

Original Paper

Legal and Security Issues Facing Hispanic Immigrants Coming to America

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Received: January 8, 2021

Accepted: January 18, 2021

Online Published: April 27, 2021

doi:10.22158/eprd.v2n1p1

URL: <http://dx.doi.org/10.22158/eprd.v2n1p1>

Abstract

This paper focused on the democratic problems faced by Latin American nations. As a part of the third wave of democratic experiments, those in the Latin American nations created few successes. It was not only the lack of successful democracies, and it was the denigration of government and life in countries such as Honduras, Guatemala, and El Salvador. Drug cartels and their violence and deaths forced many immigrants to leave their homeland and travel to America. At the same time, the trip was, in many ways, as tricky as immigrants from centuries ago faced. Once they arrived in the U.S., immigrants found that life was not what they had expected. The cultural shock many faced in the prejudice, discrimination, and the lack of social justice were a few of their problems. In ways, the criminal justice system was and is still unprepared to deal with the cultural differences newcomers bring to America. The issue of this paper brings the issue from democracy lost to democracy in America for newcomers. The question occurs, can we do better than we have thus far.

1. Introduction

Samuel Huntington (1968), in his political writing *Order in Changing Societies*, depicted the clash of cultures among various countries with a Western and democratic influence affecting other countries of the world rather than international wars. Three waves of democratization in the world occurred before his death in 2008 (Graham, 2004). He included the earliest wave, the earliest revolutions, and evolutions of democratic ideals in the United States, France, and other Western European countries in those conflicts.

The second wave of democracy developed shortly after World War II (Huntington, 1993). Lasting from 1945 to the 1960s, European countries such as England, France, Germany, Belgium, and others were unwilling and unable economically maintain control of their existing empires. The dominance of controlling empires succumbed to new human rights and independence (Hopkins, 2017). These

colonial possessions attempted to democratize their governments and society with varying success. The third wave of democratic changes occurred within the Latin American and South American nations of the world. Revolutions and overthrow of dictators happened from 1950 through the 1970s to help create democratic forms of government in all but three Latin American and South American countries. According to the Americas Society and Council of the Americas, Latin countries, including the Caribbean for 2019, have a favorable attitude toward democracy. However, they recognize some of its flaws (Sonneland, 2019). Unfortunately, these countries' regimes do not have the confidence of their people as much as the institution of democracy itself, with 1.0 being the most democratic and 0.0 representing the least democratic the Latin American, South American, and Caribbean countries on average rate their current regimes as .55 (Sonneland, 2019). These surveys' content depicts a low (0.4) in several countries such as Honduras, Guatemala, El Salvador, Dominican Republic, and Haiti, generally. It appears that citizens of such countries seem not only affected by these countries' severe poverty but by the continued drug cartel warfare that makes life unsafe for a great many. The Arab spring in the 2000s was an attempt to democratize in general several of the North African and Middle Eastern countries of the world. While some appeared peaceful, many ignited in the violence of protests and riots, which forged a path in one of two ways. The first led to elections mostly quiet that allowed those nations' citizens to cast ballots, which would put together rules and laws that led the nation's people forward. The second path led to the chaos of civil war, along with death and violence. In general, what started as a peaceful attempt to bring the Arab nations closer to democratic values is not appeared to succeed (Abushouk, 2016).

2. The Development of the Latin American Democracies

The introductory paragraphs are a backdrop to this paper. The goal focuses on the development in the 1980s and 90s, in which many researchers examine Latin American democracies (Mainwaring & Bizzarro, 2019). The article entitled the fates of the Third World democracies written by Scott Mainwaring and Fernando Bizzarro (2019), discusses the complexities and obstacles faced by many Latin American and South American countries that attempted democratizing features. The authors divide the 91 nations of the third and fourth wave into four categories of development. Those categories include 1) breakdowns, 2) erosions, 3) stagnations, and 4) advances (Mainwaring & Bizzarro, 2019). This paper cannot and will not focus on all 91 nations. They are scattered throughout many parts of the world and include countries from most continents. Some of these nations have become more developed while others remain some of the poor's most deficient in the world. This report will focus primarily on Latin American and occasional South American government, who attempted to reach more significant aspects of democratic freedom for their citizens.

