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**The Social,  
Cultural, and  
Political Impact of  
Domestic Workers  
in the Texas-Mexico  
Region**

**A New Way to Rethink  
Care**

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## **Abstract**

Migration in Central America has a long history. It dates back from the Aztecs to the Treaty of Guadalupe-Hidalgo which marked the beginning of a long struggle for emancipation and recognition for the Mexican people. The Texas-Mexico border is one of the most crucial and dangerous passages to enter the United States. Thousands of people attempt to cross the border every month, among them, there are more and more women and children. This phenomenon known as 'feminisation of migration' sees an increasing percentage of women migrating around the world, making it possible to study new perspectives and raise new questions. Why do women migrate? How does it affect the social? Why do they experience ethnic specialization and gender discrimination? And how are they making their voice heard in government? Through the review of secondary literature, this thesis will try to answer some of these questions with a particular focus on Mexican domestic workers in the State of Texas. This work will analyse step by step the moment these women silently cross the border, the gender and ethnic discrimination they experience in the workplace, the lack of basic rights, until the moment they find individual, social, and legal recognition. It will investigate how they managed over time to change some cultural paradigms and legislative aspects, inevitably transforming the social and political context of Texas. The role of organisations, labour unions, and feminist movements such as the *Chicanas*, will be fundamental to the purpose.

## Summary

La migrazione in America Centrale ha una lunga storia. Risale a partire dalla civiltà Azteca fino al Trattato di Guadalupe-Hidalgo, che segnò l'inizio di una lunga lotta per l'emancipazione e il riconoscimento del popolo messicano. Il confine tra Texas e Messico è uno dei passaggi più cruciali e pericolosi per entrare negli Stati Uniti. Migliaia di persone tentano di attraversare il confine ogni mese, e tra queste ci sono sempre più donne e bambini. Tra il 1821 e il 1835 in Texas, dopo che il Messico ottenne la sua indipendenza dalla Spagna (1821), i primi colonizzatori Anglo-Americani si stanziarono sul territorio grazie al basso costo dei terreni così da poter ricavare profitto da fattorie e piantagioni. Il trasferimento di massa delle proprietà terriere in Messico nelle mani dei colonizzatori Anglo-Americani e l'industrializzazione dell'agricoltura che coinvolse numerosi Messicani nella manodopera nel Sud Ovest degli Stati Uniti, rappresentarono le prime cause di un periodo violento nell'area di confine. La Rivoluzione Texana con a seguito l'indipendenza dal Messico avvenuta nel 1836 e la conseguente annessione del Texas agli Stati Uniti, portarono ad un'intensificazione dei controlli di frontiera. La ormai dipendenza dei Messicani dalla manodopera statunitense e viceversa, aumentò i flussi migratori, e con essi anche sentimenti di nazionalismo e discriminazione.

Dopo un primo periodo costituito principalmente da migrazioni maschili, come il *Bracero Movement*, il fenomeno di nuovi flussi migratori costituiti principalmente da donne singole, in cerca di emancipazione o con lo scopo di raggiungere familiari, iniziò a svilupparsi soprattutto negli ultimi anni. La maggior parte dei flussi migratori femminili, tutt'oggi ancora in crescita, di donne Messicane che varcano il confine tra Messico e Texas, vertono verso l'impiego di posizioni lavorative genderizzate, come il lavoro domestico o il lavoro di cura. Respinte dalla

cultura madre perché fortemente patriarcale e allo stesso tempo dalla cultura ospitante, le donne migranti devono affrontare un processo di ricostituzione della propria identità. Un'identità non statica ma ibrida, in costante evoluzione e trasformazione, che permetta loro di distaccarsi da un *machismo* originario e opprimente e consenta loro di ricostituirsi come soggetti individuali ma restando parte di una collettività che condivide le loro stesse esigenze, come il movimento delle *chicane*. Gloria Anzaldù chiama questa forma di identità e coscienza, la nuova *mestiza*. Sarà proprio questo movimento femminista poi che nello Stato del Texas e nel resto degli Stati Uniti porterà avanti battaglie di emancipazione e tutela dei diritti delle donne nel corso degli anni '70, facendo da pilastro a numerose altre future questioni politiche e sociali. Aspetti fondamentali alla comprensione delle dinamiche di genere nel mercato del lavoro e nella società, sono stati affrontati da differenti teorie di genere.

Autrici come Silvia Federici, Eileen Boris, e Premilla Nadasen hanno analizzato come dietro ogni specializzazione di genere e genderizzazione del lavoro, ci siano diverse questioni storico-sociali. La questione della schiavitù negli Stati Uniti, soprattutto negli stati del sud, è stato uno degli elementi preponderanti nello sviluppo di alcuni aspetti lavorativi e legislativi. L'impiego di donne schiave Afro-Americane nei lavori domestici o nella cura dei figli dei loro padroni, hanno rallentato notevolmente il processo di evoluzione di leggi che tutelano le lavoratrici domestiche. A lungo è stato assunto, anche dopo l'abolizione della schiavitù, che le donne di colore dovessero svolgere determinati lavori senza avere alcun tipo di protezione legale, svalutando di conseguenza quel settore. Successivamente l'avvento del capitalismo e del neoliberalismo negli Stati Uniti ha fondato le radici dello sviluppo economico nella strategia del non intervento, del libero mercato, e della massimizzazione del profitto. Avviene così una scissione tra lavoro produttivo e lavoro riproduttivo, dove la sfera domestica, la cura dei figli e delle persone anziane divengono attività che non producono profitti all'interno del mercato. La casa diventa perciò un ambiente "santificato" dove l'uomo può far ritorno e rilassarsi dopo una giornata di lavoro impiegata nella produzione.

Con l'aumento delle donne di classe sociale media nel mondo del lavoro, tutte le attività considerate femminili vengono delegate a classi sociali minori, come i migranti. Questi settori rappresentano un mercato di lavoro informale e "invisibile", in quanto svolto nella sfera privata, che prevede facile accesso a categorie di lavoratori meno qualificati, soprattutto alle donne che varcano il confine alla ricerca di un impiego ma che spesso, per motivi burocratici e politici, non dispongono di documenti. La condizione di "invisibilità" di questo mercato lo rende inevitabilmente oscuro ad ogni forma di tutela legale.

Nel corso degli anni, a partire dagli anni '70, diversi movimenti e proteste si sono succeduti per cercare di cambiare questa situazione. L'esclusione delle lavoratrici domestiche dal Fair Labour Standard Act del 1938 che stabiliva un salario minimo e protezione, fu l'inizio di una lunga lotta per il riconoscimento dei diritti. Numerose organizzazioni e associazioni negli anni si sono adoperate per riunire insieme lavoratrici domestiche di diversi background culturali, per parlare, condividere, denunciare le loro esperienze. Ed è stato grazie alla collaborazione di numerose donne e alla mediazione e ai mezzi delle organizzazioni, che si sono raggiunti dei risultati legali significativi. La National Domestic Workers Alliance, la più grande delle organizzazioni esistenti negli Stati Uniti, ha ottenuto esiti importanti a livello principalmente locale e statale, ma è avvenuta anche un'introduzione a livello federale. Undici stati e tre città hanno firmato la "Domestic Workers Bill of Rights" che prevede la tutela di diritti di base come salario minimo, straordinari, ferie retribuite, permessi per malattia e protezione da ogni forma di discriminazione e violenze sul posto di lavoro. Alcuni stati in maniera indipendente hanno aggiunto l'obbligo contrattuale tradotto nella lingua del dipendente, una chiara spiegazione di tutti i corrispettivi diritti, oppure la tutela della privacy del lavoratore. Al momento il Texas non rientra a far parte del gruppo di stati che hanno firmato la legge.

Nel 2019, la Vicepresidente Kamala Harris, la Senatrice Kirsten Gillibrand e la Rappresentante Pramila Jaypal hanno introdotto al Congresso la "National Domestic Workers Bill of Rights", la prima legislazione federale che consentirebbe la tutela legale delle lavoratrici domestiche. Andrebbe inoltre ad introdurre un nuovo sistema di cura

regolato, al di sopra della giurisdizione degli stati per colmare quelle lacune legislative che molti stati, per diverse ragioni culturali e politiche, hanno mantenuto. Tuttavia, la legge è stata semplicemente introdotta ma non passata.

Una legge federale sarebbe il modo più efficace per tutelare delle categorie e dei settori discriminati in quegli stati che non hanno adottato nessuna forma di protezione legale. La linea che divide la giurisdizione federale e statale è molto complessa e labile, nonostante, secondo la Costituzione, Articolo VI, la legge federale generalmente precede quella statale e le loro costituzioni. Le leggi adottate negli ultimi anni dallo Stato del Texas contro l'immigrazione illegale sono il risultato della complessità del rapporto tra stati e governo federale. Pur trattandosi di leggi anticostituzionali, sono passate e state firmate dal Governatore Greg Abbott, e rappresentano un'enorme minaccia per tutti i migranti che cercano di varcare il confine e coloro che sono presenti su territorio texano. La recente legge Senate Bill 4 introdotta nel 2023, ad esempio, dà la possibilità alle forze dell'ordine di fermare e arrestare le persone anche secondo il loro aspetto fisico, seppur con scarse evidenze di reato. Ne consegue che, in uno stato fortemente discriminatorio, le persone con più possibilità di essere fermate sono quelle con tratti somatici ispanici. La legge permette inoltre ai giudici di aumentare la pena di arresto e dà loro la possibilità di decidere quali persone debbano tornare al paese d'origine. Questo vale sia per i migranti che attraversano il confine, sia per coloro che si trovano sul suolo Texano da diversi anni.

La legge SB4 è solo una delle svariate leggi anti-migratorie attuate da Abbott nel corso degli ultimi anni, che oltre ad avere problemi strutturali come essere anticostituzionali e violare i diritti dei migranti, sono causa di instabilità dei rapporti tra Messicani e Texani, soprattutto se si considera che migliaia di Messicani vivono negli Stati Uniti da molti anni, hanno un lavoro, una casa, e una famiglia. Il senso di precarietà e il timore di essere deportati influiscono sulla loro percezione del governo e delle politiche. I Messicani rappresentano la percentuale etnica maggiore presente in Texas, e il Texas è il secondo stato dopo la California ad ospitare il più alto numero di Messicani nel proprio territorio. Oggi rappresentano una fondamentale risorsa per lo stato, principalmente economica, e il governo non potrà continuare ad ignorare questo aspetto.

In particolare, il numero delle lavoratrici domestiche negli Stati Uniti sta aumentando notevolmente, rappresentando una delle più grandi forze lavoro del paese. Nonostante il carico di responsabilità che ogni giorno queste donne si portano sulle spalle, come preoccuparsi che il bambino mangi o vada a scuola, che la persona anziana prenda le sue medicine o venga accudita, o che la casa sia in ordine nel momento in cui si torna dal lavoro, questa categoria di lavoratrici non è riconosciuta a pieno sotto la legge statunitense. Ma è fondamentale comprendere l'importanza del loro ruolo all'interno della società in quanto provvedono al benessere familiare e all'efficienza dell'ambiente domestico, così che il resto della forza lavoro possa concentrarsi sulla propria carriera e sulla propria produttività, senza preoccuparsi delle responsabilità domestiche. Prendendosi carico di queste "attività", le lavoratrici domestiche contribuiscono inevitabilmente alla produttività economica di un paese.

Per una nuova concezione della cura, quindi, è necessario attuare una decostruzione di quei paradigmi sociali radicati che la vedono come una principale attività femminile e biologica oppure come un aspetto individuale. I lavori di Joan Tronto danno un enorme contributo alla causa. Lei propone, infatti, un modo di ripensare la politica democratica attraverso una nuova concezione della cura, che lei chiama "rivoluzione democratica della cura". L'obiettivo è quello di riconsiderare le responsabilità individuali trasformandole in responsabilità collettive, distaccandosi dalle basi del neoliberalismo, nel quale il mercato rappresenta la forma più alta di libertà di scelta e la logica del consumo è puramente individualistica. Purtroppo, in Texas il concetto di individualismo e indipendenza sono molto radicati, soprattutto da un punto di vista storico. La Tronto suggerisce inoltre, di ricostituire una società che garantisca che le esigenze di tutti si incontrino, incoraggiando il cittadino a rispettarle e a prestare maggiore attenzione, in quanto gli umani non sono "creature del mercato, ma creature della cura". È necessario, inoltre, che la cura non venga concepita come qualcosa di intimo e privato, ma che chiunque, comprese le istituzioni, si impegnino nelle attività di cura. Per far sì che gli obiettivi di giustizia sociale e inclusività vengano raggiunti, i cittadini devono pensarsi come "care receivers", accettando le proprie vulnerabilità e quelle degli altri, attraverso una migliore redistribuzione del potere. Una minore presenza di gerarchie sociali, infatti, è molto probabile che produca più visioni condivise e collaborazione.

In conclusione, promuovere una democrazia della cura richiede un distacco sistemico da alcune azioni ed elementi che sono intrinseci nella società contemporanea, soprattutto nei sistemi capitalistici. Gli Stati Uniti sono uno dei paesi più inclini alla massimizzazione economica del profitto rispetto al benessere sociale. Questo porta tuttavia a credere che un sistema di cura privato sia la soluzione migliore all'interno di un pensiero individualistico e autosufficiente. Coloro che sono in grado di prendersi cura di sé stessi e della loro famiglia sono sinonimo di orgoglio, mentre coloro che ricevono la cura da enti pubblici sono incompetenti e un peso per la società.

Una nuova concezione della cura, che riconosce i benefici dell'azione collettiva, rappresenta un primo passo per una società migliore. Se tutti i cittadini si impegnassero a rivalutare l'attività di cura e a comprenderne davvero l'importanza e il ruolo, si impegnerebbero anche a supportare salari più alti, migliorare benefici sociali e legali, e altre forme di provvidenza.

Come è stato anticipatamente menzionato, lo stato del Texas è ancora profondamente radicato nei suoi principi di indipendenza e orgoglio. Il senso di individualismo è ancora molto forte soprattutto nelle zone più rurali di questo grande territorio. È anche importante menzionare che il Texas è uno dei maggiori produttori di gas e petrolio, e sarebbe insensato escluderlo dalle leggi di mercato. Ma il Texas è un paese in continua evoluzione, sia a livello economico, che sociale e demografico. Le grandi città come Houston, Dallas-Fort Worth ed Austin sono conosciute per essere piene di opportunità lavorative, fonte di investimenti e miglior qualità di vita. Migliaia di persone si trasferiscono in Texas ogni anno, e la maggior parte provengono dal Messico. In molte città, come Houston ad esempio, si parlano ormai due lingue, i cartelli stradali sono tradotti in spagnolo e in inglese e le due culture si fondono in molti aspetti della vita quotidiana. Le nuove politiche anti-immigrazione di Abbott potrebbero risultare quindi anacronistiche e potrebbero essere un giorno oggetto di rivoluzioni e cambiamenti, soprattutto se quella fascia di popolazione che per diversi motivi non ha ancora fatto domanda di cittadinanza, iniziasse a reclamare il proprio diritto di voto.

## **Introduction**

The phenomenon of migration has deep roots, and it has undergone many changes over time. The reasons people move from one country to another are complex and depend on several factors: economic, political, demographic, but also individual behaviour, necessities, and networks. Over the last few years, gender has been included as a fundamental system of analysis in migration processes since it has been acknowledged that gender influences the reasons of migration (who, where, and how), the role expectations and power dynamics that are created within society and how they differ between men and women (ILO). It has been analysed how gender affects the labour market and how women are often not adequately recognised on multi-levels.

This thesis work focuses on how female domestic workers, through organising and uniting, have contributed socially, culturally, and legally to change some dynamics of the labour market and their condition of “invisibility” in the state of Texas, and more generally in the United States. On a deeper level, by analysing the historical and political context, it aims to illustrate how Mexican domestic workers still have no legal recognition and protection at the state level in Texas, despite being one of the largest employments in the territory. From the moment they cross the border and become part of this sector, they are discriminated on several fronts. Meanwhile, anti-immigration laws, such as Senate Bill 4 (2023), have been strengthened by the Texas government. However, the domestic sector is experiencing a change, both at the state and federal levels. The increasing number of domestic workers in the United States has a huge impact on society as we will see with the Domestic Workers Bill of Rights. Although in Texas the most conservative Republicans are trying to reinforce their ideologies through new legislation, they can no longer ignore the presence of Mexicans and Hispanics in the territory, especially that of domestic workers. By now, Mexican represents a

large percentage of the Texas population; they have jobs, a family, and a stable residence, and they demand to be legally and politically recognised. Through the direct and indirect influence of domestic workers on society, a new way to rethink the act of care could represent a major change. On a broader level, as the writer Joan Tronto suggests, it is possible to perceive care as something vital for the social well-being of a country, and not only as the responsibility of women.

This work is based on a secondary literature review and several reports from the National Domestic Workers Alliance and local journals. My personal experience in Houston, Texas, at the Consulate General of Italy, was also significant to the elaboration of this work because it allowed me to better understand the Texan culture, deeply mixed with the Mexican one, especially in the southern area, the pride of people in being Texan, and the immense variety. It is a state where these two cultures coexist and sometimes merge, but where anti-immigration policies are still strong and present.

Chapter One gives a brief overview of the history between Texas and Mexico, introducing the concept of *mestiza* consciousness. It explores the complex dimension of identity and the *Chicana* movement, a pillar for many women in the search for their identity. Through the review of gender theories, I will focus on the historical and social reasons women are often employed in domestic services, highlighting the cause behind ethnic specialization and gender discrimination.

The second chapter illustrates several legal achievements domestic workers obtained at both state and federal levels, underlying how domestic workers were able to unite, protest, and strike to achieve legal and political recognition. The role of organisations and their power of communication has been a significant support for the cause. The third and last chapter aims to give a general overview of undocumented migrants, especially women, who cross the Mexico-Texas border; the immigration policies the Texas government has passed over the last few years, and how migration laws are applied at the federal and state level. The final part aims to propose a new conception of *care* in the State of Texas as a political means to change society and introduce new effective policies that would protect the most discriminated sectors.

The United States is the country with the highest percentage of immigrant population in the world. According to the U.S. Census Bureau, in FY 2022, the number of people moving to the country increased to 1.5 million people.<sup>1</sup> Even if it is slowly declining compared to the numbers relating to FY 2015-2016, migration flows are still a strong and present phenomenon. A report analysis published by the American Immigration Council (2020) shows that, among the immigrant population, over 23 million women are living in the United States, representing more than half of the total foreign-born population. Over the past few years, women have been more likely to migrate to the United States than men for different reasons, through family-based admission, employment, and although in smaller numbers, to escape violence or abuses within their country. Data shows that 16 percent of them are currently in the U.S. labour force which means they add a significant value to the U.S. economy and society. However, this work aims to focus on a specific area, the Mexico-Texas border region, in particular Texas, which hosts most of the immigrant population being only second to California.<sup>2</sup> Immigrants from Mexico, in fact, represent the vast majority of the immigrant population of the United States with Mexican women making the largest share of immigrant women in the labour force (American Immigration Council 2020). They are more likely to be employed in domestic services, childcare, health care, and social assistance, sectors that are vital for the economy but, at the same time, they happen to be the lowest-paid jobs in the country and with little to no access to fundamental labour rights. The reasons are different and multifaced; mostly because of deep-rooted patriarchal beliefs that consider women to be ‘naturally’ suited for taking care of children or managing the house, beliefs that were reinforced with the advent of capitalism, and mostly because of the country’s long history of slavery that saw women of colour doing domestic jobs for their masters. Gender, race, and class became so interrelated and interconnected that the American scholar Kimberlé Crenshaw (1991) coined the term ‘intersectionality’ to describe the multiple forms of inequalities that women of

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<sup>1</sup> U.S. Census Bureau, Geographic Mobility Data 2022.

<https://www.census.gov/data/tables/2022/demo/geographic-mobility/cps-2022.html>.

<sup>2</sup> Data collected by 2024 World Population Review.

<https://worldpopulationreview.com/state-rankings/immigrants-by-state>.

colour are forced to face. Most Mexican women in Texas are employed in the domestic sector while they are not protected by any state or federal law. Even though the number of immigrants moving to Texas is still high, Texas' immigration policies are not particularly friendly to them. The reasons are various: in part because it is the largest border state, in part because the history between Mexico and Texas has been complex and problematic, and in part for being one of the most important former slave states. In any case, Texas is known to have a strong conservative position regarding immigration policies, especially for those people coming from the Mexico-Texas border. The result is a lack of legal protection for Mexican immigrants which becomes even more problematic when we refer to women. Gender discrimination in this case is added due to the fact that domestic jobs, including childcare and elderly care, are considered to be reproductive jobs in the capitalist system. The act of *care* is perceived as something that does not produce any valuable goods at the end of the workday, and as a consequence, it doesn't add any durable value to the economy. From a capitalist perspective, it is not worth it to be included in the range of labour laws that are instead for those who work in productive sectors. Historically, reproductive labour has always been disowned as work. Domestic workers, in fact, were not included in the Fair Labour Standards Act of 1938 that established minimum wage, overtime pay, and other basic labour rights that were originally meant for those employees engaged in interstate commerce and production of goods.

Today things are slowly changing in legal terms thanks to the effort of thousands of domestic workers who have fought and continue to fight for their inclusion in labour acts. Many organisations and associations have emerged in the last few years to help women employed in domestic sectors share their experiences, organize meetings, unite, and speak out for their rights. The one with the greatest influence is probably the National Domestic Worker Alliance that has several affiliate grassroots organisations all over the country and seven local chapters. Together with the national membership organisation, they achieved substantial results both at the state and federal levels. They managed to push ten states and three cities to sign the Domestic Workers Bill of Rights that includes wage and overtime protections, paid

time off, safer working conditions, and protections from any form of discrimination and harassment. Their biggest campaign aims to introduce a national law that would protect domestic workers in all those states where their voice is still unheard. Vice President Kamala Harris and Representative Pramila Jaypal finally introduced the National Domestic Workers Bill of Rights to the U.S. Congress, but it has not passed yet. However, it represents an enormous step forward for domestic workers and for all those labour sectors that are still racially and gendered discriminated and not legally recognised. National and local organisations were not the only ones with an active role in the achievements of domestic workers' political and social recognition. Feminist movements, such as the *Chicanas*, contributed to the formation of women's identities. The already existing Chicano movement, that aimed to defend *La Raza* and maintain the cultural heritage, still represented an oppression for women. In many regions of Latin America, but especially in Mexico, patriarchy is very strong and deep-rooted. Most women are convinced that their role is to take care of the house and children, and sometimes they make it their job. But the Chicana identity is not static, it can vary and be transformed, and no culture or society should overshadow them but only contribute to the formation of a new critical subject. This new consciousness inevitably led them to fight for a new reality, for social and political recognition, not only to protect *La Raza*, but to protect women. It was also able to influence feminists and organisations to acknowledge domestic work as a gender-race discriminated sector and help these women to change some social and political aspects.

## CHAPTER 1

### 1. Migrant women in the Texas-Mexico border region: the new *Mestiza*

The US-Mexican border es *una herida abierta* where the Third World grates against the First and bleeds. And before a scab forms it haemorrhages again, the lifeblood of two worlds merging to form a third country (Anzaldúa 2022, 22).

The US-Mexico border es *una herida abierta*, an open wound. This is how Gloria Anzaldúa describes, in her book “*Borderlands/La Frontera: The new mestiza*”, the frontier millions of people try to cross every year. Specifically, we are focusing on the border between the state of Mexico and the state of Texas. The United States and Mexico have a long-troubled history, starting from Texas which once belonged to Mexico but also the region that today we call Mexico was once inhabited by the Indigenous people. Because of frequent marriages, a new mixed race was ‘born’, known as *los chicanos*, whose identity had yet to be defined. Migrations and settlements in new lands are not a recent phenomenon. The first tribes who arrived in the continent travelled through the Bering Strait all the way to the south and southwest more than 30,000 years ago. Many civilizations populated the region of Mesoamerica, today known as Central America, including the Olmecs, Toltecs, Maya, and the people of Teotihuacan, long before the Aztec empire (Lacanche, 2019). The Aztecs were the last and the largest population who inhabited the region from 1300 to 1500, before the Spanish colonization. At the beginning of the XVI century, when Hernando Cortés arrived in Tenochtitlan, the Aztec capital, today Mexico City, the empire was flourishing and rich. The *conquistadores*, greedy for gold, eventually defeated and destroyed the Aztec civilization and they started

moving north along with Indians and *mestizos* (half Spanish and half Indigenous) in search of new opportunities (Anzaldúa 2022, 24). Between 1821 and 1835, in Texas, after Mexico gained its independence from Spain, the first period of capitalist development was beginning. Anglo-American settlers migrated to this region to buy cheap lands to work on the new plantations and establish farms.

The massive transfer of property from Mexican to Anglo hands, and the industrialization of agriculture - which assigned Mexicans in the American southwest to manual agricultural wage labour - led to a particularly violent period in the US-Mexico border region (Martinez 2014, 665).

