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TRUMP AND CARIBBEAN XENOPHOBIA: THE UNITED STATES AND THE DOMINICAN REPUBLIC

EDIBERTO ROMÁN AND ERNESTO SAGÁS¹

I. Introduction

The election of Donald Trump unleashed efforts to demonize immigrants, resembling the height of xenophobia in the twentieth century. While his attacks on immigrants, particularly Mexican immigrants, have come with a religious-like zeal, unfortunately, Trump's rhetoric is nothing new in the United States.² Quite the opposite, Trump's use of old tropes and stereotypes to bolster a fear of immigrants can be traced to the birth of this Republic and subsequent resurgences.³ What is unique about this wave of xenophobia is the timing. It comes on the heels of major demographic and ideological shifts in American society that have been slowly forging a more diverse, tolerant,

¹ Ediberto Roman is a professor of law and director of Citizenship and Nationality Initiatives at Florida International University Law School, JD., University of Wisconsin, B.A., Lehman College, City University of New York. Dr. Ernesto Sagás is a professor of ethnic studies at Colorado State University, Ph.D., University of Florida, B.A., University of Puerto Rico.

² John Pomfret, *Trump Takes Us Back to the Darkest Days of American Xenophobia*, WASH. POST (Oct. 31, 2018), <https://www.washingtonpost.com/news/global-opinions/wp/2018/10/31/trump-takes-us-back-to-the-darkest-days-of-american-xenophobia/>.

³ Annalisa Merelli, *A History of American Anti-Immigrant Bias, Starting with Benjamin Franklin's Hatred of the Germans*, QUARTZ (Feb. 12, 2017), <https://qz.com/904933/a-history-of-american-anti-immigrant-bias-starting-with-benjamin-franklins-hatred-of-the-germans/>.

multicultural, and globalized nation.⁴ These changes were demonstrated by the 2008 presidential election of young Senator Barack Obama (D-Illinois), who seemed to represent the new face of America; in sharp contrast with his opponent, Senator John McCain (R-Arizona), who by his age, race, and political beliefs, was perceived as part of the old political generation.⁵ Obama's winning coalition included women, young voters, communities of color, progressive whites, urbanites, the college educated, and moderates yearning for change.⁶ However, left in the wake of Obama's victory were groups that traditionally rallied around conservative causes: middle-aged and older white men, people living in rural and small-town America, blue collar workers, religious fundamentalists, and individuals without college degrees.⁷ For the former, change was good and desirable, whereas for the latter, change was perceived as upending their lives and rendering *their* country unrecognizable.⁸ As the political pendulum swung back in 2016, Trump's perceived courage and "tell it like it is" attitude further encouraged the views of these disenfranchised voters.⁹ During the Obama administration, many working-class white men felt that they were disadvantaged and emasculated by a system that

⁴ D'Vera Cohn & Andrea Caumont, *10 Demographic Trends that Are Shaping the U.S. and the World*, PEW RES. CTR. (Mar. 31, 2016), <http://www.pewresearch.org/fact-tank/2016/03/31/10-demographic-trends-that-are-shaping-the-u-s-and-the-world/>.

⁵ John Whitesides, *Obama vs. McCain: Sharp Differences on Key Issues*, REUTERS (June 4, 2008), <https://www.reuters.com/article/us-usa-politics-issues/obama-vs-mccain-sharp-differences-on-key-issues-idUSN2725487120080604>.

⁶ *How Groups Voted in 2008*, ROPER CTR. FOR PUB. OPINION RES., <https://ropercenter.cornell.edu/polls/us-elections/how-groups-voted/how-groups-voted-2008/> (last visited Dec. 19, 2018); see also *National Exit Polls Table*, N.Y. TIMES (Nov. 5, 2008), <https://www.nytimes.com/elections/2008/results/president/national-exit-polls.html>.

⁷ *How Groups Voted in 2008*, *supra* note 6; see *How the Faithful Voted: 2012 Preliminary Analysis*, PEW RES. CTR. (Nov. 7, 2012), <http://www.pewforum.org/2012/11/07/how-the-faithful-voted-2012-preliminary-exit-poll-analysis/>; see Jeffrey M. Jones, *Obama Education Gap Extends to General Election*, GALLUP (Apr. 10, 2008), <https://news.gallup.com/poll/106381/obama-education-gap-extends-general-election.aspx>.

⁸ Adam Sewer, *The National's Delusion*, ATLANTIC (Dec. 20, 2017), <https://www.theatlantic.com/politics/archive/2017/11/the-nationalists-delusion/546356/>.

⁹ *In the Heart of Trump Country, His Base's Faith is Unshaken*, CBS NEWS (Dec. 27, 2017), <https://www.cbsnews.com/news/in-the-heart-of-trump-country-his-bases-faith-is-unshaken/>.

seemingly lavished “unwarranted” perks on women, people of color, and immigrants.¹⁰ For them, Trump represented their last hope and immigrants were a safe target for their frustration.¹¹

Across the ocean, on the small Caribbean island of Hispaniola, the conservative political leaders of the Dominican Republic, who share the island with Haiti, used a similar rhetoric but in a different context.¹² In Hispaniola, ordinary Dominicans are the “aggrieved population,” ostensibly losing their jobs, perks, and status at the hands of Haitian immigrants and their Dominican-born descendants.¹³ Haitians—in part because they actually are or are perceived as immigrants—have always been a convenient scapegoat.¹⁴ This targeted group, much like the immigrant group in United States, has been used by politicians to enrage the electorate.¹⁵ Haitians in the Dominican Republic are construed as black in a brown country, and sadly, there are no major political movements to threaten or even question their dominance.¹⁶ The Dominican Republic is a mulatto nation with different shades of pigmentation, generally establishing a tenuous visual contrast between most Dominicans and black Haitian immigrants.¹⁷

This immigrant issue in the Dominican Republic is the same issue in the United States: Haitians represent the foreign “other,” purportedly threatening to take over Dominican culture and undermine the nation.¹⁸ Likewise, the solution presented to the electorate in the Dominican

¹⁰ Olga Khazan, *People Voted for Trump Because They Were Anxious, Not Poor*, ATLANTIC (Apr. 23, 2018), <https://www.theatlantic.com/science/archive/2018/04/existential-anxiety-not-poverty-motivates-trump-support/558674/>.

¹¹ *Id.*

¹² For reference, the Dominican Republic is about twice the size of New Hampshire, whereas Haiti is about the size of Massachusetts. *Dominican Republic – Location, Size, and Extent*, NATIONS ENCYCLOPEDIA, <https://www.nationsencyclopedia.com/Americas/Dominican-Republic-LOCATION-SIZE-AND-EXTENT.html> (last visited Dec. 20, 2018).