The 1990s represent a post-communist era in world history. With its attractive wealth and benefits, the United States and its form of government-provided examples of where many countries wanted to go. Countries in Latin America attempted to create their democracies in a model they believed fit their needs. Differing groups challenged one another on the model and ideology the democracy would take (Munck, 2017). Many Latin American countries created free-market reforms along with democratic elections in the 1980s and 1990s. By 2004-2005 the governments had turned into leftist or left-leaning governments (Munck, 2017). While there were ninety-three countries categorized in the third wave of democratization, only fourteen advanced as democracies (Mainwaring & Bizzarro, 2019). Since the focus of this paper is on Latin America, successful governments in number are minimal.

This report focuses on those qualified as breakdown governments within Mainwaring and Bizzarro's (2019) categories of breakdown and erosion. These were governments of countries that possess extreme poverty and weak elements of democratic ideas at best. While some had great faith that the concept of democracy would grow and expand in these countries, very few witnessed any growth (Mainwaring & Bizzarro, 2019). Many Third World countries are known for their poverty, reduced education rate, and lack of necessary infrastructure to work effectively. They possess a small upper-class social class structure, and a sizeable low class with no active or viable middle-class is not conducive to democracy. Countries like the Dominican Republic and Honduras exhibit breakdown countries (Mainwaring & Bizzarro, 2019). The poverty and problematic democratic structures allowed for only superficial democracies. Often elections are violent, unfair, or do not enable all parties to participate in the electoral process. In recent years, the Dominican Republic, El Salvador, Venezuela, Columbia, Ecuador, Chile, and Bolivia have witnessed social upheavals and government dismissal of fundamental citizen rights (Zavatto, 2020).

Those countries in the erosion category possess social and economic conditions and a promising path for democracy. While the government structure grows briefly, it is unable to sustain itself and therefore weakens over time. Latin American countries of such type are Ecuador (Mainwaring & Bizzarro, 2019). Stagnation countries, on the other hand, and where erosion countries begin. Stagnation countries degrade until they reach a state of a weak democracy, which may not perform adequately. Some may view Mexico in this form of democracy. The influence of drug cartels and internal corruption creates a soft democratic structure.

In many cases, the drug cartels control much of the countryside in these countries affect what happens through direct control or bribery of public officials. The violence and the murder of so many innocent victims have had their effect. In most recent years, it has led thousands to flee their country and venture to the U.S. for safety and the start of a new life. They risk everything very often to make the journey, but it seems worth the effort as countless immigrants before them.

The poor conditions, the lack of democratic structure, and the growing amount of violence and corruption in Latin American countries led many immigrants to immigrate to the U.S. in recent years. Unlike public opinion in the United States, not all immigrants crossing the southern border are from Mexico. They come from a variety of Latin American countries in which people can no longer tolerate the conditions. The answer to many in Latin and South America is a new life in the United States. They come to America for its promises of opportunity. Still, they also come because they can. Many poor and oppressed worldwide seek opportunities and come to the United States but have no means of traveling (Castles, DeHass, & Miller, 2013). According to Daniel Zovatto (2020) of the Brookings Institute, parts of Latin and South America will in the next decade become listed as irritated democracies with low economies, citizen, and social tensions. Few are aware of the economic, social, and political difficulties they encounter if they successfully cross the southern U.S. border. One element of confusion for the immigrant documented or not consists of the American Criminal Justice System.

3. Methodology

The methodology utilized within this article is that of a case study approach. Much of the research for the historical waves of democratization and degeneration of democracies is the backdrop to the challenges that Spanish-Speaking ethnic groups have experienced for nearly fifty years as they have traveled to America. As fewer and fewer homelands succeeded in developing any stable type of democratic governments (Mainwaring & Bizzaro, 2019), more immigrants, especially among the poor and marginalized, attempt to come to the United States. of experimentation with democracy throughout the world.

In the past fifty years, what has transpired in the United States has provided dramatic changes. Many large cities across the United States witnessed a large shift in population in the 1970s and 1980s. Except for the Southwestern portion of the United States, which has always possessed a large Spanish population, many large metropolitan areas in other regions noticed a growing minority Spanish-Speaking population. New York, Philadelphia, Boston, Chicago, and other cities witnessed rapid growth in a group known as Hispanic (U.S. Census, 1970). The term Hispanic represents 23 different nationalities (U.S. Census, 1970; Singer & Suro, 2016). Each nationality has found its specific locations and cities of most comfort. Today, these same ethnic groups move again into smaller urban areas and rural communities (Sosar, 2017). More interested in a slower and more peaceful life. Stephanie Bressler and the Hispanic Outreach Organization of Hazleton, Pennsylvania, found Hispanic immigrants coming to the smaller cities and towns with the same hopes that immigrants over one hundred years ago came. In Hazleton, Wilkes-Barre, Scranton, Lancaster in Pennsylvania, it is also true in towns found in Ohio, Illinois, Iowa, and across the country.