The *Tejanos*, Texan natives of Mexican descent, were violently murdered by the Texas Rangers, Anglo-American agents hired to control the newborn Texas Republic, after the Texas Revolution in 1836. They were driven by strong ideas of white supremacy, and they became the first legal authority in charge of enforcing state laws and securing the region from Mexicans and Indians. The US-Mexico War (1846-48) and the Treaty of Guadalupe Hidalgo (1848) allowed the annexation of vast Mexican territories to the United States, such as Texas, California, Nevada, Utah, New Mexico, and Arizona (Ruiz et al., 1996: 27). These historical events would soon mark the beginning of a long period of US political intervention, internal migrations, and violent repressions.

The Mexican Revolution in 1910 was one of the causes and consequences of what was happening in Central America during those years. According to the Texas State Historical Association's *Handbook of Texas* (1995), Enrique and Ricardo Flores Magón founded a newspaper called *Regeneración* denouncing the abuses of *Tejanos*, the injustices suffered by the Mexican working class, and the 34-year dictatorship of Porfirio Díaz. The Partido Liberal Mexicano was also founded but was immediately weakened by the United States government and the Mexican authorities. Despite government interventions, *Tejanos* continued to speak out for their rights. They joined several Socialist organizations along with some women who took the chance by presenting their agenda about social and political rights.

Raids and armed resistance such as the Plan of San Diego in Texas, started to spread and with them, violent repressions by Texas Rangers intensified (Overfelt 1995). The Mexico-Texas border became an unsafe and dangerous area, with millions of immigrants who sought refuge in the United States on one side and an increasing number of border patrols on the other.

However, historical events and economic factors are often interrelated. The United States' capitalist development was possible because, among other things, of the political and economic intervention carried out in Mexico and the rest of Latin America. As stated above, US capitalists and investors expanded south to build new railroads, mines, and oil fields, depriving Mexicans of their lands and weakening their economy. The state of Mexico slowly became dependent on the US's rising capitalist power as well as Mexican people who started seeking new job opportunities and better life conditions in the close promised land. Although they were always perceived as 'aliens' and a threat to American nationalism, their workforce was fundamental during periods of crisis. As the economy was expanding in the United States and the number of new skilled workers increased, migrants took the low-paid jobs. In Alyssa Moore's article from National Archives (2023) published in honour of National Hispanic Heritage Month, the Bracero Agreements from 1942 to 1964 are described as an accord between Mexico and the United States that were meant to recruit male Mexican workers during the labour shortage in World War II. They sustained US agricultural production and worked in war industries, hoping that they would earn higher wages than those available in Mexico. The name "Bracero" comes from the Spanish *brazo*, arm, which meant they worked with their hands and arms. Indeed, their physical and mental work conditions were problematic as they also experienced racial abuse, but they still represented a fundamental human resource for the United States.

According to Maria de la Luz Ibarra (2003), some Northern Americans today perceive Mexican migration as a threat to the nation's sovereignty and their culture, race, and economy. But it is women who are seen as a particular menace because of "their reproductive potential" (p.262).

The contemporary movement of Mexican women across borders is rooted in globalization processes - the economic restructuring and crises brought about by unequal relations of power between nations in a capitalist world system (Ibarra 2003, 261).

Today's women's migration from Mexico to the United States differs from the era of bracero migration. An increasing number of women and children migrate and each of them has a different purpose and different cultural backgrounds. This phenomenon called "feminization of migration" describes the percentage of women who are solo travellers, workers, or decide to provide for their own families. Sabrina Marchetti (2018) refers to the *quantitative* and *qualitative* dimensions when she analyses this phenomenon, meaning that female migration is growing in number and is changing its features. Besides the main question "how many women migrate?", researchers have been studying how far they go, if they are independent workers, if they reunite with their husbands, and so on (pp.444-445). This new scenario also sees women no longer as marginal subjects to the migration process but rather as agents capable of changing the society they are in.

It is agreed that the economic development of Western societies has not been an even process, especially if we consider that nation-building and industrialization relied on a long period of imperial expansion and colonial occupation. According to Metcalfe and J. Rees (2010), there are several contradictions in the way the world economy expanded; on one hand, neo-liberal policies have created professional and high-paid jobs while transforming some labour markets into "volatile, unregulated, de-industrialized, and low-paid sectors" (p.6), such as domestic work. Migrants are often employed in the latter sectors, as we have seen with the bracero workers, but women fall into a deeper level of low-paid jobs. Institutional systems and market labours are deeply gendered because they privilege some specific category of people. In this sense, the division of labour comes from a long history of social constructions and beliefs that considered female work as less valuable than men's (p.9). The rise of capitalism, after the Second World War, intensified this aspect,

especially in middle-class families, separating the site of production such as the workplace, from the site of reproduction which meant family and home.

However, some societies, such as the United States, have experienced a slow change in this pattern with women gaining more managerial job opportunities and acquiring higher education skills. Home activities that once were done by white middle-class women are today a job for migrant women. The already existing inequalities among globalized societies are now divided into further subcategorizations: gender, race, and class.

Some contemporary Black feminist scholars, such as Kimberlé Crenshaw (1991), introduced a new way of analysing inequalities based on the above-mentioned categories, called intersectionality. She argues it is used “to denote the various ways in which race and gender interact to shape the multiple dimensions of Black women’s employment experiences” (p.1244). These social identity structures, gender, race, and class, somehow define people’s lives, putting them in a position of further subordination and discrimination, especially in the labour market.

Intersectionality and globalization are somehow linked to each other. According to the International Monetary Fund (2008), globalization is defined as “the result of human innovation and technological progress” and “the increasing integration of economies around the world, particularly through the movement of goods, service, and capital across borders”. This process of interdependence often involves labour movements that over the past years have been pushing millions of people to move in search of jobs and new opportunities. At the same time, globalization has also reaffirmed the dominant culture of the Global North (i.e. developed countries) increasingly emphasizing social differences among cultures. These social differences might intersect with other already existing social categories, for example, race and gender. In this case, third-world women who are part of developing and transitional societies, migrate to replace other women’s jobs in developed countries and they “are positioned as ‘lesser than’, to the normalizing standpoint of women’s identities of the West” (Metcalf and Rees, 2010, 11). On

this basis, migrant women experience multi-level discrimination based on their gender and race while taking low-paid jobs.

The sociologist Arlie Hochschild coined the term “global care chain” to refer to all the migrant women who provide social reproductive labour and care labour such as childcare and eldercare, outside their own country for other women. She argues how care work in developed nations is being ‘commercialized’ to female migrants from Third World countries.

These migrants usually leave their families behind, and consequently a care gain in the receiving country implies a care drain in the sending country which leads to the continuation of social inequality on a global scale (Lutz and Möllenbeck 2012, 16).

While white women experience a form of emancipation by taking new jobs and pursuing self-actualization, female migrant workers struggle to build their own identity because forced to be part of this global chain. The second subchapter will conduct a deeper analysis of the concept of identity, both individual and collective, and of the evolution of *chicanas* as a movement of self-determination.

In the case of Mexican women and *chicanas*, they are gendered and racial decriminalised from the moment they try to cross the border. These women come from different cultural backgrounds and their purposes are also different from one another: some of them were born in poor rural areas of the region, victims of sexual abuse, or left alone with children to raise, while others seek new opportunities to gain more financial independence. Other women hope to escape a patriarchal culture that no longer represents them, as Gloria Anzaldúa (2022) denounces with her famous quote “*conozco el molestar de mi cultura*”, I know the abuse of my culture (p.43). As in many other cultures, also in Mexico, women are perceived as inferior subjects, while depicting men as *macho* and powerful. Regardless of these distinctions, they all see the United States as a promised land where to build a new life.

Some US-centred transnationalism scholars see women’s migrations as a way to form their own identity, such as Pierrette Hondagneu-Sotelo who considers the

process of migration to be a positive way to gain power over Mexican men and an opportunity to strengthen their identity, the *mestiza*. However, some other research showed that the reality of border crossing and arrival in the United States is somehow different. Both Hondagneu-Sotelo (2000) and Ibarra (2003) underline the importance of social connections and networks and how they are different in each case. Sotelo focuses particularly on the family spheres of these women which she defined as also gendered, explaining how sons and fathers migrate more easily because they have already built networks with authorities or other friendly contacts. Meanwhile, women must ask for permission or find their own way to circumvent these restrictions. Ibarra addresses the way these women carefully plan their journey, saving money or convincing their parents to support their decision. In her article, Ibarra describes the experience of twenty-six-year-old Maria, who planned to go to the United States after a neighbour told her about her income-earning potential. She explains how it would have required more than six months to convince her father but that he would have agreed only if she travelled with her brother and lived with her uncle once she arrived. However, not all women can rely on family support or plan their journey. Some of them decide to leave without informing anyone until they have crossed the border, so it would make it more difficult for a relative to reject them once they are already in the United States. This type of strategy is not always effective, many of them end up homeless or take the first live-in domestic jobs available (Ibarra 2003, 271). Besides planning and building social networks, border crossing itself is a traumatic experience for these women. As we analysed earlier in this chapter, the US-Mexico border, especially the frontier between Texas and Mexico, has a long troubled, and violent history. Mexican migrants are criminalized regardless of their status, background, or purpose; *Mexicanas* and Latinas are not considered as any other job seekers. Border patrols along the border have been specifically hired to stop their crossing since 1848, after the US conquest of Mexican territories. Episodes of sexual abuse, beatings, and killings along with numerous thefts done by vigilantes, *coyotes*, or *pasadores* (those who smuggle migrants across the border) are very frequent. Gloria

Anzaldúa in her book *Borderlands/La Frontera* is able to perfectly describe those circumstances and the feelings these migrants go through:

“

In the fields, la migra. My aunt saying: ‘no corran, don’t run. They’ll think you’re del otro lao’. In the confusion, Pedro ran, terrified of being caught. He couldn’t speak English, couldn’t tell them he was fifth generation American. Sin papeles – he did not carry his birth certificate to work in the fields. La migra took him away while we watched. Se lo llevaron (Anzaldúa 2022, 22).

The term *la migra* refers to the US border patrol, it derives from the word *migración* and it has become a shorthand for agencies that deal with immigrants and migration. Anzaldúa (2022) describes Mexicans as “faceless, nameless, invisible” (p.32) but courageous people who try to cross the frontline, the one Reagan used to call the war zone, where two worlds melt together. In this scenario, women are doubly exposed and more in danger as they have to defend themselves from sexual assaults and the feeling of being helpless, especially because they are considered alien as they have abandoned their motherland, but also alien in the state that is supposed to welcome them.

As stated above, police patrols are known to be violent and merciless to those who cross the border, especially if they are protected and legitimated by state laws. Several border policies have been implemented in the US south over the years. “Operation Gatekeeper”, in San Diego, or “Operation Hold the Line”, in Texas, for example, were the results of a chaotic situation on the frontier that I will illustrate more accurately in Chapter Three when I analyse the situation in Texas on the border and the immigration policies. I will argue what Abbott’s administration has done in Texas over the years, the dangerous restrictions he imposed on migrants and the physical difficulties they encounter in entering the country.

To conclude this subchapter, I would like to use one more time a quote from Anzaldúa’s book, a section of one of her poems to be precise, that narrates what it means to be a Mexican Indian woman on the border.

To live in the Borderlands means you  
are neither hispana, india, negra, espanola  
ni gabacha, eres mestiza, mulata, half-breed  
caught in the crossfire between camps  
while carrying all five races on your back  
not knowing which side to turn to, run from;

To live in the Borderlands means knowing  
that the india in you, betrayed for 500 years,  
is no longer speaking to you,  
that mexicanas call you rajetas,  
that denying the Anglo inside you  
is as bad as having denied the Indian or Black;

Cuando vives en la frontera  
people walk though you, the wind steals your voice,  
you're a burra, buey, scapegoat,  
forerunner of a new race,  
half and half -both woman and man, neither –  
a new gender;

[...]

In the Borderlands you are the battleground  
where enemies are kin to each other;  
you are at home, a stranger,  
the border disputes have been settled  
the volley of shots have shattered the truce  
you are wounded, lost in action  
dead, fighting back;

[...]

To survive the Borderlands  
you must live sin frontera  
be a crossroads (Anzaldúa 2022, 265)

This passage is important to understand the physical and psychological condition of women who cross and survive the borderlands. But crossing the border is not

only pain, but it also the realisation of having a choice. According to Anzaldúa (2022), the historical oppression convinced women they couldn't decide for themselves, and they couldn't cross the borders. The process of self-definition lies precisely in the moment they cross and in the realisation of their independence. After they face discrimination in both countries, they realize their identity can also be hybrid and fluid. By detaching from the male Chicano movements and *La Raza* that always oppressed them, these women find in the feminist movement, in the collectivity, a way to build their own identity (Henriquez-Betancor 2012).

### **1.1 Finding Individual and Collective Identity: The *Chicana* Movement**

Mexican women, in this case, domestic workers, housekeepers, nannies, and maids, who cross the border and travel to the United States face several problems, among those, there is the question of identity. I have briefly discussed the historical context of Mexico and Texas and their relationship over the years, I introduced the concept of *mestiza* and the meaning of crossing the border according to Anzaldúa, and how migrant women eventually feel rejected by both states. Now it is important to illustrate also what happens to their consciousness or sense of belonging when they cross the border.

In social identity theory and identity theory, “the self is reflexive in that it can take itself as an object and can categorize, classify, or name itself in particular ways in relation to other social categories or classifications” (Sets and Burke 2000, 224). This process has different names in social identity theory and identity theory, it is called *self-categorization* in the first case, and *identification* in the second; however, both represent the formation of identity. In social identity theory, which often deals with intergroup relations, the individual finds a certain category of people that are similar to the self, the so-called in-group, through a process called self-comparison. Those who are different from the self are labelled as out-group. Within societies, the person derives his identity from the social group he belongs to (the in-group), even though over time, he also builds a combination of different social categories, making his self-concept unique. In identity theory, “the core of an identity is the

categorization of the self as an occupant of a role, and the incorporation, into the self, of the meanings and expectations associated with that role and its performance” (Sets and Burke 2000, 225). In other words, people are expected to act according to a set of standards that guide their behaviour. Both social identity theory and identity theory analyse how people perceive themselves in relation to others and the social context, and they are somehow interconnected to each other. If identity theory focuses on how individuals form and develop their “self”, including experiences, roles, and psychological aspects, social identity theory on the other hand, analyses how people derive their identity from their membership within a social group. But the individual, per se, is a set of personal choices and characteristics that contribute to the overall framework of social identity.

However, when we talk about gender, race, nationality, and ethnicism, the aspects of identity formation are generally understood more as a collective and social phenomenon, meaning that “identity” denotes a *sameness* among members of a group, such as language, religion, race, or habits (Brubaker and Cooper 2000, 7). But what happens when an individual does not recognise him/herself as a member of a group or he/she has similarities with more than one group?

In this context, the Chicana identity is fluid and plural. Once again, Anzaldúa’s (2022) contribution to the process of identity formation has been significant. By introducing the concept of “*mestiza* consciousness”, she paved the way for a new understanding of self, which does not follow the dual thinking of Western culture (in or out-group, us or them) but embraces the past while constantly redefining itself. Victims of roles created by the patriarchal system, victims of racism and social differences in both countries (Mexico and the United States), the Chicanas, as women, needed a new model that differed from the male versions of the Chicano collective stories (Cloud 2010). The Chicano movement failed to address important issues such as inclusivity, multiplicity, and pluralism. So, Anzaldúa represented for all the women who crossed the border between Mexico and Texas, or more in general Mexico and the United States, that a person can be more than one culture at the same time. Anzaldúa defines herself as Mexican, American, Tejana, Latina, and Chicana, and she encourages her community to embrace the multiple and

mutable identity as something fluid and non-static. By questioning the role of masculinity in a deeply patriarchal society, the oppression of Anglo-Saxons, and white supremacy, she also invites the community to acknowledge that side of culture and accept the different cultural and racial elements that are part of the individual. Anzaldúa (2022) uses the metaphor of “*el amasamiento*”, which is the act of mixing to create something new that has a direct relationship with its ingredients while keeping its own texture. At the same time, the new *mestiza*’s identity embraces its origins but “she transcends them to become a critical being who rejects any cultural or gender assimilation that could overshadow her” (Henríquez-Betancor 2012). This way of conceiving identity, the rupture of paradigms, the rebellion against dualism, or any static ideology that could suppress the formation of the self, is a significant image of women's empowerment. “The new *mestiza* emerges as a feminine model of strength and openness to the progressive inner and fluid transformation required by this new consciousness” (Henríquez-Betancor 2012). These concepts of fluidity and plurality are fundamental to understand that the *mestiza* could be a bridge between two or multiple worlds, and not a form of exclusion. And that there are no borders between “us” and “them” or between the individual identity and the collective, but somehow one is an extension of the other. The Chicana’s identity formation and definition emerges from multiple aspects, such as gender, class, sexuality, and different cultural and racial identities, and it constantly changes and readapts (Cloud 2010).

The consciousness Mexican, Latinas, and Chicana women embraced, is a crucial step toward the achievement of political and legal rights. Women from all over Texas, but also in other states, gather to protest and denounce the lack of social equality, legal protection, and justice for their community and workers. Their participation in protests is diverse as they engage in activism depending on different issues. As previously stated, identity formation is not static but rather fluid and it encompasses a wide variety of cultural, social, and personal matters. Their involvement in social movements is shaped by their multiple intersectional identities and the landscape of activism continues to evolve as contemporary challenges continue to change.

In May 1971, 600 Chicanas met in Houston, Texas, for the first national conference of *Raza* women, and it was not like other normal Chicano movements. For the first time, Chicanas gathered to discuss issues that were no longer individual problems but were part of a broader liberation movement (Vidal 1971). Two resolutions came out from the workshop, “Sex and the Chicana” and “Marriage – Chicana Style” whose purpose was to legalize abortion and birth control for the Chicano community, and the need for 24-hour childcare centres. During those years the Chicanas were starting to challenge social institutions responsible for their oppressions such as the lack of job opportunities and education. They were questioning the issue of “machismo”, the role of the Catholic Church, and all those ideologies that wanted women to be subjugated. “The conference as a whole reflected a rising consciousness of the Chicana about her special oppression in this society” (Vidal 1971, 3). During the previous year, the women in the Mexican American Political Association, MAPA, formed a caucus at their annual convention. A workshop was also held at a Latino Conference in Wisconsin meanwhile all three Chicano Youth Liberation Conferences held in Denver, Colorado, had women’s workshops. The same happened in Pharr, Texas, where women organized demonstrations against police brutality, or in Crystal City, Texas, where even if La Raza Unida Party won (a Chicano political movement), women still had to organize together to make their voice heard, forming a movement called “Mujeres por la Raza”. Along with protests and manifestations, the numerous articles and publications about the Chicanas were a clear representation of these ongoing changes; for example, they were given a special section in the newspaper *Regeneraciòn*, called *El Grito del Norte*, entirely dedicated and written by Chicanas. Meanwhile in Long Beach, California, they had a regular Chicana feminist newspaper published by *Las Hijas de Cuahatemoc*, named after the women who fought for emancipations at the beginning of the 1900s (Vidal 1971, 5).

It was a significant period for the Chicanas: they were starting to fight for their own rights as women, far from the men’s needs; it was the beginning of a new movement that would help thousands of women in the future. It is interesting to report one of the resolutions of the First National Chicana Conference regarding

abortion, which I think is relevant to today's Senate Bill 8 (SB 8 or Texas Heartbeat Act) which took effect in 2021 and prohibits abortions after the detection of an unborn child's heartbeat. The second resolution called "Marriage-Chicana Style", point number two, states that:

Whereas: The role of Mexican-American women has traditionally been limited to the home and

Whereas: The need for self-determination and the right to govern their own bodies is a necessity for the freedom of all people, therefore,

BE IT RESOLVED: That the National Chicana Conference go on record as supporting free family planning and free and legal abortions for all women who want or need them (Vidal 1971, 14).

Unfortunately, today in Texas there are still too many policies and legislation that deny basic rights to women, such as the right to abortion. But the lack of legal protection in the workplace especially regarding domestic jobs, lack of social benefits, minimum wage, and other important aspects are still debating issues that women, labour unions, and organisations are fighting every single day. The '60s and '70s were only the beginning of a long struggle for social, political, and legal recognition that persists today.

## **1.2. Domestic Work and the Legacy of Slavery**

The United States has a long and important legacy of slavery, starting from the years of European colonization which saw millions of African slaves deported to the American colonies to work on the plantations. However, each state had its own historical evolution toward the slavery issue which inevitably determined its political, social, and cultural aspects. How Washington, Massachusetts, New York, or other Northern states perceived the slave trade cannot be compared to larger states such as Texas, Louisiana, or Virginia. The economic development of these Southern states was mostly based on plantation work, also because of their large productive lands. The history of Texas was even more controversial because of the

state's strong pride in its independence after the Revolution, feelings that persist these days. The annexation of Texas to the United States was mainly questioned by whether slavery should be abolished or not. Slaveholders and landowners strongly opposed for years because they believed slaves were essential to the state's economic progress and growth. On June 19, 1865, slavery was eventually declared illegal in Texas by Major General Gordon Granger, even though it continued to exist unlawfully for years after Granger's Proclamation (Campbell 1984). It was common to have slave women of colour cleaning, cooking, and taking care of the master's children and they usually lived in their master's house, separated from other field slaves. Sheila Bapat (2014) discusses how these issues had an enormous impact on how domestic labour is currently perceived and treated in the United States. Domestic workers, such as slave women in the nineteenth century, have no legal freedom or power over their lives, and they continue to suffer from domestic abuses, sexual assaults, and many other injustices. The United States might have evolved from a slavery system to a more globalized liberal economy, but as Bapat argues "the line connecting slavery to paid domestic work continues to be deeply intertwined" (p.26). Globalisation also brought economic development while increasing the income gap and social disparity at the same time, allowing more wealthy women to delegate their domestic work to poorer women. This inevitably created a devaluation of a job sector that was already considered as "inferior", or not part of the productive economy. Domestic work, in fact, since the slavery era, is perceived as a "women's work" and a "nigger's work" (Bapat 2014, 27), features that contributed to its lack of economic value. According to The National Domestic Workers Alliance (NDWA), the majority of domestic workers in the United States are women of colour because of the deep roots in African slavery that economically and socially exploited Black women. Bapat (2014), quoting Terri Nilliasca, a legal scholar, illustrates how, during slavery, white women were able to fulfil all the gendered work, as cleaning or cooking, thanks to Black women slaves so they could keep their aristocratic status and lifestyle without getting their hands dirty. True white womanhood was represented as virtuous and pure, while Black womanhood meant servitude. White women refusing to take such jobs inevitably strengthened

this racist division of labour, perpetuating over time the already deep gap between domestic work and any other kind of work (pp.27-28). Within society, being powerful and rich often means letting others deal with the unpleasant aspects of some jobs, in this case, domestic and care, and it means doing only the things we believe are more worthy (Tronto 2023 29). Even though society changed and democratic values, as inclusivity and equality, are spreading, the risk of some minorities to get ‘stuck’ in specific gendered and racialized roles is high. It seems to be a continuation of the historical pattern of exploitation.

Today the United States is one of the most powerful neoliberal countries in the world. Neoliberal strategies built the entire US economy and politics: no restrictions, a free market, and less government intervention. “Production” and “profit maximization” were the keywords to economic growth, and we have seen it with Reagan’s New Federalism or Clinton’s North American Free Trade Agreement in 1993. Neoliberals' opposition to market restrictions in favour of capitalism meant less federal and government intervention, which also meant a reduction of welfare and other social benefits. And caring and domestic labour falls in the type of job categories that need more social benefits to survive. This is because these are jobs often done by minority groups, in this case migrant women, that are not protected by the laws that regulate the market and other sectors (Bapat 2014, 11). But why domestic and care work is less valued?

In a capital-dominant world, a durable good that is produced can be exchanged allowing capital to flow and making the market more profitable. These economies are known as “productive” or “formal” as opposed to “reproductive” or “informal” work that is performed within the domestic sphere (Bapat 2014, 14). Childcare, elder care, house cleaning, are all considered part of the latter because, at the end of the day, no durable or valuable goods are being produced. During the industrialization and urbanization process, a great percentage of care and domestic activities that once were done at home within the family moved outside the domestic sphere and became a profession and they are now produced under capitalism (clothes or bread production). Bapat (2014), once again quoting the scholar Terri Nilliasca, points out that due to this new shift between public and

private, the “cult of domesticity” spread, transforming the traditional family into a sanctified space in contraposition to the competitive industrial world, and it became a mean to the reinforcement and stabilization of the capitalist society. The woman became responsible for the preservation of that sanctuary because of her “natural” tendencies. The result of this social construction was that employment in the public sphere was more relevant to legal doctrine while “private sphere labourers exist in an underworld unattached by regulations, code, and mores that govern public sphere work” (p.20). Capitalist societies created new mechanisms that make people work more so they can earn money and buy more products. In the United States today, both parents have jobs due to economic necessity but also because many women started to seek emancipation through careers or other managerial jobs, ‘escaping’ the domestic sphere. The result is that the activity of *caring* became a less valuable aspect of society, which is undermined by a system that does not consider it a productive job. Eileen Boris (2019) and Premilla Nadasen (2023) both argue the issue of productive and reproductive labour, highlighting how the idea of the domestic sphere “as a site of leisure” (Nadasen 2023, 52) completely transformed the meaning of housework depriving it of its economic contribution in the labour market.