¹³ Ediberto Roman & Ernesto Sagas, *Who Belongs? Citizenship and Statelessness in the Dominican Republic*, 9 GEO. J. L. & MOD. CRITICAL RACE PERSP. 35, 40-42 (2017) [hereinafter Roman & Sagas, *Who Belongs*].

¹⁴ *Id.*

¹⁵ *Id.* at 52-53.

¹⁶ Jorge Banales, *Focus*, WASH. POST (Oct. 16, 1990), <https://www.washingtonpost.com/archive/lifestyle/1990/10/16/focus/f3313aa5-d821-4f62-acfb-c319a9c41042/>.

¹⁷ *Artists, Educators Laud Black Heritage in Dominican Republic*, CHICAGO DEFENDER (Oct. 14, 2013), <https://chicagodefender.com/2013/10/14/artists-educators-laud-black-heritage-in-dominican-republic/>.

¹⁸ See Aida Alami, *Between Hate, Hope and Help: Haitians in the Dominican Republic*, N.Y. REV. OF BOOKS (Aug. 3, 2018), <https://www.nybooks.com/daily/2018/08/13/between-hope-hate-help-haitians-in-the-dominican-republic/>.

Republic is strikingly similar to Trump's zero tolerance policy on immigration, which he believes is necessary to "Make America Great Again."¹⁹ As in the United States, globalization is upending the lives of many Dominicans who now find it hard to earn a decent living in their own country.²⁰ The cases in these two countries are classic studies in relative deprivation: the shared sense that the nation and its people were doing great at some point in the past, but are now being brought down and prevented from achieving greatness by conspiring outside forces— immigrants.²¹

This article compares and contrasts the cases of immigrant narratives within the United States and the Dominican Republic; as well as the socioeconomic changes that have sparked a backlash among populations ostensibly aggrieved due to globalization and immigrants showing up in their communities. The political leadership in both countries supports their constituents' grievances against immigrants, who fear the loss of their historical privilege as the demographics in their country are at an alleged tipping point.²² This article highlights the policies, legislation, and discourses that have targeted immigrants and their children, and discusses the cross-pollination of ideas among xenophobic political movements across the Global North.²³

We chose to focus specifically on the United States and the Dominican Republic for two reasons. First, the United States plays a major role in influencing politics and society throughout Latin America and the Caribbean.²⁴ Because the United States is the Dominican Republic's major

¹⁹ See Mariano Castillo, *Faces of a Divided Island*, CNN (April 13, 2016), <https://www.cnn.com/2016/04/12/world/dominican-republic-haiti-immigration/index.html>; Brent D. Griffiths, *Trump: 'We cannot allow all of these people to invade our country'*, POLITICO (June 24, 2018), <https://www.politico.com/story/2018/06/24/trump-invade-country-immigrants-667191>.

²⁰ See Ken Roberts, *Dominican Republic, A Good Example of Globalization Impact*, MIAMI HERALD (June 20, 2015), <https://www.miamiherald.com/news/business/biz-monday/article25018228.html>.

²¹ See TED ROBERT GURR, *WHY MEN REBEL* 22-23 (1970).

²² See Alami, *supra* note 18.

²³ The terms "Global North" and "Global South" are commonly employed by social scientists to refer to major income/wealth disparities among countries in the world that—more or less—happen to fall along geographic lines. In the past, other terms, such as "First World/Third World countries" or "developed/underdeveloped countries" were used for the same purpose. See generally WILLY BRANDT, *NORTH-SOUTH: A PROGRAMME FOR SURVIVAL: REPORT OF THE INDEPENDENT COMMISSION ON INTERNATIONAL DEVELOPMENT* ISSUE (Pan Books 1980).

²⁴ See Arturo Valenzuela, *It's Not Your Grandfather's Hemisphere*, AM. Q., <https://www.americasquarterly.org/node/2746> (last visited Nov. 26, 2018).

trading partner, top military ally, benefactor and provider of foreign aid, and home for hundreds of thousands of Dominican émigrés, the Dominican Republic is an ideal petri dish to examine the United States’ policies copied abroad.²⁵ As such, it comes as no surprise that political ideas and discourses in the United States—including its anti-immigrant rhetoric—echo widely throughout the Dominican political system.²⁶

Second, the Dominican Republic represents a small-scale laboratory and testing ground for xenophobic projects that ultra-conservative voters in the United States wish to implement in America (e.g., immigrant registries, mass deportations, denationalization, and the elimination of birthright citizenship).²⁷ While the Global North has historically wielded its power to influence the developing South, this comparative case study shows a small Caribbean nation playing an outsized role on the American anti-immigrant agenda. As such, this article will focus on the case of the United States, while comparing and contrasting anti-immigrant policies, laws, and discourses with those recently implemented or currently being developed in the Dominican Republic.

We argue that this “new wave” of xenophobia reflects anxieties over a changing nation, where immigrants are being portrayed as racialized “others,”²⁸ while natives are seemingly losing *their* country, which in the not-so-distant past they ruled unchallenged while enjoying the benefits of rightful citizenship.²⁹ We conclude that these ideological and legal developments do not bode well for politics in the United States and the Dominican Republic, two countries with a strong immigrant past and where the achievement of human rights for all has come at a steep cost. Both cases point to

²⁵ U.S. *Relations with the Dominican Republic*, U.S. DEPT OF STATE (Feb. 5, 2018), <https://www.state.gov/r/pa/ei/bgn/35639.htm>.

²⁶ See Roman & Sagas, *Who Belongs*, *supra* note 13; See also Ediberto Roman & Ernesto Sagas, *Birthright Citizenship Under Attack: How Dominican Nationality Laws May Be the Future of U.S. Exclusion*, 66 AM. U. L. REV. 1383, 1388 (2017) [hereinafter Roman & Sagas, *Birthright Citizenship*].

²⁷ See Roman & Sagas, *Who Belongs*, *supra* note 13; see also Roman & Sagas, *Birthright Citizenship*, *supra* note 26.

²⁸ The extension of racial meaning to a previously racially unclassified group. See MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* 111 (3rd ed. 2015).

²⁹ In other words, *bona fide* citizens, who are not only born in the territory, but belong there by virtue of race and culture. See Natalie Cisneros, “*Alien*” *Sexuality: Race, Maternity, and Citizenship*, 28 HYPATIA 290, 301 (2013).

a populist desire (or nostalgia) to revert to the policies of the past, where human beings were judged by the color of their skin and/or their national origin, leading to thousands of racialized others being systematically denied basic human and political rights by the state and suffering from discrimination at the hands of mainstream society.

