



Hamda Jama

Library Prize Competition Winners

April 5, 2011

No One is Illegal: U.S Immigration Policy Violates Human Rights

John Locke was one of the essential philosophers before the Revolutionary War. One of his primary points was protecting human rights. If Locke were alive today, he would believe that the U.S immigration policy violates human rights. For instance, Locke believes that all humans have the same freedom no matter where they live; however, the U.S violates undocumented people's rights by kicking them out of the country. The government is regulating immigration because the government has a strong deportation immigration policy. In this situation Locke would not agree with the government regulating immigration. Since social contract theory says government power must come from the consent of the governed, the immigration policy is not protecting immigrant's natural rights. Locke would be against the immigration policy because it is violating the rights and the freedom that the immigrant people were born with. No matter where they were born with they have the right to enjoy their natural freedom. The debate about illegal immigration has been and will continue to be heated in the United States and the laws we make will never be more powerful than the laws of natural freedom with which we are all born in Locke's view.

Locke believes individuals have three primary rights: the right to live, the right to enjoy liberty, and the right to own property; moreover, "...government has no other end but the preservation of property" (Locke). This quote is demonstrating that the government has no other purpose than protecting the rights of people and their property.

John Locke believes that people first live as individuals and then make social contracts. The people create social rules and the government enforces them. The people give up some of their rights to the government in exchange for government protection. Locke also says if anyone in charge tries to take away these rights, the people have the power to overthrow that person and replace him with another person who is going to allow them to keep it (Cagniard et al 1405). Connecting this to the Arizona law, the state violates the rights of the people to enjoy liberty and pursue happiness. For instance, the law allows police to stop people that they reasonably suspect of being here illegally. This makes people not enjoy liberty because even if they are legal they will be targeted by law enforcement. In this case, the federal government has the right to regulate the state's immigration law since the law is abusing people's rights.

The distinction between the federal government policy on immigration and the Arizona state government policy is enormous. The Arizona state passed the law SB1070 in order to regulate the illegal immigrants who enter the country without proper papers. This Arizona law violates and takes away privileges from the people, because the law encourages racial profiling. The law also leads to harassment of citizens and legal residents. Moreover, it takes away the freedom to be able to walk on the street, because people are stopped by the police and are asked questions that they do not legally have to answer. For instance, "if the police officers see blond-haired, blue-eyed Sue standing on the street corner, they would not think much of it. But if police see caramel-complexioned Carlos the police will claim 'reasonable suspicion' to ask his immigrant status" (Bello). The police should not inquire about people's papers based on their skin color; instead, they should stop anyone that they have other reasonable suspicion against.

The immigration law causes many problems for the citizens who live in the U.S. because they must carry their ID everywhere. According to journalist, Kemi Bello, Arizona defined “the crime of trespassing as being anywhere in Arizona without carrying documents proving legal immigration status.” But the 4<sup>th</sup> Amendment states that law enforcement cannot search your house and papers without probable cause. Skin color is not probable cause. In this country, to be more equal and democratic, police should not discriminate based on skin color. The new Arizona law violates people’s rights; however, the federal government supports Locke’s view by defending the rights and the freedom of the people.

The federal government is responsible for controlling the immigration laws. The Arizona law conflicts with the federal law. According to Juliet P. Stumpf, an associate professor of law at Lewis & Clark law school, “the closer the law comes to the traditional federal role the more likely it is that the state law will be considered to be trespassing federal government’s domain” (Shwartz and Archibold). This quote illustrates that the state of Arizona is doing the federal government’s job. The injustice of the Arizona law and the disregard for citizen’s rights is unconstitutional. As a country we need to follow our constitution, because it is the structure that makes our country successful and it is the law we agree to as Americans. “The message was that Arizona cannot have its own immigration or foreign policy. It cannot tell the federal government how to enforce its laws. It is not up to any state to seize the power to upend federal priorities” (Downes, 20). The federal government is responsible for defending people’s natural rights as defined in the constitution. The step that Arizona State took is against John Locke’s view because he believes that people were born with their own natural right. As a democracy, if we

want to remain a strong and powerful, we should give every one the chance and the opportunity to achieve their dreams, hopes, goals and to pursue happiness.

In addition, the government is overall not defending humans' natural rights based on Locke's beliefs. This is because the government has a strong policy of deportation. This policy means that anyone who lives the United States illegally is deported. By deporting illegal immigrants the government is limiting those immigrants' rights and equality by deciding whether they can live in the U.S or not. Immigrants do not have the chance to use their natural rights and to feel free because they are limited to where they can live. Also, the government is forcing the illegal immigrants to follow immigration laws that make it difficult to gain citizenship. In order to make everyone equal, the U.S government should give illegal immigrants the proper papers to stay in the country. Therefore, the illegal immigrants would get the same protection that citizens have. According to Locke, the people have the natural right to choose where they want to live and the government does not have the right to take away people's natural rights.