Gender-based social constructions still perceive domestic and care work as women's activity, what was needed was only a new rationalization for service (Wooten and Branch 2012, 300). Today a great percentage of women who take these jobs are migrants. The reasons are multiple and multifaced: the gap between rich and poor is probably the basis of the phenomenon, but also racial discrimination, an informal labour market that provides easier access for less qualified workers, strict migration policies, or cultural factors that might influence the kind of jobs that migrant women are expected to take. All these aspects together lead to the creation of an unregulated market excluded from basic norms and legal regulations. Household workers, especially those who live with their employers, are expected to be fully available 24/7; they are often excluded from labour laws or workplace standards, such as minimum wage, overtime pay, or protections from employer’s sexual abuses (National Domestic Workers Alliance). Unfortunately, it is common

for a woman to experience sexual harassment or violence in the workplace, especially for these workers who are being left out of the public spotlight. It has been happening in the United States since slavery and in Europe since the Modern Age (and before), as Anna Bellavitis (2016) illustrates in her work how employers often had illegitimate children with domestic workers, or how there was a tendency to build a kinship relationship with the workers to avoid paying taxes or an adequate salary. The latter is another complex issue among employers and household workers which always leads to a violation of basic rights, and it needs to be briefly explained. Why are they considered ‘part of the family’?

According to the International Labour Organization (2013), “the employment relationship is the legal link between employers and employees. It exists when a person performs work or service under certain conditions in return for remuneration”, and it is fundamental to the definition of rights and obligations for both the worker and the employer, including all the labour and social security laws provisions. The ILO conducted several studies of different nations, including the United States, to demonstrate that there is a lack of protection among workers because the employment relationships do not always respect legislation, they are not regulated, or they are ignored by enforcement bodies. Alan Hyde (2000) reported how the different classifications of U.S. workers have an impact on their protection in the workplace. In the United States, many statutes assure workers of basic legal rights, but it is important to underline that the definition of employee can differ from statute to statute, so what is stated in one statute can vary in another. However, the statutes are the following: National Labour Relations Act (NLR or Wagner Act) of 1935 which protects the right to join a union; Fair Labour Standard Act (FLS) which ensures federal minimum wage and overtime pay; Equal Pay Act of 1963 which prohibits gender-based differentiation in wages and benefits; Civil Rights Act of 1964 that prohibits employment discrimination based on colour, race, sex, religion, and natural origin. It also protects from sexual harassment of female and male employees; Age Discrimination in Employment Act of 1967 against any kind of discriminations of individuals over 40; Occupational Safety and Health Act (OSHA) of 1979 which requires employers to provide a workplace free from

hazards that are likely to cause death or physical harms; Federal Mine Safety and Health Act (MSHA) of 1977 that establishes analogous obligations for mines; Employee Retirement Income Security Act (ERISA) of 1974 that does not oblige employers to offer retirement or health benefits, but does provide minimum standards when these benefits are voluntarily offered by the employers; Workers Adjustment and Retraining Notification Act of 1988 (WARN) that requires large companies to give 60 days' notice before a plant closing or mass layoff; Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination against disabled persons and requires reasonable accommodations; Family and Medical Leave Act (FMLA) of 1993 that provides employers to guarantee unpaid leave to employees that give birth or employees' children, spouse who have serious medical conditions. In addition to these federal statutes, states are allowed to administer Unemployment Insurance programs and Workers' Compensation programs, and they can exceed some federal labour standards such as higher minimum wages or broaden non-discrimination policies (ILO 2000). For example, in the State of Texas, employment discrimination includes gender identity and sexual orientation, while it doesn't happen in Arkansas (sexual orientation is not included in the Arkansas Civil Rights Act). However, these statutes have crucial weaknesses, especially for low-paid workers. Many low-paid workers are excluded from antidiscrimination, minimum wage, protection, or maximum hours policies because of the employer's interests. And when a worker is forced to choose between jobs with ineffective labour standards and jobs with no labour standards at all or even illegal jobs, they might choose the first option. Especially if such exclusions enable them to work in the first place. What happens is that these workers tend not to report violations and when they do something, these programs turn out to be inadequate and ineffective. For example, according to the ILO (2000), the Wage and Hour Division program doesn't have the authority to impose rules; it can sue an employer in court, but these kinds of prosecutions normally require testimony to be successful, and workers like live-in domestic women do not have such a privilege. If it is considered that many of them are immigrants that shouldn't be legally allowed to work, that they are often paid in cash and they do not report payments to the government, it makes it more

difficult for them to be protected. Some improvements have been achieved over the last few years, considering that they weren't originally included in the New Deal Labour and Employment legislation of the 1930s (ILO 2000). In 1950, they were added to the Social Security System; in 1974 in the Fair Labour Standard Act but they are still not covered by workers' compensation for injuries and 'casual' labourers are not included (although there are some exceptions), and they are still excluded from the National Labour Relation Acts of 1935. All these issues worsen the way domestic and care work is perceived, making it one of the most informal sectors in many countries. The ILO (2013) illustrates in another report about domestic workers in Africa, that this informality takes different forms. It may be based on a contract, but the institutions are not strong and effective enough to enforce the laws, the contract might be based on oral or tacit agreements, or domestic workers themselves might not be aware of their rights. Sometimes there might be no contract at all, so the informality can take the form of master-servant, as a colonial practice during slavery, or the worker might be considered 'part of the family', leading to long working hours, absence of rest periods, delayed payments, wage theft, and lack of social security such as maternity. Live-in domestic workers who do not have a place to go outside work often fall into this category. "The absence of legal standards and formal contractual arrangements renders workers completely dependent on the goodwill of employers" (ILO 2013, 3), making them more vulnerable to abuse and exploitation.

In 2016, before the election of Donald Trump, three organizations that operate in the Texas-Mexico border region, A.Y.D.A in San Elizario, Fuerza De Valle Workers' Center in Alamo, Comité de Justicia Laboral in El Paso, and National Domestic Worker Alliance in New York, conducted a research study on 516 housecleaners, nannies, and care workers (Burnham et al. 2018). The purpose was to analyse the working conditions of these women, the impact of low pay on their lives, the abuses in the workplace, and their citizenship status. To write this report, 36 women mostly domestic workers themselves, were trained as surveyors to conduct interviews by going door to door, gaining trust, and collecting data. This was crucial to provide the first quantitative research of a sizable number of domestic

and care workers in the Texas-Mexico border region. The major fields analysed were economic hardship, working conditions, live-in workers, and citizenship status. Concerning the economic aspect, the study shows that 37% of domestic workers went hungry in the previous 12 months; 52% could not afford medical care for people in their household who needed it; 44% could not pay rent in the previous 12 months; 59% were not able to pay gas or electric bills; 42% could not afford to pay water or phone bills. Housecleaners and care workers in particular, experienced a higher rate of economic hardship: 57% of housecleaners could not afford to pay rent in the previous 12 months compared to 33% of care elders; 70% could not pay electric or gas bills; 58% could not afford medical care; 44% of care workers for people with disabilities experienced hunger in the previous 12 months. The second field concerning working conditions shows that 67% of domestic workers have no contract with housecleaners and nannies being the least likely to have a work contract. Among those who have contracts, 9% were forced to accept the employer's terms of the contract, and 15% did not understand the terms they signed. Only 2% of workers receive paid leave and 3% get overtime pay. A quarter of workers, 24% of the total, are paid less than agreed or they are not paid at all, especially housecleaners. One-third of elder workers, 20%, confessed of being threatened or physically hurt, and 28% of housecleaners were threatened that they would be reported to immigration authorities. The third field which focused on live-in workers shows that 40% have been paid less and 60% have been paid late. 60% were also forced to work more than they expected; 31% were physically hurt by an employer compared to 7% of those who live in their homes; 45% were injured in the workplace, twice higher than other workers. The last one, citizenship status, shows that 80% of housecleaners are undocumented and unauthorized, making them more vulnerable to standard working conditions: 35% of them are paid less or not paid at all compared to 15% of U.S. citizens, and 11% of green card holders. However, 14% of citizens and 8% holding green cards are pressured to work more hours compared to 44% of undocumented domestic workers. These last are more inclined to experience injuries because of their insecure status: 33% of unregulated

workers report on-the-job injuries in contrast to 22% of U.S. citizens and permanent residents (Burnham et al. 2018).

What can be deduced from these data is that informal jobs, such as housecleaners or live-in workers, result in dangerous non-protected environments, especially those workers with insecure citizenship status or undocumented. They are more exposed to emotional and physical abuse because of their precarious status, and they tolerate it more because they fear losing their jobs and income. Economic hardship is an additional factor that doesn't allow them to afford rent or pay bills, forcing them to live with their employer. The State of Texas is one with the highest number of low-wage workers in the United States and it affects the most vulnerable sectors (Burnham et al. 2018). According to the U.S. Bureau of Labour Statistics (BLS), 2022 data shows the workers who were paid the federal minimum wage (\$7.25) and those who were paid below the minimum wage. These data are obtained from the Current Population Survey (CPS). The great majority of minimum wage workers are young people; 2% are women and 1% are men; 1% of White, Asian, and Hispanic workers are paid the federal minimum wage or less; among major occupation groups, service-related jobs had the highest percentage of hourly paid workers who earned at or below the federal minimum wage (4%). This is a national report showing how, among workers, Hispanic women employed in domestic services are those who are more likely to earn less in the United States. And Texas specifically is one with the lowest hourly mean wage for domestic workers and it adopts the federal minimum wage compared to other states, like California, Massachusetts, and Washington, that instead raised the minimum wage to \$15 per hour or above (U.S. Department of Labour, 2023). Furthermore, the BLS (2023) shows that Texas is among those states with the highest employment level in Maids and Housekeeping Cleaners, being only second to California, with an hourly mean wage of \$13.30 compared to Hawaii with \$22.76, New York with \$21.33, California with \$19.32 and Massachusetts with \$18.64. If we look at the data for Home Health and Personal Care Aids, Texas is again one of the states with the highest employment level with an hourly mean wage of \$10.98 compared to \$18.22 in Washington or \$17.11 in New York.

However, it is important to specify that, generally, each state differs from the other in rent, bills, cost of food, etc, so wages should be adjusted according to the costs of living. Cities like New York, Boston or Los Angeles cannot be compared to cities like San Antonio or Austin, yet. But Texas is a reality that is economically growing very fast, it is experiencing a job growth acceleration without precedents, and people all over the world keep moving to Texas's big cities, especially Houston and Dallas, to find new opportunities and to invest money. However, attracting new people has consequences such as price increases or housing affordability, and the wages must adjust. Companies are investing, and business is growing, but capitalism always follows the same pattern: income inequalities. CNBC, the American business news television channel, is forecasting that Texas could soon become the new California, with a high cost of living and high rates of poverty.

Previously, this work analysed the effects of capitalism and globalisation on immigrant women and specific market sectors, explaining how there has been a division between productive and reproductive labour, informal and formal jobs, and that US history has a long legacy of slaved black women. There is not only one reason why immigrant women are mostly employed in domestic and care services, but a set of economic, cultural, and social characteristics. Many feminist scholars, such as Mary Romero, Hondagneu-Sotelo, and Maria de la Luz Ibarra analysed and surveyed different domestic workers, nannies, and maids, for example in Colorado and California, to better understand the reasons these women migrate, the problems they face, why they take such jobs and their social position. Hondagneu-Sotelo (2006) argues about a “new world domestic order” where today's societies delegate most housing and caring activities to immigrant women. Similarly, Romero explains that:

[...] hiring a woman from a different class and ethnic background to do the household labour provides white middle-class women with an escape from both the stigma and the drudgery of the work. White middle-class women not only benefit from racial and class discrimination which provides them with cheap labour but actively contribute to the maintenance and reproduction of an oppressive system by

continuing to pay low wages and by not providing health insurance, social security, sick pay, and vacation (Romero 1992, 43).

The social distance between white women and in our case, Mexican women, is evident and the social gap led to a deeper rupture in their way of thinking. Mexican women did not recognize themselves in what feminists in the U.S. were claiming. During the second half of the 1980s, the article by Joan Scott was published. Her work aimed at deconstructing the notion of binarism always used as a starting point for many theories, and it analysed the subjective identity in historically contingent ways, but these were concepts too far from Latin American feminists. This doesn't mean that Latin American scholars didn't consider or learn from Scott's work or other new innovative theories, but the social and cultural context of Latin America needed to be considered. When Scott first wrote about 'gender', Latin America was still under target during the Cold War, new governments were forming, and feminists were more focused on analysing the role of women in this scenario than exploring the formation of gender subjectivity. Their activism was more centred on how and if these women could access the labour market, how to achieve basic human rights, and how to manage to live in a deeply rooted patriarchal society (Scott 1986). Unfortunately, they are still fighting for the same purposes today. In Mexico, there is a strong belief in male superiority and expressions of *machismo* are well known, but the reasons behind these convictions are complex. The concept of *Machismo* thrives in a matriarchy (New York Times 1977) and the veneration of the Catholic Virgin Mary, which in Mexico is the "Indian" Virgin of Guadalupe. This pure holy figure who has unconditional love and mercy for her son distorted the male's perception of women and marriage. In his perspective, the wife must be similar to Mary, a virgin with a respectable reputation and inclined to sacrifice. But the mother's perfection is impossible to achieve, and all women are considered inferior and unworthy because they will never be able to reach that level of perfection. This is where the Chicana movement steps in.

Mirta Vidal (1971) explains how Mexican women needed to step aside from the sexist oppressing behaviour of Chicano men. While the Chicano movement aims to

defend *La Raza* against racism and fight for political rights and economic equality, *las chicanas* suffer from a triple form of discrimination, for being women, for their race, and class.

The unity of *La Raza* is the basic foundation of the Chicano movement, when Chicano men talk about maintaining *La Familia* and the “cultural heritage” of *La Raza*, they are talking about maintaining the age-old concept of keeping women barefoot, pregnant, and in the kitchen (Vidal 1971, 8).

The Chicano philosophy believes that a woman’s role is that of a mother who stays at home with the children and takes care of the domestic activities. And those women who do not accept these conditions are considered betrayers of the Mexican culture and heritage (Vidal 1971, 8). Most women are not aware of these dynamics because they have always been part of them, others simply believe that is their role in society or that they have no choice. This is also part of the reason why they are often employed in the domestic sector. However, an increasing percentage of them are starting to rely on feminist movements to find their own voice and identity. As Vidal explains, “this awakening of the Chicana consciousness has been prompted by the ‘machismo’ she encounters in the movement” (p.5).

These women found in the Chicanas movement and the community a way to build something individual, to redefine themselves as individual subjects in a society that does not recognise them either as US or Mexican citizens, *ni de aquí ni de allá*. On the contrary, this new consciousness also influenced feminists and organisations to acknowledge domestic work as a discriminated sector and activate to change some social and political aspects.

### **1.3 The dichotomy Migration/Citizenship**

In the previous subchapter, I analysed how the Chicanas movement has been of fundamental importance for migrant women in redefining themselves as subjects through collectivity. But the sense of belonging does not only derive from feminist

movements but also from political and social practices, such as citizenship. The notion of citizenship can take different meanings, it can be both a practice and a status that defines the legal relationship between an individual and the state and an individual's membership within the society (Isin et al. 1999). For example, border patrolling is not the only way migration flows and the status of migrants is being monitored and regulated. Citizenship can serve as a 'control device' that 'limits state obligations towards foreigners and permits the government to keep them out, or remove them, from their jurisdiction' (Bauböck 2006, 16). However, it has been questioned and revised over the last decades according to governments' needs. The purpose of this subchapter is not to analyse the right of a state to control its own population through citizenship, but to focus on what citizenship represents within a state and the effects it might have on migration and minorities.

Using this migration perspective, citizenship can be one of the means used to decide who enters or exits the country and, in the case of foreign residents, who have access to basic rights and political participation. To better understand this matter and analyse the connections between migration and citizenship, firstly it is important to focus on the legal characteristics. Rainer Bauböck (2006) identifies three dimensions: citizenship as a legal and political status, the legal rights and duties that citizens are entitled to, and the individual practices and identities attributed or expected from those who have this status.

Beginning with legal and political status, citizenship is linked to the concept of nationality. People sort of represent the state they live in, or they belong to. In this sense, according to international law, the relationship between the state and its citizens is considered a legal bond that other states must respect because of the principle of sovereignty. This principle, in fact, is a primer rule in international law, which the United States has drawn from many times, especially when dealing with the policy of non-intervention. According to this principle, the state is entitled to decide under its domestic law who can become a citizen and who cannot, and by having this power, the state can also use citizenship as a device to regulate territorial movements in and out of the country. Considering the attitude of the United States and local governments towards migration flows, detaining this power can determine

the fate of many people. Freedom of movement is considered a Constitutional right in the United States, and a fundamental right under Article 13 of the Universal Declaration of Human Rights, however, there are exceptions. States can also decide to impose restrictions on specific nationalities, such as visa requirements while encouraging access from others. For example, European Union citizens traveling in the Schengen Area or United States citizens who desire to go to Europe for less than 90 days do not require a visa. On the other hand, nationalities such as Russians, Afghans, or Iraqis can find difficulties in entering other countries. From my perspective, the internship I did at the Consulate General of Italy in Houston, Texas, gave me the possibility to acknowledge all the visa requirements and domestic and international laws that apply to citizens for any territorial movement. These policies that consider some nationalities more valuable than others fall into the topic of ethnic migration preferences (Bauböck 2006, 18). This practice is widely spread, and it is growing over all the world, increasing racial discrimination and discontent. However, it is important to underline that these preferential admissions are not always based on ethnic prejudices, but sometimes they are a consequence of changes or breakages of specific diplomatic relations between states or a matter of national security.

Legal and political status is also represented by the status of membership and the sense of belonging, which are two distinct aspects. A migrant's sense of belonging often depends on the ties that have been built with that specific country. He can create social, political, and economic ties, but it doesn't necessarily mean that he feels accepted or included, or that he perceives that country as his own. A lot of migrants, in this case Mexicans, keep a strong tie with their community back home, most of the time because their family and friends developed rituals to mark their absence and their return to the community of origin. There are several examples of rituals, described in Ibarra's article, such as the "*ausente* hour" or the *retablos*. The former is a ritual of absence typical of the Zamora Valley of Michoacan: letters and messages written by those who migrated, are read out loud and the radio transmits special songs for the family or relatives. The latter represents paintings on tin that are left in the churches; they often portray the dangers those migrants face during

their journey, but also religious beliefs that tie them to the Mexican culture (Ibarra 2003, 267).

On the other hand, the status of membership differs from the sense of belongingness, and it is related to the citizenship sphere. According to Bauböck (2006), citizenship is a membership status decided by an established community. Contrary to the sense of belonging, “citizenship is instead based on a quasi-contractual relation between an individual and a collectively [...] membership is also a binary concept rather than one that allows for gradual changes” and it “marks a boundary between insiders and outsiders” (p.19). It is interesting how some economists, such as James Buchanan, have recently developed a theory that considers citizenship to be a “club good”. They observe how clubs only accept new members if they can benefit from their financial contributions in contrast with public goods, such as national defence, public education, and clean air, from whose no one can be excluded.

The second dimension analysed is citizenship rights and duties. Once you hold the citizens' status you have civil and political rights. The U.S. Citizenship and Immigration Service states that an American citizen has the right to vote in elections, to prompt and fair trial by jury, to apply for federal employment, and to run for elected office. It also lists some important freedoms such as expressing yourself, worshiping as you wish, and freedom to pursue “life, liberty, and pursuit of happiness”, an unalienable right found in the Declaration of Independence. On the other hand, citizens also have duties to respect. The US Citizenship and Immigration Service (2020) argues that as American citizens, they must support and defend the Constitution; stay informed of the issues that affect the community; participate in the democratic process; respect and obey federal, state, and local laws; respect the rights, beliefs, and opinions of others; participate in the local community; pay taxes and income on time; serve on a jury if called upon and defend the country if needed. Besides these basic rights and duties, there are both benefits and disadvantages: travelling with one of the most powerful passports in the world (the US passport allows one to go to more than 180 countries); obtaining federal benefits such as college assistance; applying for a green card for you relatives;

meanwhile, you might be required to renounce to your first citizenship if other countries don't allow dual citizenship; you might be called to serve in the military and your criminal history will be scrutinized. According to the United States government, you can get American citizenship if you are a permanent resident for five years (Green Card holder), if you are married to a US citizen, if you serve in the US military, or if you are a child of a US citizen. However, for most migrants applying for a permanent residency can be a tedious and long process; the United States Immigration System has specific strict policies and to enter the country is not an easy process.

The last dimension about individual practices and identities will be analysed through the work of Tariq Modood (2014). The relation between migration and citizenship can also be read as a minority-majority relation where migrants represent the minority, and outsiders, and regular citizens are the majority. Being integrated within a society can take different forms and it doesn't strictly have to be the sense of belonging that was discussed above. As already stated, a migrant is free to not consider the state he lives in as his own home, maybe because his sense of belongingness to his mother's culture is stronger or because his family ties keep him closer to his country. These aspects don't make him less worthy to have access to all the opportunities in a society. Access to employment, education, health, and so on, should not be based on race or ethnicity criteria. Ideally, as Modood argues, someone is fully integrated into the labour market when he has access to all the opportunities in accessing jobs or pursuing a career, when there are no distinctions in salary or work conditions compared to other workers with the same qualification or skills but with a different social status. However, even if these minorities are fully integrated in terms of legal rights, they have access to education or employment, it doesn't mean they are fully socially integrated. The sense of belonging could also be how other people perceive you and treat you, if they respect you as an individual and as a member of a different racial or religious group. In a broader sense, this is what real social integration should represent: to socially accept minorities without expecting them to be assimilated into your culture. Integration cannot be understood without the concept of difference because even if these

identities inevitably fall into categories (gender, race, religion, nationality) they are not “reducible to [...] socioeconomic or objective in classical sociological terms. These identities involve subjectivity and agency” (Modood 2014, 110).

There are several ways to define social integration: assimilation, individualist-integration, and multiculturalism. Assimilation is the most desirable by many societies, it represents a one-way effort where the minority becomes as similar as possible to the new compatriots. In this case, the state can play a role in facilitating the process, such as the United States did with the twentieth century “Americanisation” process towards European migrants. A way to better understand assimilation is in relation to naturalization, where among the requirements needed to get citizenship are learning the language and tests on national knowledge. The other modes of integration, individualist and multiculturalism, are a two-way mode. The former indicates those minorities that exist as a private entity, which means they are entitled to rights as considered equal citizens, but they are not recognized at the social level. The latter refers to those groups who wish to keep their distinctiveness but also encourage society to accept them by strengthening social unity. However, multiculturalism relies more on the importance of ‘groupness’ as a feature of people’s identity rather than individuality itself. Modood refers to the term “cosmopolitanism” to define an individual’s freedom to choose his own identity. This is fundamental, he argues, because, in the context of colonialism and European supremacism, social exclusion processes helped to create and strengthen distinctive groups such as black and white. Globalisation and social mixing are slowly dissolving the eradicated concepts of race and nationality, that once dominated societies. At the basis of any ideal society, there should be inclusivity, fraternity, and equality among members, and in particular, the opportunity to choose *how* they want to be recognised. As it has been argued, there are minorities who wish to assimilate, those who want equal social and political rights, those who desire to keep the differences of their cultural or religious group, and others who wish to choose whatever identity suits them better.

To support social integration, all these approaches should be taken into consideration, even if they are not perfectly suitable for all groups. But the ultimate

meaning and purpose of multiculturalism, the one that Modood calls multicultural citizenship, is that all four modes discussed are indispensable to incentive integration and social acceptance. Being part of a community and not feeling the necessity to move to another country, that may be different and far from your home, is a privilege. Ignorance, lack of knowledge or empathy, often are the products of this privilege. This is why it is crucial to keep an open mind, read, study, and especially learn how to put yourself in someone else's shoes, because something that you are taking for granted, might be valuable for others.

In the case of the United States, which is known for its long history of ethnic and religious diversity, multiculturalism has always been the object of debates and tensions. The principle of "melting pot" on which American society was built, was meant to assume that all the different cultures, traditions, and habits of those who migrated to the US, were destined to disappear and assimilate into one larger and broader culture. The United States' way of perceiving multiculturalism is far from what multiculturalism truly represents. Even though it is the perfect portrait of cultural diversities and cultural heritage, the so-called 'American mosaic', people have started to assume that migrants should adopt America's culture, language, and traditions, bringing back the principle of the 'melting pot'. Exceptionalist sentiments, that rely on the extraordinary history of the nation, along with a profound sense of nationalism, were reinforced after the terrorist attacks on September 2001. Migration policies and racial sentiments toward migrants strengthened after the attacks. People started to disagree with the promotion of multiculturalism, believing that migrants are a burden on society, especially on the issue of health care, education, or employment. In this context, Hispanic continuous migrations, especially from Mexico, can result in ethnic conflicts. However contemporary migration differs from earlier migrants who came to the United States in the late nineteenth century and the beginning of the twentieth century. Today Mexican people often live in highly concentrated and isolated communities, and they experience growing poverty levels. The one-way principle of assimilation cannot be an option nowadays. The United States is constantly facing a shift in the

composition of its population and along with this process, identity and citizenship are being affected by multiculturalism and migration (Owen 2005).