II. The United States Case

In the case of the United States, the xenophobic wave has included attacks on immigrant communities, particularly Latinx immigrants irrespective of whether they are actually immigrants or American citizens.³⁰ Perhaps the first and one of the most obvious attacks on immigrants is illustrated by the increase of Immigration and Customs Enforcement (ICE) raids.³¹ As Trump continues to push his campaign promise of building a border wall between Mexico and the United States, deportations of undocumented immigrants have increased.³² In light of his repeated attacks on immigrant groups, many of his followers expect large-scale immigration enforcement and ICE raids.³³ Trump has pledged to deport “millions and millions of undocumented immigrants.”³⁴ His close advisor, Stephen Miller, promised “more vigorous immigration enforcement activities,”³⁵ and in the first week of February 2017, hundreds of immigration arrests marked the “first large-scale raid under the Trump administration” and “just the start of much more to come.”³⁶ Raids continue to be used as enforcement tools. In just one weekend ICE officials arrested more than 150 individuals in

³⁰ *Rising Hate Drives Latinos and Immigrants Into Silence*, CTR. FOR PUB. INTEGRITY (Aug. 22, 2018), <https://publicintegrity.org/federal-politics/rising-hate-drives-latinos-and-immigrants-into-silence/>.

³¹ Kristen Bialik, *ICE Arrests Went Up in 2017, with Biggest Increases in Florida, Northern Texas, Oklahoma*, PEW RES. CTR. (Feb. 8, 2018), <http://www.pewresearch.org/fact-tank/2018/02/08/ice-arrests-went-up-in-2017-with-biggest-increases-in-florida-northern-texas-oklahoma/>.

³² Amy B. Wang, *Donald Trump Plans to Immediately Deport 2 Million to 3 Million Undocumented Immigrants*, WASH. POST (Nov. 14, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/11/13/donald-trump-plans-to-immediately-deport-2-to-3-million-undocumented-immigrants/>.

³³ Julia Preston, Alan Rappoport & Matt Richtel, *What Would It Take for Donald Trump to Deport 11 Million and Build a Wall?*, N.Y. TIMES (May 19, 2016), <https://www.nytimes.com/2016/05/20/us/politics/donald-trump-immigration.html>.

³⁴ Wang, *supra* note 32.

³⁵ Seung Min Kim & Ted Hesson, *Trump Just Getting Started with Immigration Raids*, POLITICO (Feb. 13, 2017), <https://www.politico.com/story/2017/02/trump-immigration-raids-234970>.

³⁶ *Id.*

northern California during a three-day immigration enforcement operation.³⁷ Despite the criticism, the Trump administration has also conducted dozens of immigration raids at 7-Eleven stores across the country.³⁸

The Trump administration has also increasingly relied upon the use of former Department of Homeland Security (DHS) Secretary Kelly's first enforcement memo by increasing 287(g) agreements with local law enforcement officials.³⁹ These agreements, which have been repeatedly criticized by immigration scholars, deputize local law enforcement officers to serve as federal immigration agents.⁴⁰ Once trained by ICE, "local officers are authorized to interview, arrest, and detain any person who may be in violation of immigration laws" depending upon the terms of the agreement.⁴¹ By July 31, 2017, the Trump administration substantially increased the number of agreements President Obama had implemented and signed eighteen new agreements in Texas alone.⁴² Although the specific terms of these agreements vary, they often authorize deputized officers to engage in a wide range of federal immigration enforcement functions, such as interviewing individuals to determine immigration status, accessing DHS databases, issuing ICE detainers to hold individuals for ICE, bringing charges to initiate deportation proceedings, and

³⁷ Alene Tchekmedyian, *150 Arrested in Northern California Immigration Sweep; ICE Official Says Others Eluded Authorities After Oakland Mayor's 'Reckless' Alert*, L.A. TIMES (Feb. 27, 2018), <http://www.latimes.com/local/lanow/la-me-ln-norcal-immigration-arrests-20180227-story.html>.

³⁸ See David L. Ulin, *Why Going to 7-Eleven has Become a Political Act*, L.A. TIMES (Jan. 23, 2018), <http://www.latimes.com/opinion/op-ed/la-oe-ulin-7-eleven-ice-raids-20180123-story.html>.

³⁹ Secretary John Kelly, *Enforcement of the Immigration Laws to Serve the National Interest* (Feb. 20, 2017), https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf; see also *Updated Facts on ICE's 287(g) Program*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Jan. 10, 2018), <https://www.ice.gov/factsheets/287g-reform>.

⁴⁰ See Kevin Johnson, *Immigration and Civil Rights in the Trump Administration: Law and Policy Making by Executive Order*, 57 SANTA CLARA L. REV. 611, 643-44 (2017).

⁴¹ Amanda Sakuma, *Donald Trump's Plan to Outsource Immigration Enforcement to Local Cops*, ATLANTIC (Feb. 18, 2017), <https://www.theatlantic.com/politics/archive/2017/02/trump-immigration-enforcement/517071/>.

⁴² *I.C.E. Announces 18 New 287(g) Agreements in Texas*, U.S. IMMIGR. AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas> (July 31, 2017).

making recommendations on detention and bond amounts.⁴³ In essence, a state or local officer becomes an independent contractor of the federal government.⁴⁴

In addition to the increased use of ICE raids and 287(g) agreements, the Trump administration has also made it more difficult for incoming asylum seekers to establish a “credible fear” of persecution in order to obtain political asylum.⁴⁵ In early 2014, the United States was faced with a surge of unaccompanied immigrant children attempting to enter the country.⁴⁶ In response, United States Citizenship and Immigration Services (USCIS), the asylum office that handles these cases, has revised how officers should determine whether asylum applicants at the border meet the credible-fear screening standard.⁴⁷ The language and tone instruct asylum officers to impose a burden on applicants that surpassed the well-established fear asylum standard⁴⁸ set by the Supreme Court in *INS v. Cardoza-Fonseca*.⁴⁹ As a result, the number of asylum seekers is expected to decrease under the Trump administration's revisions to the credible-fear lesson plan.⁵⁰ However, to note, under pre-Trump standards, “if an asylum officer ha[d] reasonable doubt about a person’s

⁴³ See *The 287(g) Program: An Overview*, AM. IMMIGR. COUNCIL (Mar. 15, 2017), <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

⁴⁴ *Id.*

⁴⁵ Tal Kopan, *Trump Admin Quietly Made Asylum More Difficult in the US*, CNN (Mar. 8, 2017), <https://www.cnn.com/2017/03/08/politics/trump-immigration-crackdown-asylum/index.html>.

