and we must think of places as being heterogeneous and made of multiple entities with “porous borders.” Along these lines, selecting based on upholding the existing community structure can be viewed as a disguised way of selecting those who are “just like us.” In the context of the U.S. immigration debate, this discourse must be placed against a backdrop of growing nativist sentiment in the country.

Furthermore, as Harvey (1996) argues, Young’s concept of community, as a “dark and repugnant presence,” crucially informs any discussion of place (311). Her conception sees place as a “closed terrain of social control that becomes extremely hard to break (or break out of) once it achieves its particular permanence” (312). Young argues for a shift from the “ideal of face-to-face community” to that of an “unoppressive city” characterized by its “openness to unassimilated otherness” (312). Although Harvey argues that her theory is “naively specific” in terms of the material urban process, he maintains that her prescription,

the celebration of difference and diversity with some overarching unity—is of interest. It seeks to build upon these positive experiences of city life in which differences of all sorts are embodied, negotiated, and tolerated. (Harvey 1996: 312)

Historically, U.S. immigration selection policies have been geared towards creating a “mirror image” of the demographic balance of the country. Family reunification as a central tenet of U.S. immigration policy became entrenched out of a desire to hold on to the existing racial makeup (white protestant) nature of the early 20th century United States. Allowing the families of white

Protestants to enter through chain migration would ensure little change to the racial composition of the country. The idea of community is employed as a discursive strategy to play on the existing “reservoir of social anxiety” in the United States, among the white population, pertaining to the increasing U.S. Hispanic population. The moral crisis over the dismantling of family reunification serves as a competing discourse to the existing anxiety about Latino immigration and undocumented migrants, and as discussion, albeit veiled, of whether or not it is morally right to construct an immigration policy that disadvantages certain groups: namely Latinos. The U.S. economy’s need for transient labour conflicts with the state’s nation-building project: one that excludes Hispanic migrants.

Geographic thought is paramount to understanding the questions of nation-building, relationality, border construction, citizenship, restructuring, and how law, identity, and community interact at different spatial scales. Ultimately, a geographic perspective is crucial to understanding how nations answer the question: who *belongs* here? The moral panic literature and its three major theories: grassroots, interest group and elite, each present a different explanation for the origins of moral panics. The consideration of these three theories unveils the central finding of this study on immigration policy: the epicentre of the moral panic surrounding the denigration of family reunification in the United States cannot be attributed singularly to elites, the media, or the general population. The Point System debate in the U.S. was bound up in broader social anxiety about the presence of highly racialized, Latino migrants. Senators Menendez and Obama, in an effort to distance themselves from Republicans and to attract the Hispanic vote, made the issue of merit-based immigration a Latino one by focusing on family reunification. More profoundly, however, the merit-based issue was hijacked by the Senate, newspapers, and interest groups, struggling with the still deeply *white* American nation-building project, as a way of discussing the

moral rightness of selection policies that mean different things for different groups. Consistent with Pijpers (2006) analysis of moral panic over immigration and border construction within the European Union, these three elements interacted to produce the outcome, the Bill's failure, and to demonstrate the complexity of the relationship between race and class in the United States.

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