The migration process in the United States, especially in the Mexico-Texas border region, is having an enormous impact on the policies of the nation, both at the federal and state levels. The history between Texas and Mexico is problematic, turning the border into a dangerous area for migrants, especially women. Migration became an 'appendix' of capitalism, with new features and characteristics, transforming the social and political sphere along with the labour market. As Mexican men started to be employed in low-paid jobs, women were occupying gendered labours, such as domestic service, childcare, and elder care. Women are gender and racial discriminated in all sectors of society. They have been forced to leave their country because of a lack of opportunities, they have been forced to be part of the care chain once they moved to the new country, and they are constantly marginalised by the social community. To them, the United States represents a "*jaula de oro*", a golden cage and the failure of American multiculturalism (Ibarra 2003, 269).

However, things are starting to change in the United States, and the high number of migrant domestic workers is becoming a resource and a way to fight for a better future. Even if they are often employed in gendered jobs, they embrace their vulnerable condition, and they improve it. The important question is how these women make their voice heard when they are continuously silenced? And how have feminist movements, organisations, and collective unity contributed to help them find this voice and be socially and legally recognised? The following chapter will focus on these specific aspects. I will be examining broadly the social and political aspects of domestic work in the United States and how women started uniting and striking to achieve basic labour rights they have always been excluded from, both at the state and federal levels. The history of domestic workers' legal recognition will be analysed to explain the means and the ways these women reached the interest of public opinion and representative figures managing to change some fundamental legal aspects.

I will illustrate the importance of organisations and associations in the achievement of these rights, the way they promote campaigns, and how they communicate to the masses, labour leaders, and legislators to convince them that certain rights should be the basis for a decent work and not something 'extra'.

## CHAPTER 2

### 2. Domestic Workers on Strike

The growing number of migrant domestic workers that fulfil the care chain and the care industry due to globalisation that outsourced housework from middle-class women to migrant women from poorer countries, has created the basis for new labour movements and organisations. This shift in the labour market changed not only the way social reproduction is perceived, but also the strategies to protest (Fernandes 2021).

One of the first strikes happened in El Paso, Texas, in 1933, many years before the Civil Rights Movement and the feminist movements of the '60s and '70s. Mexican American domestic workers started forming new labour organisations and they mobilized over 700 women from El Paso and Ciudad Juárez, across the border. They eventually formed an association called *Asociación de Trabajadoras Domésticas* (National Domestic Workers Alliance 2021). Their purpose was to demand better work conditions at the state level since the federal labour legislation did not protect them. They were the years of the Great Depression in the United States, workers were organizing, and these women decided to go on strikes because they could not live with a wage of \$1.75 a week. Eventually, after several weeks of strikes, some employers decided to pay them one more dollar a week. But domestic workers in the border region had to face a significant wage disparity and exploitation because of their status and they were paid less than any other worker. The Association, along with other several local labour unions that were forming, tried to create an employment bureau to regulate work and limit the hours of operation, but it was unsuccessful.

The domestic workers' strikes of the 1970s were possible thanks to the broader political movement of Black people who were protesting for their civil rights, especially Black household workers. The Civil Rights Movement changed the terrain of U.S. politics by advocating new wider issues such as racial inequality. The women's movement started to emerge in this exact period of political turmoil, asking for a revaluation of women's work in their own homes and equal rights in the workplace (Goldberg 2015). Domestic workers, along with nannies, nurses, nursing home workers, teachers, and all those sectors employed in the activity of care, started protesting for the inclusion in the Fair Labor Standard Act, that established federal minimum wage and protection, from which certain categories, such as domestic workers, were excluded from. Being socially recognized, legally included, and asking for the minimum wage have always had their roots in cultural and socio-political dynamics: people first needed to understand the value of domestic work and that it must be paid as any other productive job.

In 1972, the Wage for Housework campaign was launched by the International Feminist Collective in Padova, Italy. Within a few years, it spread to Brooklyn, New York, the UK, and many other cities. It was a huge inspirational feminist campaign that rejected the capitalist economic order that considered women's domestic work as not valuable, recognizable, or worthy of a regular salary. "Hey, fellas! Could you afford \$48,000 to hire these women? Because that's what housewife is worth" was the headline of a '70s edition of a US newspaper (Rosa 2022). They claimed that caring labour is not an act of 'love' or a biological destiny, but an actual job. Silvia Federici (1975) claimed that every man under capitalism is exploited but at least he gets paid every month; the wage recognises you as a worker and it makes you part of a social contract. The difference with housework is that it has been imposed on women and it has been transformed into a natural and physical attribute, as an internal need and aspiration.

We must admit that capital has been very successful in hiding our work. It has created a true masterpiece at the expense of women. By denying housework a wage and transforming it into an act of love, capital has killed many birds with one stone. First

of all, it has gotten a hell of a lot of work for free, and it has made sure that women, far from struggling against it, would seek that work as the best thing in life. [...] In fact, our role as women is to be the unwaged but happy and most of loving servants of the “working class” (Federici 1975).

Federici also underlines the role of capitalism in training women to absorb men’s fatigue and stress caused by work. It is no surprise that the most “unsophisticated machismo” is found in the poorer working-class families. The more the man is frustrated the more his wife has to put him back together and be understandable; the more he’s bossed, the more he bosses around. This aspect is important when we focus on Mexican women’s cultural background, the reasons they migrate, and why they often take domestic jobs.

The Wage for Housework campaign, as Federici states in her essay, takes a revolutionary perspective because fighting for women’s wages is fighting for changing women’s social role. Her strong and angry words aimed to echo in people’s consciousness because she was aware that fighting for a wage was the only way to make domestic work valuable and visible.

[...] demanding for a wage makes our work visible, which is the most indispensable condition to begin to struggle against it, both in its immediate aspect as housework and its more insidious character as femininity (Federici 1975).

Like many other campaigns, the WfH was an inspiration for the formation of new autonomous groups and movements during those years such as the International Black Women for Wages for Housework, founded in 1975; the Wages due Lesbians - today called QueerStrike – founded in the mid-1970s; the English Collective of Prostitutes (ECP) founded in 1975 by two immigrant sex workers and that still operates under this name today; Women against Rape for women raped in marriages, or WinVisible for women with disabilities. Many of these groups still exist nowadays and they are still strong, such as the Global Women’s Strike and the Women’s Strike Assembly that fight together in UK using strikes as a form of resistance (Rosa 2022).

What is deductible from this brief historical excursus is that women have been striking, protesting, and fighting for decades in every part of the world. Today the campaigns, movements, and organisations have more than doubled in the United States. The National Domestic Workers Alliance founded in 2007 is probably the biggest and most active in the U.S. territory promoting the rights of domestic workers along with other members such as Women's Collective of La Raza Centro Legal (San Francisco), Mujeres Unidas y Activas (San Francisco), CASA de Maryland (Maryland), Domestic Workers United (New York), and many others. Also in Texas, one of the states with the highest percentage of Mexican domestic workers, many organizations were formed over the years. We Dream in Black, Fe y Justicia, MISMA of Austin, Domesticas Unidas of San Antonio, and Jolt Action are an example. The role of these organisations is fundamental for all the women that seek justice, equality, and recognition; their existence was and still is decisive for every change and every victory for the legal and social inclusion of domestic workers. The coexistence and the dialogue between domestic workers organizing and employer organizations have been able to capture the attention of public opinion and they made it possible for the personal stories of these women to be heard. Through their efficient communication they "help to lay the groundwork for federal legislative and regulatory changes" (Goldberg 2015), such as the Domestic Worker Bill of Rights in New York State that served as a starting point for other campaigns to emerge in other states.

## **2.1 The Role of Organizations and The Importance of Communication**

[...] behind every factory, behind every school, behind every office, or mine, there is the hidden work of millions of women who have consumed their life, their labour, producing the labour power that works in those factories, school, offices, or mines. This is why today, both in the "developed" and "underdeveloped" countries, housework and the family are the pillars of capitalist production (Federici 1975).

The indispensable role that these jobs play within society seems to escape the logic of legislation. Domestic work is the pillar of capitalist society, but society also decided to exclude these workers from the basic rights they should be entitled to. A world hidden in the shadow and invisible, made of women who due to precariousness, strict migration policies, fear, racism, and gender discrimination, are often not aware of their rights or don't know how to step outside. Organisations and labour unions in all U.S territories represent the lighthouse for these women and the mean to achieve what they couldn't do on their own.

Even though they sometimes lack sufficient political capital to start legislative processes on their own (Goldberg 2015), they still have a great influence over some issues. In San Antonio, Texas, the *Domesticas Unidas*, an affiliate of the National Domestic Work Alliance, gathered to protest Senate Bill 4 that passed in October 2023, a law that would enable police officers to stop drivers based on their physical appearance and ask for documents. SB 4 is a new and scary policy for all the undocumented immigrants who have been working and living in Texas for many years, especially if we consider that in Texas the police are not allowed to stop you unless they have an evident reason, or you have acted unlawfully. The introduction of this law spread concerns among migrants as many of them feared they would be arrested and deported. In this case, when stopped by the police, *Domesticas Unidas* suggested unauthorized immigrants memorize their lawyer's phone number (Ortiz 2017). They have also marched in San Antonio to protest at the Texas State Capitol Hill in Austin because this bill is a threat to many domestic workers, and more than half of live-in maids or housekeepers are non-naturalized. But this was not the only case when the organisation helped migrant women in Texas; according to the Texas Monthly, the sisterhood of *Domesticas Unidas* periodically offers workshops to new members of the organisation on how to negotiate a contract, how to properly care of kids and elder people, and inform them about human trafficking. To those who come from rural areas in Central America, they teach how to use modern washing machines or how to use cleaning products to avoid damage to their skin and respiratory system. They also meet and share their cultural heritage and their personal stories. The group first formed because they used to meet on the VIA'S

bus route 97 in San Antonio. It was an occasion to chat, share food, and collect money for those who would get sick and couldn't go to work, or to offer financial support if any relative died. When in 2003, route 97 was suspended, they organized, protested, and met with VIA Metropolitan Transit representatives to bring the route back to circulation (Ortiz 2017). In 2007 the agency restored the route. Araceli Herrera, the founder of the organisation, was surprised when she realized they together had power and voice.

On May 1, 2023, the association Every Texas, responsible for health care, education, and food security for low-income Texans, immigrants, and women, joined several other organisations such as Domesticas Unidas, NDWA, MISMA, to host the state's first Care Worker Power Advocacy Day. The aim was to bring many workers together to the Capitol in Austin and encourage them to tell their stories directly to legislators. It was a great opportunity for domestic and care workers to advocate for new state policies and make their voices heard (Posson 2023).

On a broader level, the National Domestic Workers Alliance (NDWA) is probably one of the pillars of domestic worker's fight for protection and legal rights. Ai-jen Poo, President since 2009, slightly detached from strikes and similar actions, and she proposed legal advocacy as a strategy to pursue cultural and legal recognition for domestic and home care workers. She believes that legal reforms are the means to improve their work conditions (Fernandes 2021). In 2007, more than 50 domestic workers reunited in Atlanta, Georgia, to be part of the first United States Social Forum (USSF) representing thousands of house cleaners, nannies, and childcare workers from Mexico, Barbados, El Salvador, and other countries who were there to fight for dignity and recognition. On the last day of gathering they decided to form a national organization, today known as the National Domestic Worker Alliance. The founding of the NDWA represented a huge help to all those migrant women who entered domestic work as one of the few jobs available in the United States and it represented a new beginning for all those smaller local organizations in the territory to unite and find a common direction together. Probably for the first time, the national movement became more powerful, strong, and independent; with a network of leaders across the country who share new

visions for change, new principles and ambitious ideas, the organization gained the support of thousands of people and managed to achieve real results. In 2003, Poo reunited hundreds of women and asked them what protections they needed, and their answers became the linchpin of their campaign: the Domestic Workers' Bill of Rights. Eventually, six years later, a legislation asking for the right to overtime pay, 24 hours of rest every week, three paid days of rest each year, and protection under New York State Human Rights Law, passed in the State of New York. The strategy used by Poo was to organize vans and buses from New York City once a month when the Legislature was in session. She kept showing up repeatedly to remind the legislators what they were protesting for: getting domestic workers out of invisibility (Hilgers 2019). This achievement was inspirational for many other organizations all over the nation, meanwhile, the NDWA was starting to grow with more and more funders. Another interesting communication strategy used by Poo was to use Hollywood as a 'mean' to rewrite domestic workers' stories. She was a guest of Meryl Streep and Alfonso Cuarón at the 2018 Golden Globe and Oscars, in honour of Cuarón's film "Roma", a movie about Cleo, an indigenous woman who works as a live-in domestic worker for a middle-class family in Mexico City during the 1970s. A story that represents the struggles of millions of women in the United States and their ambiguous relationship with their employers. Poo understood that involvement with cinema was an important step to change the culture and make people aware of the existence of an invisible world. In the meantime, ten other states and two cities adopted the domestic workers' rights legislation, and at the federal level, in 2019, today Vice President Harris and Representative Jaypal, introduced the first National Domestic Workers Bill of Rights. In 2021, the bill was reintroduced by Jaypal and the bill aims to provide rights and protections for domestic workers (117<sup>th</sup> Congress 2021/2022).

Several important campaigns are today being promoted by the organization. For example, the provisions of new technologies for domestic workers such as a chatbot for Spanish-speaking that enables to do surveys and learn about their conditions, or the mobilization of voters that aims to inform women of colour and migrants about their right to vote. The right to vote represents a fundamental aspect of the

transformation of a country's politics. However, the ultimate vision of Ai-jen Poo is to build a new program called The Universal Family Care where everyone in the United States should contribute a small amount out of their paycheck. The aim of the program would be covering every kind of care: child and elder care, or paid family leave (Hilgers 2019).

Silvia Federici (2016) argues about the importance of the process of migration itself as a learning and politicizing experience that requires new skills and strength. Migrant women who travel and cross borders must acquire contacts, references, build networks, and negotiate with agencies for documents; they have to learn new languages and learn how to live in hostile environments. All these experiences inevitably produce subject transformations that teach them how to fight and be strong. Many migrant domestic workers also come from countries, such as Latin America for example, where they already experienced social movements and working-class struggles. They are often forced to go out of their home to build relationships and connect with other women with similar cultural backgrounds or languages, especially those women who live with their employers and don't have control over their space or time. According to Federici (2016), all these factors explain the reasons domestic workers were able to resist, protest and self-organize. They managed to build multinational organisations, they fight lobbying politicians, they stage marches, and they engage in collective action providing help for the arrival of new women. Through the aid of leaders, which are mostly women or other domestic workers, they learned how to 'conquer' the public space, a fundamental aspect to make their voice heard and regain autonomy and public visibility. Not only in the United States but in Canada, Europe, Hong Kong, Singapore, China, and Taiwan, domestic workers are mobilising all over the world and they are gaining more power every day.

Domestic and care work is becoming one of the largest and most important sectors, especially in the United States.

Aware that their work is indispensable for the reproduction of life in cities across the world, domestic workers are establishing that housework is "socially necessary

labor” —the wheel that keeps the planetary work-machine moving along—and through the organizations and alliances they have formed are forcing government and international agencies to recognize this work (Federici 2016, 19).

The challenge is to continue demanding for legal changes at the state level, and mainly at the federal level, where laws and policies are still weak. Through a new conception of care and a full understanding of the fundamental social contribution that domestic workers give every day, and being aware of the unstoppable impact that migrants now have on politics, the world could be heading in a better direction. Minorities are no longer minorities, and they are no longer silent.

### **2.3. Legal Achievements**

When a child goes to school, eats, goes to bed clean, and an elderly man takes his medicine, doesn't hurt himself, goes for a walk, or eats, it is important to wonder *who* is, that provides for all those things. When you go to work and you don't have the time to take care of your house, or your child, or to do the laundry, it is fundamental to acknowledge the workers who do all these things for you. “Our homes are our sanctuaries”, writes Ai-jen Poo (Garofalo et al. 2017), referring to all those places where we return after a day of work to rest and eat but that are most women's workplaces. Their job is what makes every other work possible and yet, they are still invisible behind closed doors.

The legacy of slavery that exploited and marginalised millions of African American women depriving them of any form of legal protection because of their master's interests and because of Southern governors' need to maintain plantation profits, has delayed the development of laws and policies for domestic workers' rights. The most significant historical event was the debating of new labour policies during the 1930s when southern states explicitly refused to sign if domestic workers and farm workers were included in the draft. The National Labour Relations Act (1935) and the Fair Labour Standard Act (1938) which established the first

minimum wage of 25 cents per hour and overtime protection, are an example of those decisions from which domestic workers were excluded.

As a fundamental component of the New Deal that should have provided American people with rights, stronger governmental protections, welfare, social benefits, these exclusions were proof that the federal government was still very distant from the needs of minorities and certain categories of workers (Goldberg 2015, 3). Southern legislators repeatedly opposed any type of federal social legislation in order to maintain the state-level authority over Black workers and domestic workers, indispensable for their profits. They refused to acknowledge any attempt of the federal government to establish basic social standards because they feared it would have altered the political and social balance of the southern states. They believed the inequalities between Black and white people were fundamental (Goldberg 2015, 5). What happened in the '30s is not far from the opinion some Southern governors still have on the federal government's empowerment today, as it has been discussed in Chapter One with the distinction between state and federal authority.

The urge to protest and organize was evident. In the 1930s many women protested against the New Deal and for inclusion in the FLSA, but only in the 1970s with the Civil Rights Movement, some things were achieved. One example was the 1963 "Equal Pay Act" amendment to FLSA that prohibited any form of discrimination based on sex and required employers to pay equally for equal work (Goldberg 2015, 14). It represented a great opportunity for domestic workers to advocate for their inclusion in the policies. And it was in this context that domestic workers understood that building coalitions with feminist organisations, including educated middle-class women, such as Ai-jen Poo, could benefit their cause because they could have access to Congress and talk to legislators, or simply be the leaders of their movements. They also understood the power of organising, involving and giving voice to more and more women. These collective efforts eventually convinced legislators to pass another amendment to the FLSA in 1974, which included most domestic workers in the minimum federal wage and hours protections (p.16). Even though there were several limits to this amendment, such

as the exclusion of live-in workers from overtime protections, or the exclusion of “casual” domestic workers who didn’t have full-time employment, it was an incredible legal achievement. The 1970s in general were a period of a significant step forward for equality for domestic workers, but the problem was still the weakness of these policies and the fact that government methods were not sufficient to regulate the conditions of thousands of private homes (p.17). The world would have to wait for a new generation of domestic workers in the 21st century to fill some of the gaps.

The role of organisations along with the traditional union movement that brought a great political influence during domestic workers’ campaigns, was decisive. As mentioned before, at a state-level, the National Domestic Workers Alliance with Domestic Workers United launched a six-year campaign to pressure the New York State to adopt a “Domestic Workers Bill of Rights”. In 2010, the Bill of Rights eventually passed. In California, the Domestic Workers Bill of Rights passed in 2013 following the pattern of New York; they won full inclusion in overtime protection, and other important rights such as the right to uninterrupted sleep or the right to decent sleep for live-in domestic workers (Goldberg 2015, 19). These two victories also brought a wind of change in Hawaii, where a Domestic Workers Bill of Rights passed in 2013, and it included privately paid nannies and housecleaners in the state’s minimum wage and overtime protection.

The fact that changes started from a state level, such as New York and California which represented the two cornerstones for other states and cities, was also fundamental for legal achievements at the federal level. During those years, in fact, they were working to revise the US Department of Labour’s regulations, from which home care workers were excluded from minimum wage and overtime protection. President Obama, and later Biden with Vice President Harris, were among those political figures who promised to use their executive powers to end such exclusions and prioritize these changes. It is interesting to highlight that domestic workers organizations’ strategies to reach local and federal authorities were based on sharing personal stories and making use of moral and political arguments. They denounce the social and political struggle to reach equality and

the effort to overcome the legacy of slavery that has been haunting the United States for centuries; on the other hand, they highlight the social and moral importance of the labour of care that enables thousands of workers to participate in the labour market every day, and the relationship of love they build with the people they care of. By emphasizing the crucial role that these women play in society and using the emotional sphere as a “tool” for their purposes, they also won the support of national and local labour leaders. Many labour leaders, in fact, often refer to their mothers that once worked as domestic workers as they were growing up, and they decide to give their support as a way to value and respect their mothers’ struggles. Of course, this is only one reason. The other one is more historical and political: since the trade union movement has always struggled with employer pressure and public criticism, they understood the value of the increasing number of low-wage immigrant workers and that strengthening the relationship with them is fundamental (Goldberg 2015, 20).

The journey to full legal inclusion and changes in legislation is still very long and tortuous, and not without sacrifices. But the important aspect is that some legal achievements have been obtained over the past decades and that the fights and voices of millions of domestic workers were not ignored. Unfortunately, the achievements differ from state level and federal level, and they have several different implications, such as their legal empowerment and the effects they have on the population. The two paragraphs are going to illustrate more in-depth the legal achievements at the state and local level, and the political changes made at the federal level, and also their limitations. Understanding the struggle between state and national authority and how much the federal government has the power to interfere in local issues is essential, and it is also crucial to understand why many regulations remain weak or why the enforcement methods are not always efficient.

#### **2.4 Recognition of Domestic Workers Rights at the State Level**

The National Domestic Workers Alliance constantly works together with affiliated local organisations to promote and guarantee basic labour rights and legal

protection in the workplace. In 2003, the Domestic Workers United, the NY Domestic Workers Justice Coalition, CAAAV's Women Workers Project, Andolan: Organizing South Asian Workers, Haitian Women for Haitian Refugees, Unity Housecleaners, Damayan Migrant Workers Association, and Adhikaar for Human Rights launched the first campaign at the state level for the New York Domestic Workers Bill of Rights. After that, bills of rights and protections won in 10 states, 2 cities, and the District of Columbia (National Domestic Workers Alliance).

### 1. *New York*

In 2010, Governor David Peterson signed into law the "Domestic Workers Bill of Rights". With 35 votes in favour and 26 against, the A1470 became the first legal provision regarding domestic workers' employment regulations which concerns hours of labour and wages, employment restrictions, and contracts. Among the most important points, there are:

S 696. Employer choice for health coverage. 1. Every employer must provide each domestic worker health benefits, or must supplement his or her hourly wage by an amount no less than the lowest available cost of health benefits described in paragraph four of subsection (C) of section 4326 of the insurance law.

S 696-A. Cost of living wage adjustment. 1. Every employer must provide each domestic worker an annual cost of living adjustment, as described in subdivision two of this section.

1. Day of rest. (A) A Domestic worker shall be entitled to at least twenty-four consecutive hours of rest in each and every calendar week. (B) No Domestic worker shall be required to work on his or her day of rest. (C) In the event that a domestic worker agrees to work on his or her day or rest, he or she will be compensated at the overtime rate for all hours worked on his or her day of rest or at twice his or her regular rate if such hours constitute hours worked beyond forty hours in a work week.

2. Paid Time off. (A) A Domestic worker shall be entitled to the following holidays: New Year's Day; Martin Luther King Jr.'s Birthday; President's Day; Memorial Day; Independence Day; Thanksgiving; Labor Day; Christmas Day; and one additional holiday of the domestic workers' choosing. (B) No Domestic worker shall be required to work on a holiday. (C) In the event that a domestic worker agrees to work on a holiday, he or she will be compensated at the overtime rate for all the hours worked on the holiday or at twice his or her regular rate if such hours constitute hours worked beyond forty hours in a work week.

(J) Each domestic workers are entitled to at least five sick days every year.

3. Termination and severance. (A) A domestic worker is entitled to written notice of termination twenty-one days before his or her final day of employment.

S697 2. Penalties (A) An employer, or his or her agent, or the officer or agent of any corporation, who pays and provides or agrees to pay or provide to any domestic workers less than the wage, supplements, or benefits applicable under this article shall be subject to criminal penalties (Assembly Bill A1470, 2010).

These are only some of the points written on the bill, but they are a clear representation of the achievements made that guarantee legal protection, recognition, and basic labour rights to domestic workers. It is interesting also the point where it is explained the term "employer" because unlike the amendment made to the FLSA in 1974 discussed in the subchapter above, in this bill "the term employer INCLUDES the employment of domestic worker [or casual laborers] employed at the place of residence of his or her employer". It is important because not every domestic worker has a full-time permanent job, most of them work temporarily or casually at their employers' house, but they are still entitled to legal protection.