⁴⁶ Dan Restrepo & Ann Garcia, *The Surge of Unaccompanied Children from Central America*, CENTER FOR AMERICAN PROGRESS (JULY 24, 2014), <https://www.americanprogress.org/issues/immigration/reports/2014/07/24/94396/the-surge-of-unaccompanied-children-from-central-america-root-causes-and-policy-solutions/>.

⁴⁷ The credible fear standard requires an asylum seeker show they have a credible fear of persecution or torture and show a “substantial and realistic possibility” of succeeding on their asylum claim. Memorandum from John Lafferty, Chief of Asylum Division, to Asylum Dirs. and Officers, Release of Updated Asylum Div. Officer Training Course (ADOTC) Lesson Plan, Credible Fear of Persecution and Torture Determinations (Feb. 28, 2014) (on file with U.S. Department of Homeland Security) [hereinafter ADOTC Memorandum]; see also US CITIZENSHIP & IMMIGRATION SERV’S, ASYLUM DIVISION OFFICER TRAINING COURSE: CREDIBLE FEAR 1 (Feb. 28, 2014), <http://cmsny.org/wp-content/uploads/credible-fear-of-persecution-and-torture.pdf> (lesson plan).

⁴⁸ ADOTC Memorandum, *supra* note 47 (“In light of concerns that the application of the ‘significant possibility’ standard has lately been interpreted to require only a minimal or mere possibility of success, the revised Credible Fear Lesson Plan clearly states that a claim that has no possibility or only a minimal or mere possibility does not meet the ‘significant possibility’ standard.”).

⁴⁹ See *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

⁵⁰ Jason Boyd & Greg Chen, *AILA Policy Brief: New Barriers at the Border Impede Due Process and Access to Asylum*, AM. IMMIGR. LAW. ASS’N 1, 5 (2018).

credibility, they [would] likely find credible fear and allow an immigration judge to hear the question at a full hearing.”⁵¹

The Trump administration’s executive order of January 25, 2017 also revived the controversial “Secure Communities” program that first expanded and then ended during the Obama administration.⁵² The program “requires local authorities to share fingerprints and other arrest data to help track down removable immigrants.”⁵³ Under the program, when someone is arrested by a local law enforcement official and fingerprinted, those officials send the fingerprints to the FBI to determine whether that person is a fugitive or an ex-convict.⁵⁴ Under “Secure Communities,” the FBI then shares the fingerprints with ICE, and ICE runs its own check, which can lead to the deportation of individuals who may never end up being convicted.⁵⁵ The vast majority of individuals removed during the Obama administration through “Secure Communities” referrals were noncriminal or low-level offenders.⁵⁶

Unquestionably, the most xenophobic and heartless of all of Trump’s anti-immigrant efforts is his zero tolerance policy that has led to the family separation tragedy.⁵⁷ In May 2018, former Attorney General Jeff Sessions announced that the United States would take a stricter stance on illegal crossings at the Mexican border, resulting in parents and children being separated, rather than keeping them together in detention centers.⁵⁸ “If you are smuggling a child then we will prosecute

⁵¹ Kopan, *supra* note 45.

⁵² *Secure Communities*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT (Mar. 20, 2018), <https://www.ice.gov/secure-communities>.

⁵³ Tal Kopan & Catherine E. Shoichet, *Key Points in Trump's Immigration Executive Orders*, CNN (Jan. 26, 2017), <http://www.cnn.com/2017/01/25/politics/donald-trump-immigration-executive-orders/index.html>.

⁵⁴ Elise Foley, *Obama Faces Growing Rebellion Against the Secure Communities Deportation Program*, HUFFINGTON POST (Apr. 24, 2014), https://www.huffingtonpost.com/2014/04/24/secure-communities_n_5182876.html.

⁵⁵ *Id.*

⁵⁶ Bill Ong Hing, *Entering the Trump Ice Age: Contextualizing the New Immigration Enforcement Regime*, 52 *Tex. A&M L. Rev.* 252, 290 (2018).

⁵⁷ See Maya Rhodan, *Here Are the Facts About President Trump's Family Separation Policy*, TIME (June 20, 2018), <http://time.com/5314769/family-separation-policy-donald-trump/>.

⁵⁸ *Id.*

you, and that child will be separated from you as required by law,” Sessions stated at an event.⁵⁹ He continued, “[i]f you don’t like that, then don’t smuggle children over our border.”⁶⁰ From April 19, 2018, to May 31, 2018, 1,995 children were separated from the adults they were traveling with at the United States border.⁶¹ Separated children are held in facilities run by the Office of Refugee Resettlement within the Department of Health and Human Services.⁶² These youth facilities or “‘tender age’ shelters,” which are for younger children such as toddlers, are often repurposed warehouses or converted Walmart stores, as is the case in Texas.⁶³

In late July, officials from five different agencies that were involved with the family separation policy were called to testify before the Senate Judiciary Committee.⁶⁴ The current Chief of the United States Border Patrol, Carla Provost, said her agency was simply enforcing the law, and officials from ICE and the United States Justice Department also refused to admit to any mistakes.⁶⁵ “The family separation policy is more than a bureaucratic lapse in judgment,” said Senator Dick Durbin.⁶⁶ “It is and was a cruel policy inconsistent with values of this nation. Someone . . . in this administration has to accept responsibility.”⁶⁷ At the hearing, Durbin called for Homeland Security Secretary Kirstjen Nielsen, to step down from her position given the role she took in carrying out the policy.⁶⁸

The Trump administration’s attack on immigrants is far from new in this country. Indeed, the United States has a long history of attacking immigrants.⁶⁹ Historically, Mexican immigrants were

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Joel Rose, *Lawmakers Question Trump Officials On Family Separation Policy*, NPR (July 31, 2018), <https://www.npr.org/2018/07/31/634396006/lawmakers-question-trump-officials-on-family-separation-policy>

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ The following books provide exhaustive examinations of this country's immigration history: LAWRENCE H. FUCHS, *THE AMERICAN KALEIDOSCOPE: RACE, ETHNICITY, AND THE CIVIL CULTURE* 57 (1990) (noting that during the period

welcomed when economic conditions necessitated it but were rejected when domestic economic conditions or national security matters created an environment of fear and/or cynicism with respect to immigrants.⁷⁰ As our domestic narratives concerning immigration changed, immigrants became unwelcomed and were considered to be threats. The accounts here serve to demonstrate how the then-current negative narratives often shaped policies that were quite damning on the immigrant community, often leading to policies that included attempts to closing the border, as well as mass exodus campaigns such as the infamous Operation Wetback of the 1950s.⁷¹ Yet, these policies, no matter how draconian, did not address undocumented immigration, particularly when certain sectors of the economy, such as agriculture, were still desirous of immigrants. The aforementioned accounts demonstrate that the tried and true approach of demonizing and scapegoating the immigrant community has historically proven to be ineffective.⁷² Thus, our nation needs to learn from past practices and not merely repeat ineffective measures at addressing the issue.⁷³