Many illegal immigrants live in the United States because they are trying to find the chance to make their dreams come true. They come to the United States in order to accomplish many things that would benefit them and their country. The U.S. government disrespects the immigrant people by kicking them out of the country. The government should respect the immigrants for who they are and where they come from, even if they do not have papers to enter the United States. Locke would say, the people who live in this country are the power of the government and the government cannot determine laws without the voice of the people. Moreover, the people have the right to disagree and agree with government. People agree to follow whatever the majority of their country chooses.

In John Locke's view people do not need a government that tells them what to do; however, people need a government that defends them.

The government has a strong immigration policy regarding who can stay in the United States. The government also has authority over the illegal immigrants because they can deport everyone who lives in the United States illegally. Additionally, the reason why there are a lot of immigrants in the United States is because they have many problems that are going on in their country. In this case, John Locke would help these people because he believes that humans can and have to take care of each other.

Moreover, he does not believe in an authoritative government, and there is no need for laws because of the strong sense of respect and moral duty that humans can have towards one another. He believes that everyone was born with rights, equality, and independence.

According to the book Libertarianism, the laws "should protect the freedom of individuals to pursue happiness in their own ways, not aim at any particular results or outcome" (Boaz 17). This quote is similar to John Locke's ideas because he believes that individuals have the right to choose what they want. Also, this quote is illustrating that the government is responsible to protect people's freedom in order for them to pursue their own happiness. We do not need government but people agree to create a government in order for the government to protect their natural rights.

John Locke said everyone has their own natural rights; however, the U.S government is acting against his views by trying to regulate the undocumented population by regulating immigration policy. One example is the case of immigration: "In the example of immigration policy, the process of regulating immigrants inevitably invokes an evaluation of what is desirable in an immigrant and potential citizen" (Bhuyan, 78).

This quote is demonstrating that the U.S wants immigrants who are proactive and hard working. In order to do this the immigrants have to go through a process to become citizens. Although, the government tries to protect the people by establishing a process to become a citizen, but the difficult process makes it near impossible for many people to become citizens. Therefore, the government takes away natural human rights.

According to Locke, everyone is born with their own natural rights. Because of that, the immigrants do not need an authoritative government that informs them of what to do and the Arizona law should not be enforced. The Arizona law is also unconstitutional since it is against the federal law. People have the right to make their choices without following what the government says, but people need the government in order to protect them. Since we know this country is democratic the government should take responsibility for allowing people to pursue happiness, a natural freedom.

Work cited

- Bello, Kemi. "So What's in the Arizona Bill Everyone's Talking About?" Immigration.change.org. 25 Apr. 2010. Web. 25 Feb. 2011. <[http://immigration.change.org/blog/view/so\\_whats\\_in\\_the\\_arizona\\_billeveryone\\_s\\_talking\\_abut](http://immigration.change.org/blog/view/so_whats_in_the_arizona_billeveryone_s_talking_abut)>.
- Bhuyan, Rupaleem. "Reconstructing Citizenship in a Global Economy: How Restricting Immigrants from Welfare Undermines Social Rights for U.S. Citizens." *Journal of Sociology & Social Welfare* 37.2 (2010): 63-85. *Academic Search Complete*. EBSCO. Web. 25 Feb. 2011
- Boaz, David. *Libertarianism: a Primer*. New York: Free, 1997. Print.
- Cagniard, Pierre, and James Alloco. *World History: People & Nations*. Austin: Holt, Rinehart and Winston, 2000. Print.
- Downes, Lawrence. "The Hunt for American Decency in the Arizona Quicksand." *New York Times* 04 Aug. 2010: 20. *Academic Search Complete*. EBSCO. Web. 27 Feb 2011.
- Locke, John. *Second Treatise on Government*. [S.l.]: [s..n.], 1956. Online<<http://libertyonline.hypermall.com/Locke/second/second-7.html>>
- Schwartz, John, and Randal C. Archibold. "A Law Facing a Tough Road Through the Courts." *The New York Times U.S.* The New York Times, 27 Apr. 2010. Web. 5 Mar. 2011. <[http://www.nytimes.com/2010/04/28/us/28legal.html?\\_r=1&emc](http://www.nytimes.com/2010/04/28/us/28legal.html?_r=1&emc)>
- Uzgalis, William. "John Locke." *Stanford Encyclopedia of Philosophy*. Standford University, 12 Sept. 2010. Web. 6 Mar. 2011