## 2. *California*

The State of California followed the same pattern as New York. In 2013, Governor Jerry Brown signed the Domestic Worker Bill of Rights. Initially, it was meant to last for three years, but it was reauthorized in 2016. What differs from the New York State Domestic Bill of Rights is that the state of California distinguishes two different categories: personal attendant and NON-personal attendant. The first one includes feeding, bathing, dressing, and direct supervision of any person under care, meanwhile, the second one refers to those who make beds, clean the house, do the laundry, and other duties related to the maintenance of a house. Personal attendants are entitled to overtime pay (1.5 x regular rate of pay) for more than nine hours worked per day and more than forty-five per week, and they are protected under the Domestic Worker Bill of Rights. Meanwhile, for domestic workers who are not personal attendants, regular overtime protections are applied under Wage Order No.15. Non-live-in domestic workers who are not personal attendants, are entitled to overtime pay (1.5x regular rate of pay) for more than eight hours in a day, and more than forty hours in a workweek. They are entitled to double pay for more than twelve hours a day and more than eight hours on the seventh consecutive day of the workweek. Live-in domestic workers who are not personal attendants are entitled to overtime pay for more than nine hours worked in a day and for the first nine hours worked on the sixth and seventh consecutive day. Also, they are entitled to double pay for more than nine hours worked on the sixth and seventh consecutive day of the week. However, both categories are entitled to minimum wage, adequate meals and lodging for live-in workers, rest periods, seats, change rooms, and resting facilities. In addition, penalties are provided for all those employers “who violates, or causes to be violated, the prevision of this order” and they:

Shall be subject to the civil penalty of:

- (1) Initial Violation - \$50.00 for each underpaid employee for each paid period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.
- (2) Subsequent Violation - \$100.00 for each underpaid employee for each paid period [...]
- (3) The affected employee shall receive payment of all wages recovered.

(B) The Labour Commissioner may also issue citations pursuant to California Labour Code Section 1197.1 for non-payment of wages for overtime work in violation of this order. (Wage Order N.15-2001)

“Casual babysitters”, meaning someone who works on an intermittent basis are excluded from these regulations. Also, domestic workers registered on agencies that satisfy the requirements of Civil Code section 1812.5095 and Unemployment Insurance Code, licensed health facilities, and clients receiving services under the In-Home Supportive Service program are excluded. Once again, knowing the rights and the work category is essential to benefit from certain rights. However, this bill is very important being California the first state in the U.S. with the majority of domestic workers employed.

### 3. *Hawaii*

California and New York were the first states to adopt such regulations, but other states followed a few years later such as Hawaii. Governor Neil Abercrombie signed the Domestic Workers Bill of Rights in 2013. The bill provides a limited number of hours that a domestic worker should work, which are forty hours per week for those who do not reside in the employer’s home and forty hours for those who are residents in their employer’s home. They are entitled to twenty-four hours of rest in each calendar week and for those who decide to work on their rest day, they are entitled to overtime pay for all hours worked during the day of rest. In addition, “after one year of work with the same employer, a domestic worker shall be entitled to at least three days of rest in each calendar year at the domestic worker’s regulate rate of compensation” (Senate Bill No.535 S.D 1, 2013). Also, this bill like the California State Domestic Bill of Rights does not include “casual employers”, in particular babysitters, under the definition of “domestic workers” because “employment is not on a casual basis”.

### 4. *Massachusetts*

In 2014, Governor Deval Patrick signed the Massachusetts Domestic Workers Bill of Rights. This bill follows the regulations of other states with some additions. Some of the most significant points are:

Section b) An employer who employs a domestic worker for 40 hours a week or more shall provide a period of rest of at least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month and, where possible, this time shall allow time for religious worship. The domestic worker may voluntarily agree to work on a day of rest; provided, however, that the agreement is in writing and the domestic worker is compensated at the overtime rate for all hours worked on that day [...]

151. Days or periods of rest, whether paid or unpaid, shall be job-protected leave from employment [...]

(g) An employer may deduct from the wages of a domestic worker an amount for lodging if the domestic worker voluntarily and freely accepts, desires and actually uses the lodging and the lodging meets the standards for adequate, decent and sanitary lodging

(h) No deductions for meals or lodging shall be made from a domestic worker's wages without the domestic worker's prior written consent.

(i)[...] An employer shall not restrict or interfere with a domestic worker's means of private communication, monitor a domestic worker's private communications, take any of the domestic worker's documents or other personal effects or engage in any conduct which constitutes forced services or trafficking of a person.

(k) If a domestic worker resides in the employer's household and the employer terminates employment without cause, the employer shall provide written notice and at least 30 days of lodging, either on-site or in comparable off-site conditions, or severance pay in an amount equivalent to the domestic worker's average earnings during 2 weeks of employment [...].

(m) An employer shall provide a domestic worker with a notice that contains all applicable state and federal laws that apply to the employment of domestic workers.

SECTION 191. (a) It shall be an unlawful discriminatory practice for an employer to: (i) engage in unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature to a domestic worker if submission to the conduct is made either explicitly or implicitly a term or condition of the domestic worker's employment [...]; (ii) subject a domestic worker to unwelcome harassment based on sex, sexual orientation, gender identity, race, color, age, religion, national origin or disability if the harassment has the purpose or effect of unreasonably interfering with a domestic worker's work performance by creating an intimidating, hostile or offensive working environment; or (iii) refuse job-protected leave for the birth or adoption of a child by the domestic worker or a spouse under section 105D (Senate Bill 2132, 2014).

Section 191 points (i), (ii), and (iii) represent a very important passage in the history of the Domestic Workers Bill of Rights because they protect women from sexual harassment and verbal or physical abuse. The New York State Domestic Workers Bill of Rights protects workers under the New York State Human Rights Law which includes unlawfully discriminatory practices against workers for their age, race, creed, colour, national origin, sexual orientation, status as a victim of domestic violence, etc. However, it does not explicitly include what point (i) of the Massachusetts Bill regulates. This Bill also calls “unlawfully discriminatory practice” any employer who refuses to give maternity leave for the birth or adoption of a child. Once again, individuals whose job consists of childcare on a casual, intermittent basis for one or more family members are not considered domestic workers.

##### *5. Connecticut*

In 2015, Governor Daniel Malloy signed the Domestic Workers Bill of Rights. Among other things, this Bill:

- Annually provides 72 hours of paid leave to part-time domestic workers and 120 hours of paid leave to full-time domestic workers;
- It prohibits employers from requiring them to work more than six days in a calendar week; provides privacy protections;
- It provides anti-discrimination and sexual harassment protection administered by the Commission of Human Rights and Opportunities (CHRO);
- It provides maternity leave;
- It provides termination notice and severance pay.

Two interesting points of the Bill are: it allows the Department of Labour (DOL) to enforce the bill and it prohibits employers:

from entering a live-in domestic worker's designated living area in or about the employer's home without the worker's informed and voluntary consent. However, employers may enter if emergency repairs are required and (1) securing the worker's consent within a reasonable time is not feasible and (2) the employer notifies the live-in worker within a reasonable time after entering the worker's living area (Senate Bill 393, 2015).

As for the other Bills, these provisions do not apply to intermittent and casual babysitters.

## 6. *Oregon*

In 2015, Governor Kate Brown signed the Domestic Workers Bill of Rights. This Bill provides at least one day off per week and if any domestic worker decides to work on their day off, they must receive overtime pay; live-in workers must be given eight hours of time off during 24 hours and decent conditions for sleep; the overtime pay must be 1 ½ times the worker's hourly rate for more than 40 hours worked or 44 hours for live-in employees; they must receive three personal leave days off per year; they can cook food of their own choosing based on religion or health reasons; they are protected from sexual harassment or harassment based on

gender, national origin, race, religion, disability, or sexual orientation. The Bill does not cover casual babysitters and home care workers for seniors and persons with disabilities.<sup>3</sup>

### *7. Illinois*

In 2016, Governor Bruce Rauner signed the Domestic Worker Bill of Rights. The right to be paid a minimum wage, to receive paid time off, overtime pay, the right to have one day of rest each week, and legal protection against sexual harassment and any other discrimination based on race, gender, identity, sexual orientation, or immigration status, are included in the Bill. On January 1, 2022, domestic workers in Chicago achieved the right to provide their own written contract in their preferred language and they must earn a minimum wage of \$15 per hour. On the web page of the City of Chicago, it is possible to find sample contracts in different languages that provide a work schedule, days of rest and breaks, leave policies, days off during holidays, cancellation policies, termination or severance policies. Among other things, there is an overview of legal protection that states:

The Employer understands that the Employee is protected under local, state, and federal labor and employment laws regardless of race, sex, age, national origin, immigration status or other protected class as defined by law. The Employer also understands that it is illegal to retaliate against the Employee for asserting rights under this employment contract or other labor or employment law.<sup>4</sup>

### *8. Nevada*

In 2017, with 28 votes in favour and 13 against in the Assembly, and 12 votes in favour and 9 against in the Senate, Brian Sandoval signed the Domestic Workers Bill of Rights. The Bill provides 24 hours of rest after 40 hours of work in a calendar week and at least 48 hours during each calendar month. The domestic worker might

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<sup>3</sup> Bill 552, State of Oregon.

<sup>4</sup> It refers to a model contract in the City of Chicago.

[https://assets.nationbuilder.com/arisechicago/pages/2519/attachments/original/1648678507/Model\\_Contract\\_for\\_Caregivers\\_%28English%29Jan\\_2022.pdf?1648678507](https://assets.nationbuilder.com/arisechicago/pages/2519/attachments/original/1648678507/Model_Contract_for_Caregivers_%28English%29Jan_2022.pdf?1648678507).

agree to work on rest days, but it must be compensated. Deductions from the workers' wage for food, beverage, and lodging are possible only if the employee freely and voluntarily accepts those things. The employer must not deduct expenditure of food or lodging from the workers' wage if the domestic worker cannot easily prepare or bring food, or if she or he is required to reside in the employer's residence. The worker has the right to minimum wage and to a written employment agreement that specifies the conditions of his or her employment.

[...] If the domestic worker is not able to understand the provisions of the written agreement, the employer shall ensure that those provisions are explained to the domestic worker in a language that the domestic worker understands (Senate Bill 232, 2017).

The term "domestic worker" does not include a person who provides service on a casual, intermittent basis.

Along with these states, also New Mexico (2019), Virginia (2021), and the cities of Seattle (2018) and Philadelphia (2020) adopted their own Domestic Workers Bill of Rights. Recently also the state of New Jersey adopted the Bill (2024), and in 2022 Washington D.C., or formally the District of Columbia, passed the Domestic Worker Employment Amendment Act. These achievements in the state of Virginia are particularly important considering its historical background. In the past, it was one of the most productive "slave's economies" and it was known for being one of the major slave states, but today Virginia restored some basic human and labour rights to women who had been victims for years of a slavery legacy.

Currently, Texas is not part of the groups of states that passed the bill. According to the Texas journal *Texas Observer*, Daniana Trigos-Kukulski, executive director of the organisation Fe Y Justicia Worker Centre in Houston, every week nearly hundreds of people reach out to the organisation for financial and emotional support. Most of them are vulnerable women who crossed the US-Mexico border and work for their employers without any effective legal protection. Such as the story of Maria who crossed the border and travelled a thousand miles from Tijuana

to Laredo, a city in Texas very close to the border with Mexico. She waited for her visa and took English lessons in preparation for the day she was able to ask for U.S. citizenship and see her two children again. She had two jobs, one in Austin with a family of two kids which she loved and got attached to. But she didn't have any paid leave or health benefits, not even a contract. She eventually joined a local organisation called MISMA, Mujeres Inspiradas en Sueños, one of the affiliate chapters of the National Domestic Workers Alliance. They taught her about her rights and what to fight for. Although many organisations in Texas are working on promoting new policies, it is still a challenge to cross Republican legislators and the Governor. The state of Texas, second only to California, hosts the largest percentage of migrants from Mexico and domestic workers. Many of them are undocumented, and without a proper law that protects their rights, they will continue to fear losing their jobs, or be afraid of deportation. And instead of working to improve things, Texas passed the Senate Bill 4 (2023) that will worsen the relationship between police officers and migrants. However, the situation in Texas is slowly changing, especially in big cities such as Houston and Austin. Local organisations, such as MISMA or Fe Y Justicia are constantly working hard to empower these women and encourage them to speak out. The federal Domestic Workers Bill of Rights introduced to the Congress by Vice President and Senator Harris and Representative Jaypal could represent an enormous hope for domestic workers, especially for those who live in places like Texas and are not legally protected by the state (Coronado 2020).

## **2.5 National Domestic Workers Bill of Rights**

In 1938, during the years of the Great Depression, U.S. President Franklin D. Roosevelt signed into law the Fair Labour Standard Act. It was an important part of a broader series of legislations that were part of the New Deal, a plan to guarantee more social benefits, welfare, and labour rights. It was meant to expand the federal government's authority by controlling inter-state commerce, including production, manufacturing, and mining of goods that were exchanged and traded across states.

This also meant for the federal government to regulate workers' rights and workplace conditions. At first, the wage level was set at a very low level, around 25 cents per hour, and a large number of workers were excluded because of the lobbying of Southern states and of some labour movements such as the American Federation of Labour (AFL) that represented mostly white skilled workers, slowed the passage of the Act. They believed that governments should not be entitled to introduce social programs, because benefits should be achieved only through unionization and collective bargaining. On the other hand, the Congress of Industrial Organizations (CIO), which represented industrial workers mostly immigrants, was in favour of the power of government to improve workers' conditions. Today, the minimum wage is set at \$7.25 per hour, which is still relatively low if we consider that it is the United States we are referring to, and in many states, the cost of living is very high. Also, the FLSA included a larger proportion of workers over the years, if we think that only 20% of workers were covered by the law at the time of its passage. The problem was always the way the federalist U.S. law is structured because the authority over inter-state issues and commerce was a federal matter, meanwhile intra-state issues, also because it was easier to manage, remained in the hands of state governments. This was also the reason why each state eventually developed their own labour regulations. The restrictions of FLSA to the regulation of inter-state issues penalized most women and workers of colour, who were mostly employed in locally based industries (Goldberg 2015, 3-8).

Today the FLSA includes a broader category of workers, but it still excludes domestic service from some regulations. For example, live-in domestic workers including nannies, housecleaners and caregivers are exempted from overtime pay if they work more than 40 hours per week, and casual babysitters and persons employed as companions to the elders or infirm are excluded from both overtime pay and minimum wage.<sup>5</sup> However, these workers, except for casual babysitters, are covered under state law, thanks to the Domestic Workers Bill of Rights. State

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<sup>5</sup> It refers to the FLSA of U.S. Department of Labour.  
<https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa#2>.

and federal authority, in this case, can be controversial and a double-edge weapon: the power that states have can be positive when they choose to protect certain rights that the federal state would not cover, but if there are no regulations neither at state nor at federal level, there are no benefits at all. So, it is fundamental that the federal government implements regulation because, as mentioned in Chapter One, the Congress' power over state law comes from the Supremacy Clause of the Constitution, Article VI, Clause 2, which establishes that federal law generally takes precedence over state law and state constitutions.

However, over the past decade, the United States has been experiencing some changes at the federal level. In 2011, President Obama claimed that he wanted to revise the Department of Labour's regulations and include home care workers from minimum wage and overtime pay (Goldberg 2015, 21). This decision received many different opinions, but the majority of comments were in favour of the proposal. They believed they would improve the quality of home care service and higher quality care. Most associations for seniors, such as the American Association of Retired Persons (AARP) was supportive towards the changes. Other disability organisations such as ADAPT, objected to the regulatory changes because they believed that without adequate funding, for example without raising Medicaid rate or Medicaid caps, there would be a reduction of personal assistance and people with disabilities would be forced to institutionalization. These organisations lobbied the Department of Labour by submitting letters and protesting by blocking the office. Eventually, a coalition between workers organisations and the National Domestic Workers Alliance proved that this debate over the inclusion of minimum rate and overtime pay was not necessary, and they showed that by including home care workers in these legal protections there would be no higher rate of institutionalization. Once again, it is evident the crucial role of organisations even at the federal level. In 2013, the Department of Labour eventually included live-out homecare workers in minimum wage and overtime pay protections, affirming that the increased cost would have been minimal, and these changes would have only benefited direct workers and consumers because it would result in better-qualified employers and also a higher quality of work (Goldberg 2015, 23-24).

According to the US Department of Labour, in April 2023, President Biden issued an Executive Order on Increasing Access to High-Quality Care and Supporting Caregivers which imposed federal agencies to any necessary executive action to improve care for families who need it while supporting care workers and their respective families. The Executive Order also addressed the Secretary of Labour Julie Su to develop the best practices for domestic care workers, to promote a safe workplace, and ensure that both employers and workers know their rights and obligations. President Biden's words, available on the web page of the White House regarding these provisions, publicly recognise the importance of care workers for the Nation's economic growth and economic security.

[...] Early care and education give young children a strong start in life, while long-term care helps older Americans and people with disabilities live, work, and participate in their communities with dignity. Access to both types of care is also critical to our national security because it helps ensure the recruitment, readiness, and retention of our military service members.

[...] Care expenditures represent a significant and increasing share of families' budgets, with child care prices growing by approximately 26 percent and some types of long-term care costs growing by over 40 percent in the last decade. Inadequate supply is exacerbated by high turnover in the care workforce. Care workers — disproportionately women of color — are among the lowest-paid in the country and often have to rely on public benefits despite working complex and demanding jobs. Investments in the care workforce are foundational to helping to retain care workers and improving health and educational outcomes.<sup>6</sup>

The U.S. Department of Labour, to support this effort, developed three separate sample employment agreements for cleaners, homecare workers, and nannies. These samples are not legally binding, do not represent legal obligations, and are

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<sup>6</sup> It refers to President Biden's orders regarding care workers regulations, April 18, 2023. <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/18/executive-order-on-increasing-access-to-high-quality-care-and-supporting-caregivers/>.

not required by law. Instead, they are a tool that employers and domestic workers can voluntarily choose to “create a shared understanding of the terms of the employment”, and they provide official terms and conditions that they might want to address in their contracts. According to Haeyoung Yoon, senior director of policy and advocacy at the National Domestic Workers Alliance, it is a huge victory for domestic workers although it might seem only a small step. The U.S. journal *The Nation*, explains through several women’s interviews, that these sample agreements included in the Executive Order of President Biden and published by the Department of Labour, would help them to talk to their employers, giving them the possibility to choose and negotiate. They feel their voices are finally reflected in these contracts. Also, it is argued that over the next few weeks, the Women’s Bureau wants to provide these texts in multiple languages, starting with Spanish because it is the most spoken language by domestic workers in the United States (Luterman 2023). The other potential benefits clearly expressed by the US Department of Labour regarding the use of employment agreements are the following:

- Establishes clear standards, expectations, and responsibilities for both parties;
- Encourages employers and workers to have an open discussion about the terms of employment;
- Provides an opportunity to plan for potential circumstances that may arise and to reduce future misunderstanding or conflict;
- Specific needs, skills, and circumstances of both parties can be reflected in the agreement; and
- Strengthens the relationship and trust between the employer and worker.

Unfortunately, most workers and employers are not aware of these new regulations and changes at the federal level, and in many cases, they are not respected. Women continue to be afraid of being fired, or of their employers' reaction if they stand for their rights, they also fear being immediately replaced by someone willing to work under worse conditions. However, this is an important step at the federal level that

gives more transparency and avoids any kind of misunderstandings between employers and workers, but also between state and federal regulations gaps.

An even bigger achievement at the federal level was originally introduced in 2019 by Senator (now Vice President) Kamala Harris, Senator Kirsten Gillibrand, and Representative Jayapal in the House, and then reintroduced with Senator Ben Ray Lujan in 2021 when Democrats won the election. We are referring to the National Domestic Workers Bill of Rights, the first national legislation that would recognize and protect domestic workers and care workers, introducing a new regulated care system, beyond uneven state-level policies. According to DeVaan (2022), writer of the U.S. journal *Inequality*, 2.2 million domestic workers in the United States, of whom 90% are women and the strong majority are of colour, earned an hourly wage of \$12.01 in 2019. To further clarify, according to the U.S. Bureau of Labor Statistic (BLS) the US average hourly earnings of private employees in December 2023 is at a current level of \$34.27 and the data includes unemployment numbers as well.<sup>7</sup>Besides earning too little, according to the 2021 labour conditions survey conducted by the NWDA, a great percentage of the workers reported to feel unsafe at work (25%), that they don't receive breaks during their work shift (36%), that they don't have sick days (82%), they don't have written agreements (84%), they don't receive pay late cancellation (81%), or receive any pay for employers' cancellation after they come to work (76%).<sup>8</sup>

The national bill would represent a break “in a long history of exclusion from foundational labour laws, rooted in the legacy of slavery in America”, claimed Aijen Poo (DeVaun 2022). Poo believes that the United States is a rapidly aging nation, and the demand for care work is also rapidly increasing; the bill would raise workplace standards and improve the quality of care, as also President Biden claimed. It would represent the first universal liberty document for all American

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<sup>7</sup> It refers to the US Bureau of Labor Statistics data collection of all employees on private nonfarm payroll by industries sector, seasonally adjusted.

<https://www.bls.gov/news.release/empsit.t19.htm>.

<sup>8</sup> It refers to the March 2021 survey of 2,406 domestic workers conducted by the National Domestic Workers Alliance.

<https://www.domesticworkers.org/wp-content/uploads/2021/07/Domestic-Workers-Bill-of-Rights-Fact-Sheet-Survey-Data-2021.pdf>.

women of colour that have been left in the shadow for far too long, which is not only morally and ethically wrong but also holds back the nation's economy. According to the CNN interview with Harris, Poo, and Jaypal in 2018, they affirmed that 10,000 Americans currently turn 65 each day, meanwhile, most women who once provided home care are taking new jobs, leaving their families to turn to caregivers. This means that by 2026, care jobs will be the most requested job and the fastest-growing profession. And these changes could represent an opportunity to improve the economy and change as a nation.

This Bill of Rights is intended to be more than an extension of our current workplace protections for domestic workers. We see it as a statement of our collective values as Americans, a statement on how we respect all working people, regardless of whether they work in an office or in a home (Harris et.al 2018).

Ai-jen Poo also explained how this legal achievement represents only one of the elements that should change in the US health system. The country, in fact, should invest in Medicaid home and community-based services, healthcare affordability, retirement benefits, paid leave, and childcare subsidies (DeVaun 2022).

Briefly, I will report some of the most significant points included in the Domestic Workers Bill of Rights Act (H.R 4826) directly from the Congress web page. It is divided Subtitle A, Subtitle B, Subtitle C and Subtitle D, and in Title I, II, III, IV, V. Title I, Subtitle A – Amendments to the Fair Labour Standards Act of 1938 reports the amendments added to the previous Act:

SEC. 101. OVERTIME PROTECTIONS FOR LIVE-IN DOMESTIC EMPLOYEES.

Section 13(b)(21) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(21)) is repealed.

In this case, 213(b) (21) of the FLSA expresses that the minimum hour requirements do not apply to any employee who is employed in domestic service in a household and who resides in such household [...].

- SEC. 102. LIVE-IN DOMESTIC EMPLOYEES' TERMINATION NOTICES AND COMMUNICATIONS.

(a) In General. The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 7 (29 U.S.C. 207) the following:

- SEC. 8. LIVE-IN DOMESTIC EMPLOYEES' TERMINATION NOTICES AND COMMUNICATIONS.

“(1) IN GENERAL. If an employer terminates the employment of a live-in domestic employee, the employer shall, except as provided in paragraph (3), provide the live-in domestic employee with

“(A) written notice of the termination not later than 48 hours after such termination; and

“(B) (i) not less than 30 calendar days of lodging at

“(I) the household premises of the employer, as customarily provided by the employer; or

“(II) another premise of a comparable lodging condition; or

“(ii) severance pay in an amount equivalent to the average earnings of the live-in domestic employee for 2 weeks of employment during the preceding 6 months.

[...]

SEC. 103. ENFORCEMENT.

In Subtitle B, the following Domestic Workers Rights are included:

- -Sec. 110. Written Agreements.
- -Sec.111. Earned sick days.
- -Sec.112. Fair scheduling practices
- -Sec.113. Right to request and receive temporary changes to scheduled work hours due to personal events.
- -Sec.114. Privacy.
- -Sec.115. Breaks for meals and rest (no less than 30 minutes)
- -Sec. 116. Unfair wage deductions for cash shortages, breakages, loss, or mods of communication.

- -Sec.117. Prohibited acts (Interfering with rights, immigration-related actions as discrimination)
- -Sec.118. Enforcement authority (the Secretary shall have the investigative authority and the subpoena authority which means the power to order someone to appear and give evidence).
- -Sec.119. Effect on existing employment benefits and other laws.

Subtitle C provides the Domestic Workers Health and Safety and it includes:

- -Sec. 121. National domestic workers hotline (to report emergencies, seek support, or guidance)
- -Sec. 122. Access to health and safety.
- -Sec.123. Occupational safety and health training grants.
- -Sec.124. Workplace harassment survivor support study (it includes housing services, health care services, mental health services, counselling services, workers' compensation, unemployment insurance, disability benefits, transportations stipends, support for caregiving needs, paid leave, childcare, and care for any individual related to the survivor by blood or affinity).