Much like the domestic experience with Asian immigrants, there is a long history of inviting undocumented Latinx workers from the Global South to the North when market needs call for cheap labor.⁷⁴ Such invitations have inevitably been followed by domestic efforts to oust these individuals once the formerly valuable workers are deemed unnecessary due to a perceived decline in

from 1880 to 1920, “native-born workers worried about the negative effect that immigrants would have on wages and working conditions”); JOHN HIGHAM, *SEND THESE TO ME: IMMIGRANTS IN URBAN AMERICA* 121 (1984) (revealing anti-Jewish sentiment existing in America at least as far back as the 1840s); JOHN HIGHAM, *STRANGERS IN THE LAND* 9 (1955) (asserting “the xenophobia of the 1850s included anxiety over the threat of immigrant radicals to American institutions”); BILL ONG HING, *MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY: 1850-1990* 21 (1993) (contending Chinese miners on the West Coast “encountered fierce racial animosity in the 1840’s”); KEVIN R. JOHNSON, *THE “HUDDLED MASSES” MYTH: IMMIGRATION AND CIVIL RIGHTS* 13-54 (2004) (exposing the “long history” in the United States of poor treatment of racial minorities, especially noncitizen minorities).

⁷⁰ JOHNSON, *supra* note 69, at 27-28.

⁷¹ *Id.* at 28-29.

⁷² *See generally* GERALD L. NEUMAN, *STRANGERS TO THE CONSTITUTION* (1996) (explaining how the Constitution relates to immigration law and aliens in general). This work also noted that in the late 1800s, “[e]ven the criteria for the deportation of alien residents from the United States received no constitutional scrutiny from the courts.” *Id.* at 14.

⁷³ *Id.* at 14.

⁷⁴ *See generally* Manuel A. Vásquez, *Latino Immigration in the South: Emerging Trends and Critical Issues*, JESUIT SOC. RES. INSTT. (Feb. 2010), <http://www.loyno.edu/jsri/latino-immigration-south-emerging-trends-and-critical-issues>.

demand for such labor, or when unrelated events lead to isolationist sentiments in the country.⁷⁵ During the late nineteenth century and throughout the twentieth century, ample evidence exists of periods of government sponsored efforts to promote Latinx worker immigration, only to be followed by harsh governmental undertakings aimed to deport the very same worker groups.⁷⁶

As previously discussed, what is striking about the renewed attacks on immigrants that factually resemble the efforts of the mid-twentieth century is that this country has become increasingly diverse, and in the eyes of many, more inclusive to people of color and other minority groups.⁷⁷ Perhaps because of this era of inclusion—demonstrated by the election of an African-American president, the momentum in LGBTQ rights, and immigrant youth DREAMers⁷⁸ becoming center-stage in public debate—Trump has capitalized on a cultural backlash by the elevation of political groups such as the Tea Party and openly hostile political leaders in the political right.⁷⁹ Trump the private citizen partially established himself in the world of politics by openly questioning President Obama’s citizenship,⁸⁰ while Trump the candidate enflamed racial demagoguery by making an attack on immigrants the centerpiece of his presidential campaign.⁸¹

III. The Dominican Case

⁷⁵ David G. Gutiérrez, *An Historic Overview of Latino Immigration and the Demographic Transformation of the United States*, NATIONAL PARK SERVICE 63-66.

⁷⁶ *Id.* This country’s historical treatment of Latinx workers from South and Central America reminds the authors of the song “Should I Stay or Should I Go,” with a slight twist. THE CLASH, SHOULD I STAY OR SHOULD I GO? (Epic Records 1982). Instead of questioning whether anyone should stay or go, this country has repeatedly begged immigrant workers to “please stay” only to be followed shortly thereafter with a scream of, “now go!”

⁷⁷ Bill Chappell, *Census Finds A More Diverse America, As Whites Lag Growth*, NPR (June 22, 2017), <https://www.npr.org/sections/thetwo-way/2017/06/22/533926978/census-finds-a-more-diverse-america-as-whites-lag-growth>.

⁷⁸ See The Development, Relief, and Education for Alien Minors (DREAM) Act, S.1291, 107th Cong. (2001); LawLogix, *What is The DREAM Act and Who Are DREAMers*, IMMIGRATION CASE MANAG, EMENT BLOG (July 29, 2013), <https://www.lawlogix.com/what-is-the-dream-act-and-who-are-dreamers/>.

⁷⁹ Nancy Fraser, *From Progressive Neoliberalism to Trump – and Beyond*, 1 AMERICAN AFFAIRS J. 4 (2017).

⁸⁰ Sophie Tatum & Jim Acosta, *Report: Trump Continues to Question Obama’s Birth Certificate*, CNN POLITICS (Nov. 29, 2017), <https://www.cnn.com/2017/11/28/politics/donald-trump-barack-obama-birth-certificate-nyt/index.html>.

⁸¹ Kevin R. Johnson, *Lessons About the Future of Immigration Law from the Rise and Fall of DACA*, 52 U.C. DAVIS L. REV. 343, 346, 353 (2018).

For decades, the Dominican Republic has had a complicated relationship with its Haitian and Haitian-Dominican populations.⁸² Haitian immigrants and their Dominican-born descendants have historically been an excluded segment of Dominican society.⁸³ Like Mexican immigrants in the United States, Haitians in the Dominican Republic have been recruited for or otherwise accepted to perform menial, backbreaking labor in the lowest-paying sectors of the Dominican economy (e.g., agriculture, construction, and the informal service sector).⁸⁴ As such, Haitians are often targets of common stereotypes directed at immigrants: they steal jobs, they depress wages, they cannot speak the language, and they do not assimilate.⁸⁵ Moreover, right-wing Dominican intellectuals have fashioned a xenophobic discourse that portrays Haitian immigrants as slowly diluting Dominican culture, undermining the nation, and growing in size until the population takes over.⁸⁶

This sinister plan attributed to Haitian immigrants can be likened to the right-wing discourse in the United States that Mexico and Mexican immigrants have the feverish dream of a *Reconquista*—that is, a reconquering of territory that Mexico lost during the Mexican-American War from 1846 to 1848.⁸⁷ Thus, in both instances, the presence of foreign nationals—and their descendants—is interpreted as much more than just labor migration. For some extremists with radical political agendas, they believe immigrants have a nefarious plan to silently invade and demographically dominate the native population.⁸⁸ In the Dominican case, however, it has gone beyond xenophobic discourses and conspiracy theories. The Dominican government has taken radical steps to isolate, challenge, and downgrade the perceived “Haitian threat” by implementing policies designed to strip

⁸² See *The Dominican Republic and Haiti: One Island, Two Nations, Lots of Trouble*, THE ECONOMIST (May 14, 2016), <https://www.economist.com/the-americas/2016/05/14/the-dominican-republic-and-haiti-one-island-two-nations-lots-of-trouble>.