This article and case study are not prepared to pass judgement on what to do about legal vs. undocumented immigrants to the U.S. Congress have debated the issue since the passage of the last Amnesty announcement in 1986 with little success (Badger, 2014). It would be presumptuous to suggest an answer in such turbulent times. Regardless of the legal status, immigrants face challenges that remain the same for all of them. This article focuses specifically on the issues Spanish-Speakers are facing today. More caravans are forthcoming to the southern border of Mexico (Beaubien, 2021). This case study is a continuation of several other case studies on Northeastern Pennsylvania, which identified language, culture, work skills, desire to own businesses, poverty, educational problems, and more (Sosar 2017). Today, added security issues face immigrants with the covid-19 virus (Menchu & Diaz, 2021). Among other challenges, they face economic and employment concerns, anger from Americans who are out of work, and under the Trump Administration's constant fear of terroristic threats (Flynn, 2018). Such has been the type of fear any newcomer group face when they move into a city or town and quickly convert from minority to majority in the area.

4. U.S. Criminal Justice and the Hispanic Immigrant

In his campaign speeches, Presidential Donald Trump categorized some of those crossing the southern border of the United States from Mexico as murderers and rapists (Thomsen, 2018). While there may have been some deportees attempting to re-enter the United States, and in some cases serious criminals, this number does not even make up the majority of those trying to cross the border. However, security personnel such as Immigrations and Customs Enforcement (ICE) and other law enforcement agents in Texas and across the country are concerned with crossing the border (Thomsen, 2018). According to statistics compiled by border law enforcement officials, in 2018, approximately 17,000 individuals crossing the border possessed criminal records. Of that number, 46.5% of that number's crime consisted of entering or attempting to re-enter the country illegally (Thomsen, 2018). Today, however, the border problems are exacerbated by terrorists trying to cross along with gang members, drug dealers and smugglers, and those who may carry the coronavirus. Many Mexicans and others crossing the southern border from Latin American countries are overwhelming U.S. hospitals with the coronavirus (Sieff, 2020). Authorities remain understaffed, underfunded, and often ridiculed for attempting to enforce the United States' borders.

The time of any immigrant group with or without papers coming to the United States can appear quite confusing. The cultural shock immigrants face as they come to America amounts to more than just language, manner of dress, foods, and customs. Adapting to a new criminal justice system different from what they experienced in the homeland adds numerous problems to the immigrant, police, and other citizens. While not perfect in its justice network, the American justice system bases itself on equal and fair treatment for the individual. The Hispanic immigrant has found this last statement conflicting with their real-life experience. Each new immigrant group has suffered some degree of nativist and discriminatory sentiments among American citizens in the majority. While differences in

one's skin color currently do not raise as much discrimination as was right in the past, living arrangements in house-like rooming dwellings and customs from their homeland continue to expand problems. Ridicule using one's homeland language or customs creates opportunities for some Americans to show their displeasure with the newcomers. Like many other groups documented or undocumented, they come with little money, education, or skills.

Economically Hispanic newcomers find themselves on the lowest rung of the economic ladder. As stated in many criminal justice research articles, crime, violence, and police work occur in low-income neighborhoods. Today, Hispanic families make up many low-income communities and therefore live in poor and rundown areas. Relationships with the local police can strain quickly because of differences in customs and culture. Many children are left to wander by themselves, while mom and dad work in nearby factories to make a living. The children often find refuge in the gangs, making them somebody. Gangs represent joining something that gives them identity and belonging. If it means couriering drugs or money, it is just an initiation to their home groups. Acquiring a juvenile delinquent label may be a small price to pay for the sense of family a gang member develops. The gangs of remote urban and rural areas of past times are not the same as today's street and drug gangs. Gangs have also become involved in numerous activities, including the trafficking of human beings, mostly women and children (U.S. Department of Homeland Security, 2020).

Newcomer children and adults often find assimilation to American society more complicated than merely attempting to learn English. Many simple mannerisms found in the Hispanic communities differ from the majority white American culture of today. For example, showing respect in Hispanic cultures is to look downward while spoken to by any authority figure. Americans prefer to look at one another directly. The Hispanic's simple lack of focus could infer to the police officer guilt when they show respect (Abasto, n.d.).