Subtitle D amends to Title VII of Civil Rights Act of 1964 section 701(b) which claims that the term “employer means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year” (Civil Rights Act, 1964). The word “fifteen” is substituted with the word “one”, so they are considered employers with rights and obligations also those who hire only one person.

Finally, among the most significant sections of the Bill, there are Title III – Implementation of the Domestic Workers Bill of Rights and VI – Fundings.

Title III Sec. 303 provides:

SEC. 303. INTERAGENCY TASK FORCE ON DOMESTIC WORKERS BILL OF RIGHTS ENFORCEMENT.

(a) Establishment. There is established an Interagency Task Force on Domestic Workers Bill of Rights Enforcement (referred to in this section as the “Task Force”).

(b) Members. The Task Force shall consist of:

(1) representatives of the Department of Labor selected by the Secretary, including representatives of the Wage and Hour Division, Occupational Safety and Health Administration, and Office of the Solicitor of Labor;

(2) representatives of the Department of Health and Human Services selected by the Secretary of Health and Human Services, including representatives of the Centers for Medicare and Medicaid Services and the Administration for Community Living; and

(3) representatives of the Equal Employment Opportunity Commission, selected by the Commission.

[...]

(d) Duties.

(1) RECOMMENDATIONS REGARDING WORKPLACE CHALLENGES.

Beginning not later than 180 days after the date of enactment of this Act, the Task Force shall:

(A) examine the issues and challenges facing domestic workers who come forward to enforce their workplace rights;

(B) identify challenges agencies enforcing these workplace rights have in reaching domestic workers and enforcing, including by conducting hearings in each of the regions served by the regional offices of the Wage and Hour Division of the Department of Labor to hear directly from domestic workers, advocates, and officials or employees of such agencies in the regional and local areas; and

(C) develop a set of recommendations, including sample legislative language, on the best enforcement strategies to protect the workplace rights of domestic workers, including:

(i) how to reach, and enforce the rights of, domestic workers who work in private homes;

(ii) ways for Federal agencies to work together or conduct joint enforcement of workplace rights for domestic workers, as domestic workers who experience one type of violation are likely also experiencing other types of violations; and

(iii) ways the Task Force can work with State and local enforcement agencies on the enforcement of workplace rights for domestic workers.

(2) REPORT. By not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall prepare and submit a report to Congress regarding the recommendations described in paragraph (1)(C).

This section is extremely important because it provides a specific Task Force that would protect and monitor at a federal level while working with states and local agencies, the conditions of domestic workers, and it also aims to reach all those workers who don't know their rights or are too afraid to speak out.

On the other hand, Title VI- Fundings provides:

SEC. 401. TEMPORARY INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR MEDICAID-FUNDED SERVICES PROVIDED BY DOMESTIC WORKERS.<sup>9</sup>

Employees that work on casual basis in domestic services such as babysitting or employments that provide companionship services, are not included in the term "domestic worker". It follows what is described in section 13(a)(15) of the Labour Standard Act of 1938 (29 U.S.C. 213(a)(15)).

To summarise, this Bill of Rights would implement at the national level a lot of basic labour rights, and finally close legal gaps in federal and state legislation and civil rights laws. Including meal and rest breaks, sick days, it would avoid unfair wage deductions, guarantee affordable health care and benefits, strengthen the support networks for domestic workers who are victims of sexual harassment, and abuse in the workplace, and create a federal task force to monitor and enforce domestic workers' rights, represents a huge step forward for a better future.

Unfortunately, the Bill was only introduced to the House, and it has not passed yet. The fact that such a law has been proposed is in itself a wake-up call that the nation is changing, people are changing, also their needs. The problem is that the

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<sup>9</sup> It refers to H.R.4826 - Domestic Workers Bill of Rights Act, 117<sup>th</sup> Congress 2021-2022.  
<https://www.congress.gov/bill/117th-congress/house-bill/4826/text#toc-id4F1028AC85E14192A1DD94BA0188F026>.

politics of the United States is in constant oscillation and the leaders who are a part of it are very different from each other. And leaders are the representations of what is happening socially and politically in the nation and the rest of the world. The current situation worldwide is very delicate and there is the risk that the issue concerning domestic workers will take a back seat; especially if in the next 2024 Presidential elections Trump and the Republican party will win. During the past months, Texas Governor Greg Abbott endorsed Trump's comeback campaign for the White House, and they discussed strengthening immigration policies and enforcing border controls by increasing arrests. This political alliance could represent a threat to all the progress achieved at the federal level in recent years, and the hope that many Mexican domestic workers held in the National Domestic Workers Bill of Rights to improve the situation in Texas, might vanish.

Local organisations along with the NWDA will have to continue fighting and promoting new campaigns to change public and political leaders' opinions. Promoting the act of care as an essential element for the nation and as a driver of economic and social change can be a way to change things even in the most conservative states. Today something is already changing because, as previously said, the number of migrants in bigger cities such as Houston, Dallas, or Austin is rapidly increasing. Most of them, even those who are undocumented, have lived in Texas for decades and they have children who are U.S.-born citizens and have the right to vote. Also, those migrants who had not yet applied for citizenship because they didn't need it until that moment, might want to apply now so they can vote and change things. It is an aspect to take into consideration if we want to analyse the political, social, and cultural dynamics of a state.

## **CHAPTER 3**

### **3. Migration laws in Texas and Undocumented Women**

The State of Texas is known to be a red state, the colour of the Republican Party. From 1847, after the scission from Mexico to 1978, Texas has been ruled by Conservative Democrats. With the election of Republic Governor William P. Clements, things changed. Ronald Raegan's victory in 1980 was decisive to the influence Republicans would have in the State of Texas. Raegan, defined as the "Cowboy President", ranch owner, and horse-riding frontier individualist, seemed to be the perfect man to better represent the Texas people and American individualism heritage. He and George W. Bush were able to shift the Lone Star State (Texas) from a Democrat-dominated state into a more socialist conservative one (Dunham 2011).

In 2015, the Republican Governor Gregory Abbott was elected. His intentions were clear: creating new jobs and opportunities, strengthening the economy, protecting individual liberties, and securing the southern border. His beliefs rely on the federal government's incapacity to control illegal migrations and to manage the flows in and out of the country, especially in response of the Biden Administration's refusal to spend additional money on the cause. In the subchapter that follows I will be analysing the differences between federal and state immigration law enforcement, focusing on how state and local authorities are gaining more power over the federal government.

In March 2021, "Operation Lone Star" was launched by Texas Governor Abbott. It is a border security initiative that employs 500 Texas National Guard members and an additional 1,800 soldiers. Later in September 2021, he also directed one thousand more Department of Public Safety personnel and 400 additional Texas

National Guard members. In November 2021, the operation was upscaled with the employment of 10,000 more guards. National Guard members' role in this operation is to arrest people suspected of border-related crimes, smuggling, and human trafficking. Abbott also increased trespassing penalties for all those migrants who are caught illegally on private property or who are simply unlawfully on Texas soil. These policies inevitably brought some concerns (Hernandez 2022). But in the history of Texas policies, “Operation Lone Star” was not the first one implemented.

Another important border operation known as “Operation Hold the Line” in El Paso, Texas, set the standards for all the following border control plans. Implemented on September 19, 1993, it was a blockade strategy from one side of El Paso to the other (Meyers 2006). The Department of Justice defined it as the first successful plan that changed future illegal immigration policies and resulted in a 70% drop in El Paso Sectors detainments.. This operation influenced other border states such as California. The “Operation Gatekeeper” was a border control plan adopted on October 1, 1994, at Imperial Beach Station. According to the US Department of Justice archives, the operation’s purpose was to put a sufficient amount of police along the border so the number of people trying to enter the country would have fallen. The Border Patrol, the agency of the Immigration and Naturalization Service (INS), set three tiers of agents: the first ones were fixed on the border and deployed to prevent and observe, the second ones were located further north to contain those migrants who escaped the first line of defence, and the third ones were in charge with the apprehension of anyone who penetrated the first and the second line. The Violent Crime Control and Law Enforcement Act in 1994, was the largest crime bill in the history of the United States, with funding for prisons and prevention programs. According to the Office of Justice Programs (1994), the Crime Bill provided \$2.6 billion for the FBI, DEA, INS, US Attorneys, and other Justice Departments. Among other crimes such as sexual assaults, gang crimes, fraud, and domestic abuses, there was illegal immigration: the program gave \$1.2 billion for border control, criminal alien deportations, asylum reform, and a criminal alien tracking centre. They also invested \$1.8 billion in states that incarcerated illegal criminal aliens. In 1994, Imperial Beach Station, Chula Vista,

and Brown Field apprehended 345, 579 illegal migrants, 38% of all Mexican border detainments. Some border states' attempts to reduce illegal entries and criminal activities, especially in the border area, reveal the position regarding the issue of migration. These operations are a result of years of problematic relations between Mexico and the United States and they are a clear example of how migrants are perceived and treated in the receiving country.

It has been argued in many journals, such as Houston Chronicle, Houston Public Media, The Texan Tribune, and Texas Standard, that today Greg Abbott's security program is breaking federal laws, and is also violating US treaty commitments with Mexico. He has been accused of several serious allegations: denying basic human rights to asylum seekers by putting them at risk of death and injury, and arresting and detaining them without giving them the possibility to ask for an attorney. According to Texas law, criminals have the right to be assigned to a lawyer within three days if they ask for one, and state laws declare that the defendant must be released if the charge is not filed quickly. Abbott's border policies shifted the deadline from 15 to 30 days of detainment for those who have been incarcerated for trespassing. It is also argued that judges already released those illegally detained in 2021, but prolonged imprisonments did not stop. Other judges, such as the federal US District David Ezra, expressed concern also about the floating border barrier found in the Rio Grande. A 1,000-foot-long string of buoys in Eagle Pass, ordered by Abbott without proper federal authorization. Texas lawyers expressed their opinion on the matter declaring that the Rio Grande is not a 'navigable river' under federal law and, thereby is not a matter of federal jurisdiction. They also implied the floating barrier is indispensable as an exercise for self-defence in case of a possible immigrant "invasion" (Rose 2023). It is interesting to focus on Abbott's reasons for promoting Operation Lone Star, all based on possible or imminent threats. On May 31, 2021, the Governor issued a disaster declaration to Texas Secretary of State, Ruth Hughs. In the document, he specified that:

[...] Individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of [...] damage, injury, and loss of life and property, including

property damage, property crime, human trafficking, violent crime, threats to public health, and a violation of sovereignty and territorial integrity (Abbott 2021).

Among other things, he also highlighted the lack of cooperation of federal government and Biden's administration, accusing that open-border policies have enabled violence, human trafficking, crimes, and humanitarian crises. He relied on the Texas Disaster Act of 1975, which declares that the Governor is charged with the responsibility "for meeting the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code. Also, the Legislature, under Section 418.004(1), has classified the notion of "disaster" as "the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause" (Abbott 2021, 2). As a result, under Texas law, it is allowed to use "all available resources" to control the situation and employ trained personnel where needed. The Legislature also, under Section 12.50 of the Texas Penal Code, allows an increase of punishments for those criminals who committed the crime in the disaster area (Abbott 2021, 2). What can be deducted from this document is that Greg Abbott relied on the principle of disaster to give a legal purpose to his border security initiative. According to other journal sources, the Justice Department notified the State of Texas that it would be sued over Operation Star Lone and for overstepping federal jurisdiction of border security (Davis 2023).

But Abbott's racial political reforms didn't stop there. In 2021, the Senate passed Bill 3, 87<sup>th</sup> Legislature Section 1, also named 87(1) SB3, relating to instructional requirements and prohibitions to adopt in school. Among other things, the document presents a list of essential knowledge and skills that a student must have, from kindergarten through grade 12. The basic founding principles of the United States, such as the Declaration of Independence, the United States Constitution, the Federalist Papers, and the governmental institutions have been kept meanwhile others have been crossed out. The Chicano movement, women's suffrage and equal rights, the civil rights movement, the history of white supremacy, including the institution of slavery, the Ku Klux Klan, Martin Luther King Speech, Friederich

Douglas literature, the Universal Declaration of Human Rights have all been removed from the draft (87 [1] SB3).

According to the Senate, the purpose of the bill is to focus more on American principles and to be more transparent about American historical figures, without always necessarily referring to white supremacy. The risk of falling into a whitewash history is extremely high. Education is a fundamental step in children's lives and an accurate knowledge of different cultures and histories is crucial to overcoming systemic racism. Another bill that became state law and it went into effect in September 2021, is the Texas Heartbeat Bill which prohibits doctors from performing abortions if they detect a fetal heartbeat. This is another representation of Texas conservative ideologies that continue to penalise minorities and people who have no voice, such as migrants and women.

While I have addressed the State of Texas' main position towards immigration and racial issues, it is also important to understand why migrants are mostly undocumented. How can a migrant apply for a resident permit or even for asylum? How is it possible to get the documents? And why is it so difficult to legally enter the United States? Until the Immigration Act of 1924, migrating to the United States was easy, then, more restrictions and quotas, along with terrorist attacks in September 2001, made the process extremely complicated. Today, according to the U.S. Citizenship and Immigration Service (2020), as an immigrant, there are several ways to get a Green Card, also known as a Permanent Residency Card, to live and work permanently in the United States. However, applying for a Green Card is not an easy task and it will vary depending on the person's status. There are eight main eligibility categories: through family, employment, as a special immigrant, as a refugee or asylum seeker, human trafficking and crime victims, for victims of abuse, through registry, and other categories such as the Liberian Refugee Immigration Fairness, Diversity Immigrant Program and so on. Applying for Green Card both through family members and employment requires very specific rules, for example, you have to be a direct relative, such as a son/daughter/brother/sister or married to a US citizen or a lawful permanent residence. People who do not have a direct relative in the US cannot apply for a Green Card through family. However, a Green

Card through Refugee and Asylum Status is what concerns most immigrants. According to the 1951 Geneva Convention Relating to the Status of Refugee, every person can seek protection if they have suffered persecution or they fear persecution due to race, religion, nationality, membership of a particular social group, or political opinion. But in the United States, they can apply for an Asylum Green Card only if physically present on US soil, if they are not US citizens, and if they are not in proceedings in immigration court or before Board of Immigration Appeals. Once the I-589 application form is filled and a person is physically present in the United States for at least a year and continues to meet the criteria of asylum, then the I-485 Application to Register Permanent Residence or Adjust Status can be filled. Bars to adjustment include violation of immigration law and how you enter the United States. Almost the same criteria are applied for refugee status. Having listed some of the procedures and documents needed to be legally in the United States, it is important to underline that the government has limited the number of certain visas since President George H.W. Bush set new immigration quotas in the '90s. And these numbers are not sufficient to satisfy the millions of requests every year. However, visas are not the only thing that has number limitations, also the number of persons admitted to the United States as refugees is decided by the President and Congress. According to the MPI, Migration Policy Institute, in 2024, the ceiling was set at 125,000, the same for the previous two years. In 2021, the ceiling was set at 15,000, reaching the lowest level, and then shifted to 62,500.

Limitations on visas, admission for refugees, and difficulties in obtaining documents, all increased the number of undocumented migrants. Abbott's new accusations and arrests of whoever crosses the border, make migrants automatically illegible to legally apply for documents. The Migration Policy Institute data, from FY 2019, shows that the total of unauthorized people in Texas was 1,739,000, of which 67% are from Mexico, 47% are women, only a small percentage are married to a US citizen or a legal permanent resident, half of the total speaks English "not well/not at all", and 38% are above 200% of the poverty level. Manny Fernandez (2019), in the *New York Times*, argues that most undocumented women, waiting for border crossing, stay in stash houses, other's people private buildings used for

human trafficking, smuggling, or drugs. There, the smugglers, *coyotes*, rape them and beat them multiple times. Some of them report their case to the authorities or tell their story to journalists when being interviewed, but the majority won't denounce because afraid that the police will arrest them for their immigration status. When they are not raped by smugglers, they experience sexual and verbal abuse by Border Patrol agents. Those who are "lucky" manage to get a victim-related visa.

On October 26, 2023, new bills passed the House of Texas, such as House Bill 4 and House Bill 6, meanwhile, Senate Bill 4 already passed both chambers and it goes into effect in March 2024. HB4 made it legally possible for police officers to send back migrants who are entering illegally, a matter that should be of the federal government. HB6 increased the funding to secure the Texas-Mexico border, in addition to the state budget already in use for the construction of physical barriers. Finally, SB4 purpose is to increase penalty sentences for human smugglers and to dismantle stash houses, those where women are often abused (Allen 2023). It is important to explain more in detail the SB4 in order to better understand migrant's concern and fear over this new policy.

As I have already discussed, with this Bill Texas Police officers are allowed to stop and arrest people based on their physical appearance which is incredibly discriminating if we consider that most immigrants, especially those from Mexico, have specific somatic features. The Bill created a new chapter of the Penal Code (Chapter 51) which is "an act relating to prohibitions on the illegal entry into or illegal presence on this state by a person who is an alien".<sup>10</sup> The criminal offenses included in this chapter are "Illegal Entry From Foreign Nation", "Illegal Re-entry By Certain Aliens", and "Refusal to Comply With Order To Return To Foreign Nation". In addition to the police who can arrest people with little to no evidence, also the judges are authorized, under Texas law, to order to leave the United States. The order is legally-binding and if people do not respect it, even if they are U.S citizens, they can be punished as a second-degree felony. In January 2024, the Justice Department sued to prevent the enforcement of the law because

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<sup>10</sup> It refers to Senate Bill 4, 88th Texas Legislature (SS4), Section 2.  
<https://capitol.texas.gov/tlodocs/884/billtext/html/SB00004F.htm>.

unconstitutional, but it wouldn't be the first law to be unenforceable in the State of Texas. These policies have been supported by many voters and Texas Republicans want the U.S. Supreme Court to change their legal interpretation (Saputo 2024).

The State of Texas is today split into two: those who believe the federal government and the Biden Administration are not doing enough for southern states believing that they don't have a real perception of what is happening on the border, and those who are concerned that Abbott's executive power is overstepping federal jurisdiction and that his policies are worsening the already weak relationship between Texas and the Mexican community, as well as being a threat to basic human rights. These policies and operations are a result of years of problematic relations between Mexico and the United States and they are a clear example of how migrants are perceived and treated in the receiving country. After all, "Build the Wall", one of Trump's political campaign slogans, echoed in every home in America, strengthening the feeling of hate and fear. Although it has a long history of democratic governors, increasing migration flows inevitably changed Texas politics, making the State the worst scenario for those who try to cross the border.

In the public mind, the State of Texas is well known to be particularly unfriendly to Mexican migrants, but it is important to make geographical distinctions. First of all, it is important to distinguish between multicultural big cities like Austin, Houston, or Dallas and small towns in the countryside. As for other parts of the world, in more isolated areas where multiculturalism does not exist, it is easier to develop discriminatory ideologies. The State of Texas is the second largest state after Alaska which made it always difficult to manage law, people, politics, and everything that happens in the territory. Francesco Costa, journalist and expert in American studies, argues that in the cultural imaginary Texas resembles a 'self-made man', a state that gained its own independence from Mexico and established its own Republic before it was annexed to the United States. And it keeps being proud of its own culture and differences from other US states. Even the relationship between Texas and Mexican people slowly changed for the better, especially in the areas across the borders, where it is hard to distinguish the two cultures. A lot of Texas people believe Mexicans are a huge source of human labour, essential for the

economic growth that Texas has been experiencing in the last decades. Before 9/11, it was not unusual for Texas to give jobs to Mexicans, even if irregular, with the sole purpose of increasing employment in the country. As repeatedly emphasised in this work, terrorist attacks changed everything. George W. Bush believed the Mexico border was one of the causes of the presence of irregular immigrants in the country who posed a threat. The fear of migrants and “aliens” became greater and more serious, reinforcing migration laws and investing millions in border security patrols. This became the perfect scenario for Republican parties. Abbott’s endorsement of Donald Trump in his attempt to win a second term in 2024, clearly shows that he is not going to change his migration policies anytime soon. But migration flows aren’t decreasing, and Mexicans are finding their own way to cross the border and enter Texas. The Lone Star State is becoming one of the most powerful economies of the United States, people from different parts of the world are moving to Texas every day to find new job opportunities. Distances are shortening and cities that once were so far from each other, such as Dallas and Fort Worth, are today becoming one economic reality. Reinforcing migration policies or building walls is not going to change the situation, but it will only anger the Mexican community. In the worst-case scenario, it will increase the number of injured or dead people who try to cross the border without proper legal protection, as is already happening with women and children.

In the next subchapter, I will illustrate the general legal aspects between state and local jurisdiction and federal jurisdiction, highlighting whenever and how states are legitimate to enforce immigration laws and when they should not.

### **3.1. Differences between State Immigration Law and Federal Immigration Law**

The number of migration cases in the United States is uncountable and very complex. Only in the Mexico-Texas border region, as journals like the Houston Public News or the Houston Chronicle often report, thousands of people cross the

border every day trying to enter Texas. According to the latest October US Customs and Border Protection (CBP 2023) statistics, the Border Patrol (USBP) reports that in fiscal year 2023, they had 2.475.669 encounters, 96.725 more than in 2022, and more than double compared to 2020. About 17% of the total took place in El Paso, Texas. As a result, the federal government sometimes relies on the assistance of local and state governments to deal with specific situations.

However, it is important to make a distinction between state immigration laws and federal migration laws and how these laws are enforced on both levels. In order to do this, a report from the Congressional Research Service, the Congress' think tank, has been used to explain such distinction on the matter and it is meant to provide a general explanation and an overview of this topic. These reports are often written by academics, judges, journalists, policy advocates, and students who make accurate analyses of several policy issues. This report in particular has been written by Lisa M. Seghetti (2009), chief of the Administrative Office of the United States Courts.

The power to dictate who may enter the United States and who must stay resides only with the federal government, the Congress to be exact. To implement this power, Congress applied the Immigration and Nationality Act (INA) which provides a set of rules for legal immigration, deportation, naturalization, and enforcement. In case any of these rules are not respected, the federal government has also the power to set some penalties, which can be criminal or civil. It is important to distinguish these two types of penalties: the illegal presence on United States soil is a civil violation of the INA, so deportations and administrative processes are civil legal actions. Meanwhile, felonies and misdemeanours, crimes less serious than a felony, are dealt with in federal court. Congress has the exclusive authority to determine who enters and who stays in these proceedings because everyone has individual rights under the Constitution of the United States, but Congress can decide to delegate its authority to enforce those rules on immigration to states. States can have the 'inherent' authority, the power to act on behalf of a principal, to enforce the federal *criminal* law. Generally, the enforcement of criminal provisions means that the state's police have the power to arrest for

criminal acts on behalf of the federal government. Meanwhile, civil immigration laws are a matter of federal responsibility. State and local police officers cannot arrest someone solely because they are illegally on US soil, and they cannot deport them because it would mean committing a civil violation. It may be done only if the federal government authorizes the state. However, lately, the “inherent” authority started to shift to *civil* as well. The crucial rule is that state enforcement must always be concordant with federal authority. The Congress’ power over state law comes from the Supremacy Clause of the Constitution, Article VI, Clause 2, which establishes that federal law in general takes precedence over state law and state constitutions.

State and local involvement in immigration law enforcement is still an ongoing debate, in particular the role of the state to enforce *civil* laws. Both Carter and Raegan administrations emphasized the importance of cooperation between federal and state governments, however highlighting the exclusive federal role. Things changed after the terrorist attacks in September 2001 which led to an increase of the state police officers’ authority in the field of immigration enforcement. In 1996, section 287(g) was added to the Immigration and Nationality Act giving more flexibility to local state and local LEAs (law enforcement agencies) to perform federal immigration enforcement duties. In 2002 the first 287(g) agreement was signed. The OLC (Office of Legal Counsel) U.S. Department of Justice decreed that:

- 1) States have ‘inherent’ power, under the decision of the federal government, to arrest for violations of federal laws;
- 2) The 1996 OLC opinion that stated that federal law can preclude local police from arresting migrants was mistaken;
- 3) Section §1252c of the Antiterrorism and Effect Death Penalty Act of 1996 authorizes state police officers to arrest and detain an individual who is illegally present on United States soil, and who has been convicted of a felony after the local officials obtained confirmation from the Immigration and Naturalization Service about the status of the individual.

This is one of the policies implemented to overcome state and local government authority limitations. Another significant grant for authority is found in section §1357(g) of the eight United States Code (8 U.S.C). This authorizes the AG, the Secretary of Homeland Security, to make agreements with the state, to give police agents authority, and to meet local needs. It is important to remember that, in these cases, the federal government must always give the authorization first.