⁸³ See generally, Jason Nichols, *The Dominican Republic’s Mass Haitian Deportation Reflects its Racist History*, THE GUARDIAN (June 23, 2015), <https://www.theguardian.com/commentisfree/2015/jun/23/dominican-republic-haitian-deportation-reflects-racist-history>.

⁸⁴ See Castillo, *supra* note 19.

⁸⁵ *Id.*

⁸⁶ See *id.*

⁸⁷ JIM GILCHRIST, MINUTEMEN: THE BATTLE TO SECURE AMERICA’S BORDERS (2006) (excerpted at <http://humanevents.com/2006/07/27/the-emreconquistaem-movement-mexicos-plan-for-the-american-southwest/>).

⁸⁸ See Nichols, *supra* note 83.

Haitians and their descendants of their rights, to further drive them into the shadows of society and to intimidate those that dare to speak for immigrants' rights.⁸⁹

For well over a century, nationalist intellectuals in the Dominican Republic have defined Dominican identity vis-à-vis Haiti.⁹⁰ Particularly during the dictatorship of Rafael L. Trujillo (1930-1961), the regime promoted a xenophobic brand of Dominican nationalism that relied on *antihaitianismo* as its foundational myth.⁹¹ Trujillo recruited loyal intellectuals that not only whitewashed the 1937 massacre and helped restore his tarnished image in the eyes of the world, but that also portrayed the Dominican Republic as a country perpetually besieged, both culturally and demographically, by its neighbor.⁹² In doing so, they fashioned *antihaitianismo* into a full-fledged state ideology that was reproduced at the highest levels of the administration and fed to thousands of Dominicans via the state propaganda apparatus.⁹³

According to *antihaitianismo's* main tenet of portraying Haitians and Dominicans as radically different, Dominican culture is Hispanic, Catholic, and lies within the Western canon, whereas Haiti's culture is African, animist, and non-Western.⁹⁴ Moreover, these regime intellectuals portrayed Dominicans as white or somewhat light-skinned or racially-mixed, culturally Hispanic *indios* struggling to survive against Haiti's black hordes and their anti-white prejudices.⁹⁵ From the perspective of these ideologues, Dominicans are not only the first Catholic-Hispanic-Western community of the Americas but also the most threatened by an alien, non-Western culture.⁹⁶ According to this narrative, Haiti forcefully occupied the eastern Spanish part of the island of

⁸⁹ See generally, Amanda Taub, *Dominican Republic Strips Thousands of Black Residents of Citizenship, May Now Expel Them*, VOX (June 19, 2015), <https://www.vox.com/2015/6/18/8802587/dominican-republic-haitian-deportation>.

⁹⁰ See generally Letoya A. Tavernier, *The Stigma of Blackness: Anti-Haitianism in the Dominican Republic*, 22 SOCIALISM AND DEMOCRACY (2008), <http://sdonline.org/48/the-stigma-of-blackness-anti-haitianism-in-the-dominican-republic/>.

⁹¹ ERNESTO SAGÁS, RACE AND POLITICS IN THE DOMINICAN REPUBLIC, (University Press of Florida, 1st ed. 2000).

⁹² *Id.* at 46.

⁹³ *Id.*

⁹⁴ *Id.* at 47-48; Román & Sagás, *Birthright Citizenship*, *supra* note 26, at 1390.

⁹⁵ SAGÁS, *supra* note 91, at 51.

⁹⁶ *Id.*

Hispaniola from 1822 to 1844, after earlier attempts at conquest had failed.⁹⁷ Dominicans then finally gained their independence, but over the next two decades, they had to fight back numerous attempts by Haiti to reconquer Dominican territory until Dominican sovereignty was secured.⁹⁸ According to a reactionary perspective, for most of the twentieth century Haiti had resorted to a “silent invasion” of Dominican territory through unchecked labor migration.⁹⁹ For these regime intellectuals, the history of Haitian-Dominican relations is framed through a lens of conflict, with Haiti as the perpetual aggressor trying to expand its territory and resources at the expense of Dominicans.¹⁰⁰ Dominicans, on the other hand, have been forced to fight back and sacrifice their lives in order to achieve independence and maintain territorial integrity in the face of Haitian aggression.¹⁰¹

Antihaitianismo remains a dominant ideology in Dominican society even after Trujillo’s death in 1961, and it has been repeatedly invoked at historical junctures, such as the 1994 and 1996 elections, for political gain.¹⁰² Since the 1960s, new generations of Dominican historians and social scientists have challenged *antihaitianismo* ideology, yet it remains stubbornly entrenched in Dominican culture, where it feeds tropes of Haitian immigrants and their descendants as enemies of the Dominican nation.¹⁰³ On the other hand, a new, post-Trujillo generation of nationalist intellectuals has also emerged in the Dominican Republic, who are steering their conservative writings away from debunked, politically-incorrect arguments about race and, instead, assuming a more post-racial posture by invoking issues of cultural survival in their works.¹⁰⁴ They tend to loosely follow right-wing American and European arguments about Western nations being assailed

⁹⁷ Charles R. Venator Santiago, Race, Nation-Building and Legal Transculturation during the Haitian Unification Period (1822-1844): Towards a Dominican Perspective, 52 Clev. St. L. Rev. 63, 63 (2005).

⁹⁸ *See id.*

⁹⁹ SAGÁS, *supra* note 91, at 80-81.

¹⁰⁰ *Id.* at 44-65.

¹⁰¹ *Id.*

¹⁰² *Id.* at 95.

¹⁰³ Tavernier, *supra* note 90, at 100.