Sometimes, there are more than cultural differences; the United States is currently fighting a significant drug and gang war with the Latin American countries. Some immigrants who cross the southern border are seeking to enrich themselves through selling or distributing drugs. Drugs such as fentanyl and methamphetamines are crossing the Mexican border in ever-increasing amounts. Thousands of pounds worth millions of dollars in cocaine, heroin, fentanyl, and methamphetamines cross the border regularly (Sieff, 2020). Presidential administrations deal with this conflict by different means. Some immigrants come to the U.S. to give their children birth to use them as anchor babies (Binder, 2020). The past Obama administration handled drugs and gangs as two separate issues. The Trump administration often visualizes both problems together. President Donald Trump regularly speaks of gang members and drug dealers combined with immigrants crossing the southern border. His hardline stance on stopping crossings along the southern border and deportations has raised severe fear amongst many Hispanics (Bernal, 2017). Trump's Executive Orders affected Hispanics, legal and illegal, in many ways. In Northeast Pennsylvania, local paralegals have related that Hispanics are willing to argue any case in court, even traffic violations. While all these cases clog up the court, the Hispanics understand that if

they plead guilty to the summons, the forms on the bottom of the page state that they can be subject to deportation. They would rather fight the case than pay the smaller fine.

Newcomers find themselves wrapped in a criminal justice system of arrest, bail, judicial hearings, court dates, and jail that they do not understand nor can afford. Without bail, newcomers may languish in jail until their court date. Without appropriate representation, they may accept plea deals that may offer freedom, but with a record price. Jail separates family members, reduces income, and restricts potential employment in the future (Hopkins, Bains, & Doyle 2019). Obstacles such as these were not part of the plans Hispanic newcomers possessed as they made their trek to the U.S. Separation of family members even when reaching the border may last months or, in some cases, years. Many have not thought through all these issues before coming as individuals or in caravans.

5. Criminal Participation at the Border

The southern border of the U.S. between our southwestern states and Mexico is a complex and challenging site to control. It is the site of refugees seeking safety from violent homeland conditions of violence and death. Indeed, Americans' humanitarian nature desires to assist such individuals in pursuing a better and safer life. The border represents the intrusion of gang members who wish to expand their death and destruction to further parts of the world. The United States presents a ready market for the drugs these gang members want to sell (U.S. Department of Justice, 2011). They will do anything and remove any obstacle through violence or any other means to get what they want. They cater to the worst in humanity. The border through these same gangs represents a human traffic trade that gains remarkable size. While the U.S. does not lead in trafficking, it ranks among the largest markets in using human slaves for sex (Department of Homeland Security, 2020). The southern border is a good site for those who wish to conduct terror activities in the U.S. to enter the country unnoticed. Once across, they can blend into many different parts of the country and prepare to perform their heinous acts against citizens and the nation. The American side of the Mexican border houses hundreds of motels to assist expectant mothers to deliver anchor babies (Binder, 2020).

Coyotes wait for unsuspecting victims to promise them safe passage to the U.S., whether they load into tractor-trailer trucks, vans, or other means. Many victims have paid hundreds or thousands of dollars for transport through Texas's desert only to be left to die of the heat and thirst. It is a lucrative business with little chance of getting caught because of the illegality (Weiss, 2011).

Many other immigrants, in fact, the vast majority, come for the blessings the U.S. can offer them. They know they will work hard. Like other immigrants who come to the U.S., they know that they may not see much of the fruits of their labors. They know that it will be the sons and daughters, or the grandson and granddaughters that will be professors, doctors, and much more in the country of opportunity.

6. Conclusion

Many immigrants through the years have come to the United States and found challenges and obstacles to overcome. The Hispanic newcomers are not the only group to face these problems. They are, however, the most recent large group exposed to such encounters. While many immigrant groups look to the future to better their families and descendants, they may not realize the trials along their path. Understanding the conditions of their homeland explains the push theory as the reason for leaving. Reaching the United States and achieving the American Dream is the pull theory to America. Many may understand the need for assimilation into American society. Still, fewer understand the extent of the issues they must maneuver, including some discrimination, legal issues, and a criminal justice system ill-prepared for today's passage. With 24/7 news coverage and a heightened interest in immigration by all Americans, the criminal justice system's elements take on a new and essential influence on every immigrant's life.

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