In the report I am focusing on, Lisa Seghetti also brings four law cases to understand how the court decides on the matter concerning law immigration enforcement by state and local authorities. One case she discusses is *Gonzalez v. City of Peoria*. The police of the City of Peoria arrested several illegal immigrants for criminal violations. The accused claimed it was a matter of federal government which would have pre-empted state action. The court, relying on the 8 U.S. Code §1324c, declared that when Congress “removed language limiting the enforcement of 1324 to federal officers and inserted specific language authorizing local enforcement, that it implicitly made the local enforcement authority as to all three criminal statutes (§§ 1324, 1325, 1326)”. The court declared that local authorities had the right to stop or detain suspicious individuals who were violating the *criminal* provisions of the INA. The *Gonzalez* court also argued that those provisions were not a matter of the federal government. On the other hand, regarding the debating *civil* provisions, they expressed the state still does not have the authority. However, this specific case did not respond to the Act that regulates authorized entry, length of stay, residence status, and deportation, which should have been a federal responsibility. *Gonzalez* was not concerned with this regulatory scheme. The decisions made by the court were later criticized because, to analyse the case, all the evaluation schemes should have been taken into consideration and not be based on an assumption. However, the final resolution seemed to have strengthened the role of the state.

The other significant case that shows the delicate relations between *civil* and *criminal* provisions, is *United States v. Salinas-Calderon*. Six individuals were found in the back of a truck by a state trooper. They later found out that the driver and the other six were in the country illegally. The court decided that the trooper

had the authority to investigate and eventually detain and arrest those people. Because of the lack of information on any criminal violations, the court applied both to civil and criminal violations. However, the court did not differentiate either civil and criminal INA violations or address the charges for the individuals found on the track. The final decision was only on the probable cause or suppression of the six-passenger statements. These law cases highlight the complex relationship between state and federal immigration law enforcement. Even though the court might address that local police does not have the authority to proceed on civil matters, some cases are so peculiar, or they lack information, that is difficult to legally define when the federal government should deal with the matter.

There are several concerns about the new policies and state involvement, such as the 8 U.S.C. §1252c. Civil rights violation is probably the most important. According to the U.S. Congress, the Fifth Amendment and the Fourteenth Amendment respectively guarantee that “no person shall ... be deprived of life, liberty or property, without the due process of law” and any state is prohibited to deny “to any person within its jurisdiction the equal protection of laws”.<sup>11</sup> Also, according to the US Department of Labour, Title VI of the Civil Rights Act of 1994, criminalises “discrimination under federally assisted programs on the ground of race”. Giving the authority to local officers in law enforcement considering the complexity of migration, can more likely raise problems. To distinguish criminals from asylum seekers and making arrests based solely on race and ethnicity is a complicated practice especially when police agents are not adequately trained.

Another important concern is the impact that these policies have on communities. Potential victims or witnesses of crime may fear direct contact with officials because they may worry that their actions could be taken against them. The relationship between authorities and minority groups is already complicated and these new policies could worsen it (Seghetti 2019). According to the National Immigration Forum, Senate Bill 4 which recently passed on October 26, 2023, in Texas, will encounter the same concerns stated above. This Bill will require more

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<sup>11</sup> It refers to Intro. 3.4 Civil War Amendments (Thirteenth, Fourteenth, and Fifteenth Amendments) U.S. Congress.

law enforcement in order to comply with U.S. Customs and Immigration Enforcement (ICE), the Department in charge of preventing terrorism and illegal movement of people and goods. It is also argued that SB 4 will weaken the relation of trust between immigrants and law enforcement police, so the community will not be kept safe. It will intensify racial profiling because it will restrict local agents from questioning individuals about their civil status. This will lead to a feeling of anger and a lack of trust among the community. Finally, SB4 will give more federal responsibilities to local law enforcement officials, reaffirming all the concerns previously listed by Lisa Seghetti. Similar bills are already pending in other states such as Florida, Louisiana, and North Carolina. The National Immigration Forum on Texas argues that Senate Bill 1070, which is similar to SB4, already passed in Arizona.

The fact that states and local authorities could be considered as sovereign entities could be a threat to individual civil rights. The United States history has always been permeated with stereotypes on migrants, especially Mexican people, often based on their ethnicity and gender. It is complicated to assume that local governments, such as the conservative State of Texas, will make impartial legal judgments on all those individuals who try to cross the border. Instead of implementing new resolutions to provide legal support, these policies are added solely to pursue an anti-immigrant agenda, by increasing the already existing complicated racial ideologies. Operation Lone Star, in Texas, is the perfect example of how people, and recently also women, are being arrested only with the charge of trespassing. These women are held in jails along with men convicted of low-level crimes, such as the Lopez State Jail, and they are victims of abuse and sexual assaults. Marisa Belausteguigoitia (2009) uses a quote from Ana Revilla which says that women of colour “*no viven muchos años*” because they die of “racial battle fatigue” (p.153). I think this definition perfectly suits the conditions these women have suffered through all their lives and that, somehow, it becomes the reason for their death. And for those who have been living for decades in the United States, or specifically Texas, the issue of citizenship is another enormous obstacle to overcome. Many undocumented women are not eligible to become citizens of the

United States because most of them are not eligible for a green card because they do not have family relationship, or legal employment. And for those who have qualifying relatives or employers, the ‘line’ is too long and waiting times are unsustainable. So, it doesn’t matter how long they have been in the United States, or how many years they have worked, they may never achieve legal status and ask for citizenship. Citizenship remains an important ‘tool’ for legal and social recognition and denying it could mean a worsening of relations with migrant communities.

Despite all these shortcomings, as we have seen, society is inevitably changing thanks to the efforts of thousands of women. In the next subchapter, I will illustrate some aspects that have changed thanks to their direct and indirect actions. From these changes, it can be assumed that even some of the more entrenched aspects of society may one day change and a new concept of *care* may be conceived.

### **3.2 How Domestic Workers Are Helping to Reshape the Society**

Domestic and care workers are rapidly increasing in the United States, and they represent one of the major workforces in the country. Despite having on their shoulders huge responsibilities every day, such as caring for a child or an elderly person, and making sure the house is clean and ready so that other people can go to work, are still not fully recognised under US law. Over the past few years, things have changed thanks to the courage of thousands of domestic workers who spoke out and fought for their recognition, and to the role of national and local organisations all over the country that contributed to launch campaigns, raised awareness among people and political leaders, promoted social and legal rights through an efficient oral and written communication. The achievements are many, not only legal but also social and cultural. Generally, political turmoil often brings changes, whether these changes are visible or not, and domestic workers have indeed become political subjects that are reshaping society. The impact and influence they have, I suggest can be grouped into five major points: economic, political, health care, women empowerment, and social impact.

### Economic

According to the National Domestic Workers Alliance's 2012 report,

Domestic workers are critical to the US economy. They help families meet many of the most basic physical, emotional, and social needs of the young and the old. They help to raise those who are learning to be fully contributing members of our society. They provide care and company for those whose working days are done, and who deserve ease and comfort in their older years (Burnham et.al 2012, 9).

They are part of that global care chain Hochschild describes in her writings, they stop caring for their children to start caring for someone else. Is not this itself an act of courage and importance? By taking up 'activities' such as these, they enable individuals to pursue employment and inevitably contribute to the nation's economic productivity. They provide well-being and efficiency at home so that other labour workforces can focus on their jobs and don't have the burden of domestic responsibilities. Especially, they support working families that often struggle between two jobs, domestic duties, children, and other needs. Some domestic and care workers sometimes start following entrepreneurial careers by opening their own business, such as cleaning agencies or childcare services. This eventually contributes to economic growth and the creation of new jobs in local communities. Finally, they provide health care and domestic services during the nation's economic crisis, such as COVID-19. During the pandemic, domestic workers who continued working even after their regular shift, experienced inadequate compensation, and those who were left at home didn't receive sufficient severance on their termination. The sudden contract termination of domestic workers is one of the major examples of the absence of job security, and during COVID-19 only aggravated. So, despite they were working for other citizens, and they were providing indispensable services during a huge period of crisis during which almost all other sectors stopped, they were not covered by any legal protections, such as adequate health insurance, clearly important during those months.

### Politics

Domestic workers as a collective force can have the power to influence politics, directly and indirectly. As a direct influence, through their activism, they were able to influence the social and political context of the country because of their crucial role in organizing and promoting campaigns. They bring attention to issues that are normally ignored such as low wages, labour rights, overtime pay, paid leave, which are all essential elements of fair labour. Indirectly, they give voice to other minorities, such as migrants, other women, or people of colour that are not protected by the law. Along with domestic workers, it has been plenty demonstrated how national and local organisations have the power to negotiate for better working conditions, by endorsing candidates or lobbying for the implementation of new regulations, such as the Domestic Workers Bill of Rights. Sheila Bapat (2014) argues how, as a result of domestic workers activism, they started to win some of the standard features of employment, such as a regular paycheck, or workers' compensation. In 1992, in California, they had one of the first major successes where the Service Employees International Union together with consumer advocacy groups, established legal employment between the state and care workers for collective bargaining. The latter represented a huge social change and a 'tool' to reduce the poverty rate and raise wages.

It is interesting that thanks to the domestic workers' coalition and the power of organisations, they were able to influence and inspire other groups of workers such as the Model Alliance, a nonprofit organisation that promotes better conditions for children and adults in the fashion industry. Sadly, many models start when they are still underage, and as independent contractors most models are rarely paid overtime. As women models, they also experience sexual harassment and pressure to engage in sexual intercourse at the workplace. As said, there are a lot of young girls that want to pursue a model career; for example, thousands of them go to New York every year to achieve that dream but they are not sufficiently protected. The Model Alliance, as the domestic workers organisations, started to educate policymakers about the issue, and the State of New York eventually introduced a legislation to

protect young models. Bapat (2015) quotes Anna Durrett, a spokesperson for the legislation, and explains how there wasn't enough awareness on this issue before the Model Alliance began to speak out.

As in the domestic workers' movement, workers across many sectors, from farm and retail to restaurant and fashion, are advocating for themselves in the face of grave economic conditions, winning results without relying on New Deal-era frameworks. (Bapat 2014, 139).

Another political aspect that should not be underestimated over which domestic workers have an indirect influence, is the issue of state vs. federal power. We have illustrated how many states have filled federal law gaps by implementing new bills and regulations, but we also understood that pushing for a national law is the best way to give universal obligations that all states must comply with.

### Health Care

In the National Domestic Workers Bill of Rights introduced to the House, there is a section concerning funding that expresses the federal medical assistance for Medicaid-funded services provided by domestic workers. This means that the federal government aims to improve existing programs, such as Medicaid, to make sure that domestic workers have access to affordable healthcare and savings for their retirement. According to the U.S. Department of Health and Human Services, Medicaid is a program that provides some healthcare payments to low-income families who fit into an eligibility group recognised by federal and state law. The healthcare system is a very delicate and complex issue in the United States and tends to exclude the most disadvantaged and low-income workers. Especially those who don't have a proper employment contract, such as domestic and care workers. A federal law that would guarantee more job security, such as employment contracts and adequate health assistance, can be a turning point for those workers who lack certain basic rights.

It is important to underline that, besides the influence domestic workers had on promoting at the federal level a better healthcare system for themselves and other minorities, they are an integral part of the functioning of the U.S. healthcare system. Through their work, they assist and help people with disabilities or those who have health issues. By offering in-home care services, they contribute to reducing pressure on hospitals and long-term facilities.

### Women empowerment

When we think of a way domestic workers are helping to reshape the nation, we probably think about their power to raise other women's awareness and the power to give them a voice. They are indirectly and directly helping women around the United States, but also around the world, to speak out, seek help, and redefine themselves as individual and political subjects. By meeting, uniting, talking, and exchanging experiences, they manage to represent an efficient support for many women every day. Empowerment through collective action is probably one of the most effective ways to achieve social, cultural, and political changes.

### Social

We often discuss how complex it is to change certain political dynamics. This is certainly true, but social change is also one of the most controversial challenges. Influencing the social context and reshaping it, requires the participation of the public, which is often still entrenched in its beliefs and rooted social paradigms. It is even more complicated especially when there is an unequal relationship, for example between a dominant group (i.e. white men), and a minority group, such as coloured women, perhaps migrants and from lower social classes. That kind of social change takes decades, sometimes centuries. But new generations since the 2000s, are slowly eradicating many stigmas that were typical of the last century generation. And along with them, the new generation of domestic workers is changing the course of society and politics. From being victims of a legacy of slavery and colonial cultural heritage, domestic workers, often migrants who crossed the border like many Mexican women workers, have become the voice of

new civil and workers' rights. They came out of the isolation that imprisoned them behind closed doors, and through union, they spoke out, they protested to be recognised and to make themselves visible to the world again. With the help of organisations, they have tried to make public opinion and politicians understand that care work is fundamental for society. Unfortunately, despite the efforts and new policies, some political aspects are difficult to eradicate, especially if we consider the United States to be one of the biggest countries with 50 culturally diverse autonomous states. Even if domestic workers are now included in some states' protections, these protections are rarely enforced. Sometimes there is a lack of funding to provide an efficient labour inspectorate, or the structure of domestic workers industry is so decentralized that is hard to reach the standard approach to enforcement, meanwhile other times migrants have difficulties in accessing the Department of Labour (Golberg 2015, 24). New York is an example of a lack of law enforcement: after the Domestic Workers Bill of Rights passed in 2010, even if the New York Department of Labour educated workers and employers on the Bill's rights, many employers remained ignorant of the provisions or chose to ignore them. New York is a state with thousands of domestic workers and the Department of Labour only had a limited number of investigators who were available to process the case (p.25). This is why an enforcement agenda is indispensable to make things properly work, especially the Federal Task Force proposed by the National Domestic Workers Bill of Rights.

However, real change comes from home. Without a new conception of domestic work, no one would be willing to comply with certain laws, or fully understand them. Real change comes from personal understanding and education. In *Caring Democracy* (2013), Joan Tronto discusses how care should be at the centre of political life and not only something associated with women. In the next subchapter, as a conclusion of this work, I attempt to illustrate how, thanks also to the influence of domestic workers, a democratic politics based on care can be re-designated, not as an act reserved to women, but as a fundamental aspect of the well-being of society. And that this new way of thinking may one day change the political dynamics of a conservative country, such as Texas.

The works of Joan Tronto in rethinking the act of care were decisive to my purpose.

### **3.3 Building A Caring and Economy in Texas: A New Way to Rethink Care**

In the previous Chapters, I analysed the reasons migrant women take domestic jobs: cultural background, poverty, lack of skills or education, and easier access to paid labour because, being most of them undocumented, they are employed with no contracts. I also discussed the reasons these women are often undocumented: in the United States the procedure for requesting documents is complicated and often time-consuming, and applying for a Green Card through employment is difficult if most of them are working illegally. But for low-class immigrant women working illegally is the only way to work in the first place. Unfortunately, most of the time it is a vicious circle from which they cannot escape. Many employers exploit these situations for their own benefits, to avoid taxes, to avoid paying sick days, or extra working hours. The reasons behind this are generally two: domestic work is still an invisible job as it is carried out behind closed doors in the private sphere, and it is not yet socially and legally recognised. Therefore, it is not even protected.

I have discussed in Chapter Two how it was possible through self-organizing, strikes, protests, and the role of national and local organisations, to achieve important legal recognition and how to capture the attention of public opinion and politicians. The right way of communicating was, in fact, a crucial aspect. They used campaigns, slogans, they shared their personal stories to reach people's emotional side, they used cinema and visual arts to reach as many audiences as possible, and they made interviews and surveys. But these mostly concerned direct actions and mobilization. What if changes started directly from a new consciousness instead of being necessarily a consequence of protest movements? And what if the act of *care* was perceived in a socially and politically different way? In this case, rethinking the act of care and its meaning can be a starting point. Joan Tronto makes an incredible contribution to this cause, and she calls for a rethinking of democratic politics through a new understanding of care, or what she defines a “democratic care revolution” (Tronto 2013, 6-7).

The notion of *care* has changed in the past centuries. During the pre-industrial era, women were a significant part of “production”. They made and sold clothes, food, or bread; they were part of corporations during the Modern Age, for example, they worked silk and leather, and they even took business administration jobs when their husbands were not home or, worse, died (Bellavitis 2016). They were part of the production of textiles, and they worked in factories. In any case, they were active subjects in the economy. The main difference from today was that most of these activities (not all of them) were done at home. When the space of production entirely shifted from the domestic environment to factories, someone had still to take care of the house and children. Eventually, women became the most ‘naturally’ suited, love-caring, and destined to take these kinds of responsibilities. Their reproductive role as mothers made them ‘biologically’ more inclined to *care*. Of course, today we are aware that the natural mother instinct is not entirely true, and it doesn’t apply to everyone, because post-partum depression has been scientifically recognized, women can become surrogates for other women, and many women started using infant food because they don’t have sufficient breastmilk (Tronto 2013, 71). However, society is a slow learner. The idea that men are supposed to care about bringing money home and providing for the family, while women are supposed to maintain the cult of ‘domesticity’, which means performing the necessary reproductive labour so men can go to work, is widely accepted in Western societies (p.80). Tronto argues about a set of social responsibilities that men have which do not contemplate care, and that she calls “protection” and “production”. Men are given a “pass” out of caring responsibilities. The “protection” pass, she claims, is the protection from external, internal harm and enemies and it has always been a crucial part of the responsibilities of citizenship. In the United States, the police and military power, for example, is extremely important for the society as a way to control, protect, and serve the public realm in the name of the government. They are seen as a form of non-caring care done by men and marked by masculinity outside the private sphere, and most importantly it is seen as masculine care rather than feminine. The second aspect, the “production” pass is the most known and studied and it is the one stated above. The shift between the public and private

sphere made men responsible for the material needs of the family and for producing what is valuable in the economy: durable goods. However, the second wave of feminism, between the 1960s and 1970s, contributed to change some social aspects and pushed more women to join the labour force. The result was that those able to join the public sphere and take public duties left the ‘dirty work’ (i.e. maintaining the household) to lower-class women. The racialization of already gendered responsibilities as a consequence of globalisation, economic and social changes, saw mostly immigrant-coloured women employed in these activities (Tronto 2013).

There are three main assumptions that are often made about care and political life, and these three arguments are proof of people’s unwillingness to recognise the need for a democratic thinking of care. The first belief is what we have discussed above: caring is only “natural”, and society works better if those who are “naturally” suited for caring do the care work. The second one is that care is a good or service like everything else, and the market is responsible for distributing it to people. If people need care, they will pay for it. The result is that care becomes a private service rather than a public one. Tronto also discusses this aspect in her books by explaining how the market model cannot be applied to care, but I will illustrate this later on in this chapter. The third argument she makes is that people believe the existing care crisis can be solved by letting globalisation provide new sources of caring labour. But as we discussed in Chapter Two, globalisation ignores justice, fairness, and equality but it only raises income gaps (Tronto 2013, 7-9). Her works aim to detach from these social beliefs and try to rethink care through several suggestions, such as reconsidering the notion of personal responsibility during the age of neoliberalism, the inability of the market to be caring, conceiving a new way of allocating caring responsibilities, and a change in the redistribution of power.

To begin with, in 1990, Tronto and Fisher gave a broad definition of care: “On the most general level, we suggest that caring be viewed as a species activity that includes everything that we do to maintain, continue, and repair our ‘world’ so that we can live in it as well as possible” (Tronto 2013, 19). By giving a more general definition, they argue that care is an activity that can include other forms of care, more specific and diverse, such as emotional, rational, or relational care. They also

offer a more specific but fundamental clarification about “nurturant” and “nonnurturant” caring. The first one concerns a relationship with a particular individual, whose health or well-being is improved through the act of caring. The second one is “caring directed to the physical world” (p.20), which means cleaning, doing laundry, and other ‘manual’ activities that are also considered care. The latter is most likely to be performed by lower-class women, often migrant and coloured. Tronto and Fisher give a further definition of the processes of care, identifying five important steps: *caring about*, when someone notices unmet caring needs; *caring for* when needs are identified and it is time to take responsibilities; *care-giving* which requires that care-giving work is done; *care-receiving* which refers to the response of the individual, thing, animal, plant that has received care. The fifth one is more specific and particular: *caring-with* that requires that needs and the ways these needs are met are compatible with democratic elements such as justice, freedom, and equality (p.23). The purpose of these definitions was to delineate the notion of care and make further assessments.

As previously stated, one of the main suggestions Tronto gives for a new conception of care is rethinking personal responsibilities. She claims that the most important task of democracy is to “affix responsibilities” (p.30), and since the United States is the neo-liberal country par excellence, some aspects about personal responsibilities must be reconsidered. Neoliberalism, as the economic system, sees federal interventions as a limitation, private property should be the first principle of government, and the market is the preferred method to allocate resources. This economic system should be supported by a limited liberal democracy and limited government involvement. Another important assumption of neoliberalism is that the market must be free to adjust, resolve disputes, allocate resources, and allow people to “choose” because freedom is only guaranteed to the extent that people can exercise choice. If people are not free to make choices in the market, society can be harmed. It follows that “neoliberalism is not only a description of economic life, it also an ethical system that posits that only personal responsibilities matter” (pp.37-38). Following the market’s rule, individuals are considered primarily as buyers and sellers, and considering that labour is the the first valuable good that can

be sold, individuals become workers and consumers. But the logic of consumption in capitalist and neoliberal societies is mostly individualistic and individualism doesn't get along with the act of caring.

Understanding the roots of individualism in the United States gives a better knowledge of why U.S. politics is structured in a certain way. In our case, Texas is probably one of the proudest independent states, and it is important to explain what personal responsibility means to Texas people. There is a general belief that American exceptionalism lies in the Revolutionary era being the United States the first democratic nation freed from colonialism. The idea that Americans were able to build a new democratic society where everything was possible and anyone could pursue their dream, represents the pillar of U.S. society. Individualism represented the right to act and think in a way that was far from restrictions and government control (Grabb et.al 1999). On the web page of the U.S. Department of State, it is claimed that:

Americans value independence and self-determination, placing importance on the role of the individual in shaping his or her own identity and destiny through one's choices, abilities, and efforts. Independence fosters one's ability to be self-reliant and self-sufficient, to be able to do what is necessary to create a fulfilling life for oneself and one's family (U.S. Department of State).

The part regarding self-reliance and self-sufficiency is helpful to understand when Tronto argues about the importance of admitting that the human being is vulnerable and that "we are care receivers" (Tronto 2013, 146). Recognising your own needs is essential to recognise that other have needs. The idea that asking for help is weak, or feminine, is one of the greatest forms of limitation. In this case, rethinking care requires citizens to think differently.

However, Texas is the reflection and the embodiment of individualism, independence, and self-sufficiency. I suggest Texas is the best representation of masculinity. In Chapter One, I described the historical background of the Lone Star State, how it won independence from Mexico, and the way the Republic of Texas was a sovereign nation before being annexed to the United States. Its unique history

represents great pride among citizens. Pride in being Texan is so great that if the custom of displaying flags around in the United States is well-known, in Texas the flags are much more and much bigger, and every wall, sign, t-shirt, and mug, has the image of the state of Texas on it. Most Texas citizens, especially those who live in rural areas, once made their livings in agriculture-based small towns (still today), or they were free-standing farmers. These circumstances eventually encouraged a sense of economic self-reliance and independence that turned into a more individualistic way of thinking and living (Grabb et.al 1999).

Greg Abbott, Governor of Texas, was, in fact, born in Wichita Falls, a more suburban area, where these ideologies are still strong. In 2022, Abbott, in one of his Twitter, wrote that “the spirit of Texas – rooted in rugged individualism, freedom & personal responsibility – makes the Lone Star State exceptional in every way”. One famous conservative think tank in Texas called Texas Public Policy Foundation has, as a promotional slogan, ‘free, personal responsibility, and free enterprise’<sup>12</sup>. These words are very similar to the words used by George W. Bush, also ex-Governor of Texas, in his First Inaugural Address: “America, at its best, is a place where personal responsibility is valued and expected [...] And we find that children and community are the commitments that set us free” (Bush 2001). According to Tronto (2013), the Bush administration’s policies demonstrated that personal responsibility meant if you fail to take care of your family or community, you as an individual are the one to blame. This politics is problematic in the way that personal responsibility can have anti-democratic effects when it exists as the only form of responsibility. Tronto gives the example of the difference in responsibilities between an upper-middle-class student who goes to college, lives in a dormitory, and attends every class, and a student who also works and takes care of a child or an elderly person. From the professor's point of view, the first student may seem more ‘responsible’, but responsibility can take different forms. “When we act as if all of the starting and ending points for everyone are the same, we miss an important feature of what justice might require” (pp.42-43). And in a society where people are

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<sup>12</sup> It refers to the Texas Public Policy Foundation.  
Available at <https://www.texaspolicy.com/about/>.

not willing to accept responsibilities besides their own, it is problematic to rethink care outside the household (p.43). The act of care cannot fall into the concept of personal responsibility because caring shouldn't be considered a choice one makes. Rethinking care means rethinking a state and a society that guarantee that everyone's needs are met, and citizens should be more committed to respect these values. Democratic care means that politics is willing to pay more attention to the concern of the people and their needs, because human beings are not "only or mainly creature of the market, they are creature of care" (p.45). The idea that the market is able to guarantee what people need, and freedom consist in pursuing this idea of life, is a myth.