¹⁰⁴ *See* MANUEL NÚÑEZ, EL OCASO DE LA NACIÓN DOMINICANA (Editorial Letra Gráfica 2001).

by hordes of immigrants from the Global South that, by their sheer numbers and unwillingness to assimilate, will ultimately undermine the culture and civic virtues of the host nation until it is rendered unrecognizable.¹⁰⁵ We argue that this neo-*antihaitianismo* just cloaks what still remains a mostly racial issue: Haitian immigrants are black aliens in a nation that racially defines itself otherwise. In addition, Haitian immigrants, as poor laborers, are the traditional scapegoats of Dominican society, blamed for all sorts of economic and social ills (e.g., low wages, unemployment, contagious diseases, superstitions, moral turpitude, and the list goes on).¹⁰⁶ Finally, these conservative Dominican intellectuals see the Dominican Republic as a civilized nation within the Western canon, perpetually embroiled in a struggle for cultural survival against a barbaric enemy.¹⁰⁷

For decades, Dominican authorities engaged in unofficial practices designed to make life difficult for Haitian immigrants and keep them in the margins of Dominican society.¹⁰⁸ These attrition tactics usually ranged from discrimination at the workplace to the routine denial of birth certificates for the children of Haitian immigrants born in the Dominican Republic.¹⁰⁹ Though the Dominican constitution relied on the *jus soli* (birthright citizenship) legal principle to grant citizenship to those born on Dominican soil, it was not uncommon for Haitian immigrants to face significant hurdles when trying to register their children's birth.¹¹⁰ Corrupt government officials in the Dominican Republic asked Haitian migrants for kickbacks to process their work requests, demand unobtainable documentation, or flatly rejected Haitian requests.¹¹¹ Still, through reforms passed in 2014, some Dominican children of Haitian immigrants were able to get their birth certificates, and eventually, their identification cards as they reached adulthood.¹¹²

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 24.

¹⁰⁷ *Id.*

¹⁰⁸ Tavernier, *supra* note 90, at 100.

¹⁰⁹ *Id.* at 100-01.

¹¹⁰ *Id.*; see also Román & Sagás, *Who Belongs*, *supra* note 13, at 46, 48.

¹¹¹ See Román & Sagás, *Who Belongs*, *supra* note 13, at 42, 45.

¹¹² *Id.* at 53.

Haitian-Dominicans have always struggled for the recognition of their rights, but—at least in theory—they had rights. This changed at the turn of the century upon a shift in the legal nature of the presence of Haitian immigrants and their children in the Dominican Republic through three legal measures. The first was Immigration Law 285-04.¹¹³ This new code specifically went after the “in transit” provision of the Constitution of the Dominican Republic by specifying that temporary workers, such as Haitian workers in the sugar industry, were non-residents, and as such perpetually “in transit,” regardless of how long they had been living and working in the Dominican Republic.¹¹⁴ This new immigration law, by eliminating the “in transit” provision, affected thousands of Haitian immigrants, some of whom had been living in the Dominican Republic for decades, and put them in peril, as their tenuous legal status made them easy targets for deportation.¹¹⁵ In reality, Haitians have been rounded up and deported by Dominican authorities periodically, for a number of reasons, with little regard for the rule of law.¹¹⁶ Just being a Haitian, or of Haitian descent, puts one in peril of deportation at the hands of both the Dominican civilian and military authorities.¹¹⁷ As a Haitian in the Dominican Republic, one’s rights do not mean much in practice, and deportation could come as easily as a labor dispute with one’s boss, a random raid, or just not having enough money to bribe Dominican officials.¹¹⁸

The second major change came with the drafting of the 2010 Constitution of the Dominican Republic. At the urging of right-wing nationalists,¹¹⁹ the Dominican legislature changed the language of the “in transit” clause to make it clear that the children of those “in transit or that reside illegally

¹¹³ *Id.* at 44-45, 50.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 41.

¹¹⁶ *Id.* at 42.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ The ruling Partido de la Liberación Dominicana (Dominican Liberation Party, or PLD) needed the votes of minor parties—including right-wing ones—in order to get the new constitution approved.

in Dominican territory” are no longer citizens of the Dominican Republic.¹²⁰ This momentous change meant that—after the implementation of the 2010 Constitution—children born to Haitian migrants that could not prove their legal status would not be entitled to Dominican citizenship under the “*jus soli* provisions of the constitution.”¹²¹ Only the children of Dominican citizens or legal residents could claim *jus soli* citizenship from now on.¹²² As a result, thousands of children born in the Dominican Republic since 2010 are now stateless because their parents are undocumented migrants or do not have the resources to get legal documents for them.¹²³ The only citizenship available to these children is that of their Haitian parents, by request at the Haitian Embassy in Santo Domingo—a daunting prospect for poor immigrants with little resources.¹²⁴ In that case, those Haitian Dominican children would be requesting to receive the citizenship of a country in which they were neither born nor familiar with and that does not see them as native sons and daughters. These Haitian Dominican children are essentially stateless, caught in a legal limbo between their country of birth that does not recognize them as citizens and their parents’ homeland that really does not care about them, with practically no effective rights in either society.¹²⁵

The third development was the 2013 decision by the Dominican Constitutional Tribunal which retroactively stripped thousands of Haitian Dominicans of their citizenship as far back as 1929.¹²⁶ According to the court’s 11-2 ruling, the children of undocumented migrants were *never* legally entitled to Dominican citizenship, so they were not and are not Dominican citizens, regardless of whether they were given a Dominican birth certificate or other documents by the Dominican authorities at some point in their lives.¹²⁷ This extraordinary retroactive decision affected

¹²⁰ *Id.* at 46.

¹²¹ *Id.*

¹²² *See generally id.*

¹²³ *Id.* at 45-46.

¹²⁴ *See Román & Sagás, Birthright Citizenship, supra* note 26, at 1387

¹²⁵ Román & Sagás, *Who Belongs, supra* note 13 at 35-36.

¹²⁶ *Id.* at 47.

¹²⁷ *Id.*

approximately 200,000 individuals who now find themselves stateless in their own country.¹²⁸ Moreover, several generations of Haitian Dominicans are no longer Dominican citizens, creating a ripple effect that potentially denationalized grandparents, parents, and children—all of them retroactively stripped of their Dominican citizenship.¹²⁹ The Administration of Dominican President Danilo Medina came up with a plan to naturalize these former citizens in 2014, but the process has been slow and cumbersome, and few Haitian Dominicans have benefited from it.¹³⁰

IV. Conclusion

The twenty-first century has ushered in renewed attacks against immigrants, and the United States and the Dominican Republic represent good case studies of this regional xenophobic wave. In the United States, the election of Donald Trump represents a backlash against the perceived ascendancy of women, communities of color, and particularly immigrants from the Global South. As a presidential candidate, Trump capitalized on this cultural resentment to dominate the airwaves and easily defeat his primary rivals.¹³¹ Not surprisingly, his electoral college victory hinged on Rust Belt states undergoing economic decline for decades, where white, middle-class voters connected with his “Make America Great Again” message.¹³² Trump has delivered on some of his promises to his base by launching an all-out attack on immigrants, both legal and undocumented, as well as refugees.¹³³ Trump’s policies represent a wave of nationalist, white xenophobia, precisely at a moment when the United States population is becoming more diverse in terms of race, ethnicity, and sexual orientation.¹³⁴

¹²⁸ *Id.* at 35.

¹²⁹ *Id.* at 35, 47.

¹³⁰ *Id.* at 53.

¹³¹ Carl Bialik, *How The Republican Field Dwindled From 17 To Donald Trump*, FiveThirtyEight (Mar. 15 2016), <https://fivethirtyeight.com/features/how-the-republican-field-dwindled-from-17-to-donald-trump/>.

¹³² Meghan Keneally, *Donald Trump’s Path to Victory Through the Rust Belt*, ABC NEWS (Nov. 9, 2016), <https://abcnews.go.com/Politics/donald-trumps-path-victory-rust-belt/story?id=43407209>.

¹³³ Johnson, *supra* note 81.

¹³⁴ Cohn & Caumont, *supra* note 4.

In the Dominican Republic, the xenophobic wave is directed at Haitian immigrants and their Haitian Dominican children, and it has been going on for well over a decade, under several presidential administrations.¹³⁵ The fate of these racialized “others” is even more dramatic, as large segments of Dominican society, including major political parties, either support their exclusion or remain silent about it.¹³⁶ By denationalizing thousands of Haitian Dominicans through constitutional changes in 2010 and the 2013 court decision, Dominican authorities have achieved the equivalent of repealing the Fourteenth Amendment of the Constitution of the United States—a move applauded by fringe xenophobic groups.¹³⁷ Likewise, these new laws also came at a time of increasing ethnic diversity in the Dominican Republic, as Haitian Dominicans grew in numbers and started moving into the middle class around the turn of the century.¹³⁸

These two case studies clearly show that xenophobic waves are a recurring cultural and political phenomenon in democracies, often driven by economic downturns and a perceived increase in the presence of immigrants by the dominant group.¹³⁹ In the United States and the Dominican Republic, both factors were at play in the first decade and a half of the twenty-first century, in societies that had experienced recurring economic crises and an increasingly diverse racial/ethnic makeup. The latter development has played a major role in the formulation of more extreme, reactionary anti-immigrant policies, as the dominant populations feel that they are on the verge of losing *their* country.¹⁴⁰ Opportunistic politicians in both countries have capitalized on the do-or-die nature of these perceptions and have ridden the xenophobic wave into office.¹⁴¹ Once in power, these elected officials have implemented xenophobic policies and practices to placate their base,

¹³⁵ See generally Román & Sagás, *Who Belongs*, *supra* note 13; see also Román & Sagás, *Birthright Citizenship*, *supra* note 26.

¹³⁶ See Román & Sagás, *Birthright Citizenship*, *supra* note 26, at 1388-94

¹³⁷ See *id.* at 1385-88.

¹³⁸ See Román & Sagás, *Who Belongs*, *supra* note 13, at 44-45.

¹³⁹ See Pippa Norris, *It's not just Trump. Authoritarian populism is rising across the West. Here's why.*, WASH. POST (Mar. 11, 2016), https://www.washingtonpost.com/news/monkey-cage/wp/2016/03/11/its-not-just-trump-authoritarian-populism-is-rising-across-the-west-heres-why/?utm_term=.b25d1f9182ff.

¹⁴⁰ See Sewer, *supra* note 8; see also Adami, *supra* note 18.

¹⁴¹ Castillo, *supra* note 19; Griffiths, *supra* note 19.

demonizing immigrants in the process and justifying human rights abuses against them.¹⁴² In both the United States and the Dominican Republic, xenophobic politicians have been employing the same playbook.¹⁴³

Though it is easy to place all the blame on Trump and the last three presidential administrations of the Dominican Republic,¹⁴⁴ they themselves are not the causes, but they are rather the symptoms of a disturbing national malaise. As detailed in our two case studies, the abuse of immigrants for their cheap labor has been common in the United States and the Dominican Republic for decades. Tolerated when needed, but discarded afterwards, immigrants in both countries are routinely exploited, scapegoated, and deported—again and again.¹⁴⁵ Immigrant-bashing has become a blood sport among xenophobic circles that become empowered when certain cultural and economic factors align. Trump and his ideological counterparts in the Dominican Republic represent systems of dominance that perpetuate the exploitation of immigrant labor on racial and ethnic grounds, while denying immigrants and their descendants social, and even legal, equality and full enjoyment of their human rights.¹⁴⁶

Contrary to what many believe, the end of the Trump administration and the Medina administration will not bring about the end of nationalist xenophobia and anti-immigrant policies. Under a more favorable administration, immigrants may enjoy some relief, but the racist premises around which both societies are structured remain mostly untouched. Like a powerful undertow, nationalist xenophobia lurks under the surface and then carries the national mood away when conditions are ripe. In the United States, the Obama administration, from 2009 to 2017, sparked

¹⁴² Castillo, *supra* note 19; Griffiths, *supra* note 19.

¹⁴³ See Roman & Sagas, *Birbright Citizenship*, *supra* note 26.

¹⁴⁴ Presidents Hipólito Mejía, Leonel Fernández, and Danilo Medina.

¹⁴⁵ JOHNSON, *supra* note 69, at 27-28; Castillo, *supra* note 19.

¹⁴⁶ See JOHNSON, *supra* note 69, at 27-28; see also Castillo, *supra* note 19.

hope for change, but in reality, it just provided fodder for a major racial pushback.¹⁴⁷ In the Dominican Republic, the administrations of the left-of-center Partido de la Liberación Dominicana, Dominican Liberation Party, or PLD, sparked hope for a more progressive, humane policy towards immigrants.¹⁴⁸ Quite the opposite, the most reactionary policy moves against immigrants and their descendants took place under their watch.

Albeit tempting to try to end this piece on a hopeful note, we cannot. Nationalist xenophobia is all but impossible to eradicate. Thus, our best course of action is to remain vigilant and strive to protect the human rights of all—citizen and immigrant alike. In the words of Dr. Martin Luther King Jr.: “Injustice anywhere is a threat to justice everywhere.”¹⁴⁹ The rights of immigrants are our rights (human rights), and democracy is eroded when discriminatory policies oppress the most vulnerable amongst us.

¹⁴⁷ Nick Bryant, *Barack Obama Legacy: Did He Improve US Race Relations?* BBC NEWS, (Jan. 10, 2017) <https://www.bbc.com/news/world-us-canada-38536668>.

¹⁴⁸ NÚÑEZ, *supra* note 104.

¹⁴⁹ Letter from Dr. Martin Luther King, Jr., (Apr. 16, 1963) (*available at* https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html).