The market is an important aspect to discuss if we want to suggest a new way to rethink care. I am not going to describe in depth the logic of the market because it is not the purpose of this thesis, but I will illustrate briefly why market is not a valuable form of caring. Since capitalism and neoliberalism consider market to be the best way to create conditions of freedom and democracy and the invisible hand is responsible to allocate and distribute good and service, the government and other public and social institution's involvement are a limitation. In this context, it is considered normal in American society to calculate everything in economic terms, such as the education in schools and the time spent with children. Most parents in the United States have jobs so they can provide everything for their children, but the time spent at work is time taken away to spend with their kids. So, the only way to provide the best quality of life for them is to buy the most expensive toys or pay for the best school. The sociologist Hochschild calls it "the time bind" (1997). The Bush administration adopted the "No Child Left Behind" policy which allowed parents to re-enrol children who received a bad education. All those schools that failed to achieve the same results as others were threatened with closure, like, Tronto argues, "products that did not sell on the market" (2013, 131). Differences in neighbourhood, in income or parent's background are not taken into account. The reality is that only to those parents with money is given the benefit of choice. And the paradox is that market makes you think there are plenty available choices for your children, but if the child fails or is left behind, the parents are blamed for not

taking advantage of “choices” (pp.131-132). The problem of injustice and inequality is clear. Within the society people are more inclined to meet their own caring needs, and usually “those with greater resources get more care” (p.136). The conclusion is that markets are not good at pricing these kinds of public services because they do not consider those ‘externalities’, such as costs and benefits, that go beyond the transaction, such as the cost of a child’s failure or the social benefit of a well-educated child. In addition, care is a very intimate action and involves emotional attachments and it will not respond to market forces (pp.115-119).

Understanding that economic production, the market, and the monetary aspect, are not the best way to support care, is fundamental. But in a democratic conception of care, there is also the need to allocate caring responsibilities. This is one the main aspects Tronto discusses in the book. The act of care is not only intimate, but it also implies the understanding of which people and institutions should be ‘employed’ in caring tasks. The first thing to eradicate when rethinking care is the assumption that women, without any possibility of choosing, and specific ethnic groups are supposed to take this role. The people excluded from this decision-making have always been those who did most of the caregiving and they were those least likely to receive it. For a new concept of democratic care, an equal distribution of care is necessary. So, the “protection” and “production” pass given to men should be reconsidered, along with middle-class women and men who were given the pass out of caring for others because they were busy in intense parenting and investing in their own children. It also applies for wealthier citizens who spend their money to support social institutions believing that charity is equal to caring, instead, it is only another way to support the logic of market (p.141). The lack of social inclusion in the United States society is quite evident as we have seen with domestic and care workers, or other discriminated groups. In order to achieve more social justice and inclusion people need to think of themselves as care receivers and accept their vulnerabilities, but most of all, the society requires a better redistribution of power. If domestic and care workers continue to be positioned at the bottom of the economic scale, if they continue to be marginalized by race and migration status, and lack basic human rights, the concept of care will never be revalued (p.148).

Tronto argues that citizens who are more supportive and willing to share a common purpose with others, are more likely to care for other people. At the same time, solidarity creates the prerequisite to pay attention to other's needs, and thus also willing to take care of them. Evaluating care instead of economic production by sharing important social values such as solidarity, freedom, justice, equality, can provide the basis for a caring democracy. It may also flatten hierarchies that are the root of social injustices. To provide evidence of this statement, Tronto reports the study of Robert Putnam (1993). He discovered that, when there are hierarchies of authority, those who hold a higher position in the hierarchy are less likely to share information with others. The result is a system unable to solve problems because of lack of communication. This aspect is interesting if we consider again the communication strategies used by domestic workers and organisation for their campaigns. They mostly share their personal stories to reach the public, increase a more sense of belonging and make people better understand the problem.

Less hierarchical authority patterns were more likely to produce shared views, and those shared views were more likely to result in social capital and wise action. [...] Undermining hierarchy seems to improve function when it requires people to work together as a team. (Tronto 2013, 157).

In conclusion, building a caring democracy is not an easy practice. The United States, as already discussed, is probably one of the countries more inclined to economic production than to public social welfare. There is a common belief that private care is the best solution over public care, because if capitalism and neoliberalism rely on individualism and self-reliance, people are able to take care of themselves and provide for their family. Meanwhile, those who need and receive public services must be unable to take care of themselves, they must be incompetent, and they must represent a burden to society (pp.144-145). To think of human beings as vulnerable and interdependent instead of autonomous rational actors is fundamental to revalue the importance of caring. As domestic workers continuously to share their stories as a 'tool' to improve society, on a broader sense,

people, from different social classes and cultural background, should sit down at the table and discuss how to renegotiate caring responsibilities. Everyone should acknowledge the benefits of collective action and that the act of caring is a fundamental aspect that gives meaning to people's lives and to the world. It is essential to rethink the nature of "production" and "protection", to rethink the role of the market in the society, to incentivise institutions to provide care, and not leave it to the family unit alone. These kinds of changes also require rethinking how the time is spent and its precious value in people's lives (p.170). A suggestion Tronto discusses is to make schools, business, grocery stores, and other public services schedules coincide with one another, so people don't have to make sacrifices and more time is left to take care.

What do all these arguments about rethinking care have to do with the lack of legal recognition, protection, and basic labour rights of domestic and care workers? A new way to rethink care should be the first step for a better society and to improve these women's working conditions. If all caring democratic citizens engage in promoting and revaluating care, they would inevitably also support higher wages for domestic workers. Furthermore, domestic and care workers would benefit from training and education, that would result in a better quality of services at the expense of their companies. They would also meet the workers' needs and make sure they work in better conditions. They would acknowledge the diversity of caring needs and create adequate social institutions that are suitable for everyone (pp.179-180).

If people continue to think that, as individuals, they don't need care, but they are able to provide for themselves and make their own choices, if they continue to think that the act of caring should only be performed by a certain category of people, such as women or people of colour, because they are more 'naturally' suited for these jobs, the act of caring will never be perceived as something valuable. But it will continue to remain in the shadow, invisible and unprotected. Conceiving the act of care as a fundamental aspect of improving everyone's life, is the best way to change society and all its aspects, such as laws, public health care, and institutions. And limiting the power of the market, allowing the government to intervene, to diminish the gap with citizens, and to invest in certain sectors that the market alone cannot

control, can be a way to empower federal laws. Strengthening federal authority can be a means to reach all those people living without protection in more conservative states.

Tronto contributes with both theoretical and practical suggestions for a structural change. I believe these aspects are incredibly helpful to rethink a better society and change some paradigms that are harmful to the community. But I consider this way of thinking still a bit far from the American collective imagination. The State of Texas is deeply eradicated in its belief and its pride as a former independent state. Individualism still persists especially in the remotest rural and suburban cities. It must also be considered that Texas is one of the largest oil and gas producers in the world, and it cannot escape from market laws. So, when we think about the political change within a country, several factors must be taken into account. And almost always, the driving factor is economic rather than social (also religious in the case of Texas).

However, in the previous chapters, I mentioned that Texas is changing. And when I mention Texas, I refer to the largest metropolitan and multicultural areas in the territory, such as Houston, Dallas-Fort Worth, and Austin. They are known to be the best cities for business opportunities, investments, better quality of life, and education. According to the U.S. Census Bureau, Texas reached 30 million people in 2022, becoming the second-most populous state after California.<sup>13</sup> Thousands of immigrants arrive in Texas every year, and the great majority are Mexican or more in general, Hispanic. The *Texas A&M* (2019) journal argues how the white population is not the majority anymore compared to other U.S. states and half of the children that are already resident in Texas are Hispanic. Using the American Community Survey data (ACS), it is reported that white women have fewer babies than Hispanic women, with an average of 1.5 babies for white women over their lifetime, and 1.9 for Hispanic. The other important difference is the age: Hispanic people tend to be more young than white people. Most cities in Texas, such as

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<sup>13</sup> It refers to U.S. Census Bureau data of 2022.

Available at <https://www.census.gov/library/stories/2023/03/texas-population-passes-the-30-million-mark-in-2022.html>.

Houston, have signs translated in two languages, English and Spanish. All these aspects have a direct and indirect influence on the social and political arena. Although being the majority, the Hispanic population is still strongly discriminated, and it does not benefit from the same job opportunities as other ethnic groups, especially white people. They are often employed in low-paid sectors, they live in poorer areas of the city, and they are often not protected by the law, such as in the case of Mexican domestic workers. Abbott's anti-immigration policies such as SB4, that allows the police to stop and arrest people based on their racial profile and those who cross the Mexico border illegally, and to grant judges to make illegal immigrants leave the country, represent a problem for the Hispanic community.

But what happens when a country hosting an ethnic majority does not meet their needs? People may want to vote to change things. It is important to underline that not all Hispanics are Democrats, instead many of them are conservatives mostly due to religious reasons, pillar of the Republican Party. But with the latest law that passed (SB4), things might go in a different direction. All U.S. citizens who are children of immigrants can vote, and those entitled to citizenship who had not yet applied because they didn't need it, may apply in the future for the purpose of voting. As the journalist Francesco Costa claims in one of his podcasts about Texas, it is not always easy to predict political change because it depends on many factors, such as the economy of the country, the decisions of candidates, or what is happening in the rest of the world. However, the rapid growth and the increase in diversity and multiculturalism might set the stage for more progressive ideas. It is possible, not proven, that could be a matter of decades before the Democratic Party wins the elections. And maybe one day, domestic workers will be able to get the attention they deserve.

This might be the ultimate form of all democratic citizens' responsibilities: to ensure that all are engaged in caring with others (Tronto 2013, 63).

## **Conclusion**

Domestic and care work still represents the lowest-paid and recognized sector in the world. Despite its importance within society as one of the primary sources of citizens' well-being, it has always been excluded from any form of legal protection. The exclusion from the Fair Labour Standard Act of 1938, a fundamental component of the New Deal, that was meant to protect workers by providing a federal minimum wage, overtime pay, and other social benefits, was a clear example of the United States' position toward domestic work. The reasons behind these forms of legal exclusion are several and multifaced. The United States has a long history of slavery, especially in the Southern states. This aspect is fundamental to understand why basic labour rights for Black workers and other minorities such as immigrant domestic workers, have been slowed down. Texas, the state I chose to analyse in this work, was the biggest of the Southern states and one of the major producers of cotton, sugar, and corn. Due to the large productive lands, agricultural labour was essential and African American slaves were the ones employed to do this kind of work. Along with farming and other activities (i.e. blacksmiths), enslaved women were forced to do domestic services, housekeeping, and childcare. In addition to the racial component, gender was clearly another discriminatory factor. Women have always been considered more 'naturally' suited to do domestic and caring work, mainly for their biological role of giving birth.

This element has often been used according to the needs of society. During the industrial era, when production shifted from the private to the public sphere and male labour was needed for economic growth, someone had to stay at home to take care of the children and the domestic sphere. Then, the home environment became a sanctuary to be preserved and where men could relax after a long day of work.

The housewife became thus this idealized figure always ready to meet the husbands' needs, unable to make any decisions because, in economic terms, the reproductive labour was not as valuable as the productive labour. When women were eventually integrated in the productive sphere, these duties did not disappear, but they were transferred to women in subordinate positions. Therefore, race, gender, and class became increasingly interdependent, as low-skilled, poor immigrant women started to be employed in certain sectors.

However, the legacy of slavery and gender roles are not the only factors to consider when discussing the dynamics behind domestic work. The informality of the sector, and consequently its invisibility, is also dictated by the policies of a country. Many domestic workers, especially those who live with their employers, are often employed without a contract. Not only is their work invisible because it is carried out in the private sphere and behind closed doors, but it lacks protection because often illegal. Many domestic workers are legally resident in the United States, but they still don't have a contract because employers refuse to pay taxes, overtime, or subsidies. Again, the reason stands behind the general belief that domestic work is not part of the productive sector, and therefore it is not considered worthy of inclusion among the jobs protected by law. However, it is important to emphasise that many domestic and care workers are illegally residing in the United States, and the reasons are different.

As discussed in this thesis, applying for documents is not an easy practice, also the number of visas is limited, and the costs are high. Illegal immigration is not well seen in the United States, especially by more conservative states. Texas, in this case, has very strict immigration policies that undermine the security of many migrants who try to cross the border. Most people from Mexico are not fleeing war or persecution but are often people and families who seek a better life. Texas Governor Abbott continues to implement policies to reinforce the border and empower the police, as he considers migrants to be a dangerous threat. The recent Senate Bill 4, which I discussed in the various chapters, is an example that Abbott's measures will neither change nor improve any time soon. The result is that many women who manage to cross the border and enter the country illegally because they are unable

to obtain documents are often employed in jobs without contracts. Moreover, if they experience any form of exploitation, abuse, or mistreatment, they hardly ever report it because they are afraid of being deported since the state does not protect them in any way.

Over the decades, at least in the rest of the United States, the situation for domestic workers has improved. Thousands of women gathered and organised to protest and formed alliances for the protection of their rights. Local organisations all over the territory were formed to bring women together from different cultural backgrounds and encourage them to talk, share, and speak out. The National Domestic Workers Alliance (NDWA), the nation's leading organisation, managed to achieve important results. The Domestic Workers Bill of Rights, which provides basic labour protections including paid sick leave, overtime pay, fair wages, and protections from abuses and other forms of discrimination, has been signed in ten states, including two cities and the District of Columbia. In Chapter Two I reported what I consider the most significant points of the various laws with the purpose of illustrating more in depth what has been legally achieved. I also discussed the National Domestic Workers Bill of Rights proposed by Vice President Harris and Representative Jayapal to Congress. The recognition of rights at the federal level represents the biggest challenge for all domestic workers and organisations as it would guarantee basic labour rights in those states where no law has yet been adopted. More importantly, in the bill, it has been proposed to create and fund an Interagency Task Force to ensure that the law is being respected and the rights protected. The bill also establishes a hotline for all those domestic workers that need support or seek help. These aspects are fundamental because they would incentivise many women to report, regardless of their immigration status, and would provide a greater protection wherever there is inadequate law enforcement.

There is still a long way to go and many challenges to face, but these changes represent an enormous impact on the history of the United States. The sense of community and collectivity that domestic workers have built over the years, has succeeded, in some ways and in some states, in overcoming the concept of individualism that has always permeated the United States. The experience of

sharing their stories, and their responsibilities, made it possible for other people to know and understand. When Joan Tronto discusses about the importance of solidarity as a means to learn from each other, incentive justice and equality, and flatten hierarchies, seems more concrete than ever. In a society where the market regulates all aspects of an individual's life, where economic production is considered more valuable than care, it is difficult to have time to think of others as well as oneself. Tronto's suggestion is to rethink the concept of *care* within a democratic politics, what she calls a democracy of care, where all citizens without any exclusion, collectively engage in reconsidering care as a fundamental aspect of society. This requires citizens to deconstruct all classist and patriarchal beliefs that see the exclusion of men and wealthier people from the act of caring, and to reconsider the market as a means and not an end in the lives of individuals.

Individualism, independence, and self-reliance, are still very strong feelings among Texas people. They mean great pride and they are often used as political propaganda. But throughout history, the process of migration has often brought together people with different cultural and political backgrounds incentivising multiculturalism, sharing, and solidarity. The purpose of this thesis was to analyse how a highly discriminated group of people such as domestic workers, has been able to influence the politics, economy, and society of a country complex as the United States. I illustrated how their impact was not equal across the territory, in fact, there are still deep gaps at the state and federal level. Especially in the state of Texas, where individualistic sentiments and anti-immigration policies, continue to limit the inclusion of domestic workers in all legal and social aspects. But Texas is also a state that is undergoing rapid economic growth, and it is experiencing an enormous demographic increase, especially by migrants from Mexico. From a political point of view, this kind of changes must not be underestimated, and one day it may be necessary to implement new policies that adapt to the needs of the population.

In this hypothetical scenario, domestic workers could finally achieve some important results even in a state like Texas and be the protagonist of a major political

change. In this sense, their demand for social and legal recognition represents “a political act that challenges some of the deepest of social inequalities” (Kaga 2012).

## Bibliography

- Abbott, G., Disaster Declaration, May 31, 2021.  
[https://gov.texas.gov/uploads/files/press/DISASTER\\_border\\_security\\_IMAGE\\_05-31-2021.pdf](https://gov.texas.gov/uploads/files/press/DISASTER_border_security_IMAGE_05-31-2021.pdf).
- Aigner-Varoz, E. (2000), “Metaphors of a Mestiza Consciousness: Anzaldúa's Borderlands/La Frontera”, in *MELUS*, Latino/a Identities, vo. 25, n. pp.47-62, Available at: <https://www.jstor.org/stable/468218>.
- Anzaldúa, G. (1987), *Bordelands/La Frontera*; trad. it, *Terre di Confine/La Frontera*, Firenze, Black Coffee, 2022.
- Aloè, E. (2019), “Unpaid Work, the Household and the Value of Time: An Analysis of the Effects of the Unequal Distribution of Unpaid Care and Domestic Work Within the Household and Beyond”, PhD Thesis, Università Sapienza di Roma. Available at <https://iris.uniroma1.it/handle/11573/1422722>.
- Allen, M. (2023), “Border security bills pass through Texas house”, *CBS7 Journal*, October 26, 2023, Available at: <https://www.cbs7.com/2023/10/26/border-security-bills-pass-through-texas-house/>.
- Assembly Bill A1470 of 2010, The New York State, Available at: <https://www.nysenate.gov/legislation/bills/2009/A1470/amendment/original>.
- Aulenbacher, B., Décieux, F. e Riegraf, B. (2018), “Capitalism goes care: Elder and childcare between market, state, profession, and family and questions of justice and inequality”, *Equality, Diversity and Inclusion, An International Journal*, vo. 37 n. 4, pp. 347-360, Available at: [Equality, Diversity and Inclusion | Emerald Insight](#).
- Bapat, S. (2014), *Part of the Family? Nannies, Housekeepers, Caregivers and the Battle for Domestic Workers' Rights*, Brooklyn, New York.
- Bauböck, R. (2006), “Citizenship and Migration – Concepts and Controversies”,

- In *Migration and Citizenship: Legal Status, Rights and Political Participation*, edited by Rainer Bauböck, Amsterdam University Press, pp. 15–32, Available at <http://www.jstor.org/stable/j.ctt46mvkf.6>
- Belausteguigoitia, M. (2009), “Borderlands/La Frontera: el feminismo chicano de Gloria Anzaldúa desde las fronteras geoculturales, disciplinarias y pedagógicas”, *Debate Feminista*, vo. 40, pp.149-169, Available at: <https://www.jstor.org/stable/42625120>.
- Bellavitis, A. (2016), *Il lavoro delle donne nelle città dell'Europa moderna*, Roma, Viella.
- Boris, E. e Klein, J. (2012), *Caring for America, Home Health Workers in the Shadow of the Welfare State*, Oxford University Press, New York.
- Brubaker, R., e Cooper, F. (2000), “Beyond ‘Identity’”, *Theory and Society*, vo. 29, n. 1, pp. 1-47, published by Springer, Available at: <https://www.jstor.org/stable/3108478>.
- Burnham, L., Moore, L. e Ohia, E. (2018), “Living in the Shadow: Latina Domestic Workers in the Texas-Mexico Border Region”, National Domestic Workers Alliance, New York, Available at: <https://www.domesticworkers.org/reports-and-publications/living-in-the-shadows-latina-domestic-workers-in-the-texas-mexico-border-region/>
- Burnham, L. e Theodore, N. (2012), “Home Economics The Invisible and Unregulated World of Domestic Work”, National Domestic Workers Alliance, New York. Available at: <https://www.domesticworkers.org/wp-content/uploads/2021/06/HomeEconomicsReport.pdf>.
- Campbell, R. B. (1984), “The End of Slavery in Texas: A Research Note”, from *The Southwestern Historical Quarterly*, vo. 88, n. 1, pp. 71-80, Available at: <https://www.jstor.org/stable/30239840>.
- Cheng, S. (2013), “Rethinking differences and inequalities at the age of globalisation, A case study of white immigrant domestic workers in the global city of Chicago”, *Equality, Diversity and Inclusion: An International Journal*, vo. 32 n. 6, pp. 537-556.

- Coronado, A. (2020), “Domestic Workers Fight for Inclusion in Labour Laws”, *Texas Observer*; May 28, 2020, Available at: <https://www.texasobserver.org/domestic-workers-texas-labor-rights/>.
- Cloud, C. (2010), “Gloria Anzaldua Gloria Anzaldua’s Borderlands: Pathway to Plur o a Pluralized Persona”, *Journal of South Texas English Studies*.
- Crenshaw, K. (1991), “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.” *Stanford Law Review*, vo. 43, n. 6, pp. 1241–99, Available at: <https://doi.org/10.2307/1229039>.
- Data collected by World Population Review, Immigrants by State 2024, Available at: <https://worldpopulationreview.com/state-rankings/immigrants-by-state>
- Davis, D. V. (2023), “Justice Department to sue Texas over Greg Abbott’s Operation Lone Star border security program”, *Houston Public Media*, July 21, 2023, Available: <https://www.houstonpublicmedia.org/articles/news/border/2023/07/21/457490/justice-department-to-sue-texas-over-greg-abbotts-operation-lone-star-border-security-program/>
- De la Luz Ibarra, M. (2003), “Buscando La Vida: Mexican Immigrant Women’s Memories of Home, Yearning, and Border Crossings”, *Frontiers: A Journal of Women Studies*, University of Nebraska Press, vo. 24, n. 2/3, Gender on the Borderlands, pp. 261-281, Available at: <https://www.jstor.org/stable/3347362>.
- De la Luz Ibarra, M. (2000), “Mexican Immigrant Women and the New Domestic Labour”, *Houman Organization*, Society for Applied Anthropology, vo.59, n.4, pp.452-464, Available at: <https://www.jstor.org/stable/44127241>.
- Department of Justice Available at: <https://oig.justice.gov/sites/default/files/archive/special/9807/gkp01.htm>
- DeVaan, B. (2022), “At Long Last, Congress Considers a National Domestic Workers Bill of Rights”, *Inequality*, Available at: <https://inequality.org/great-divide/congress-national-domestic-workers-bill-of-rights/>.
- Dunham, R. S. (2011), “Raegan Revolution changed the course of Texas politics”, *Houston Chronicle Journal*, February 6, 2011, Available at: <https://www.chron.com/news/houston-texas/article/Reagan-revolution-changed-the-course-of-Texas-1691429.php>.

- El-Sanabary, N. M. (1983), *Women and Work in the Third World: The Impact of Industrialization and Global Economic Interdependence*, Center for the Study, Education and Advancement of Women University of California, Berkeley.
- Fernandez, M. (2019), “You Have to Pay With Your Body’: The Hidden Nightmare of Sexual Violence on the Border”, *The New York Times*, March 3, 2019, Available at: [‘You Have to Pay With Your Body’: The Hidden Nightmare of Sexual Violence on the Border - The New York Times \(nytimes.com\)](https://www.nytimes.com/2019/03/03/us/immigration-sexual-violence.html).
- Federici, S. (2016), “ ‘We have seen other countries and have another culture’. Migrant domestic workers and the international production and circulation of feminist knowledge and organisation”, *Working USA: The Journal of Labour and Society*, pp 9-23.
- Federici, S. (1975), “Wages Against Housework”, published jointly by the Power of Women Collective and the FaDing Wall Press.
- Fernandes, S. (2021), “The domestic workers’ strike: migrant women, social reproduction and contentious labour organising”, *Feminist Review*, vo. 129, Issue1, Available: <https://journals.sagepub.com/doi/full/10.1177/01417789211041263#bibr13-01417789211041263>.
- FLSA of U.S. Department of Labour. Available at: <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa#2>
- Garcia, A. M. (1994), “Maids No More: The Transformation of Domestic Work”, *Frontiers: A Journal of Women Studies*, University of Nebraska Press, vo. 14, n. 3, pp. 171-180, Available at: <https://doi.org/10.2307/3346692>.
- Garofalo, G., Marchetti, S. e Kyritsis, P. (2017), *Domestic workers speaks: a global fight for rights and recognition*, published under a Creative Commons Attribution-Non Commercial 3.0 license, Available at: [Beyond Trafficking and Slavery | openDemocracy](https://www.opendemocracy.net/en/our-common-interest/beyond-trafficking-and-slavery/).
- Goldberg, H. (2015), “The Long Journey Home: The Contested Exclusion and Inclusion of Domestic Workers from Federal Wage and Hour Protections in the United States”, *International Labour Office*, Available at:

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_396235.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_396235.pdf).

- Grabb, E., Baer, D. e Curtis, J. (1999), “The Origins of American Individualism: Reconsidering the Historical Evidence”, *The Canadian Journal of Sociology / Cahiers canadiens de sociologie*, vo. 24, n. 4, pp. 511-53. Available at: <https://www.jstor.org/stable/3341789>.
- Hamilton, N. e Stoltz Chinchilla, N. (1991), “Central American Migration: A Framework for Analysis”, *Latin American Research Review*, vo.26, n.1, pp.75-110, Available at: <https://www.jstor.org/stable/2503765>.
- Harris, K., Jayapal, P. e Poo, A. (2018), “Change Begins at Home – and on the floor of Congress”, CNN, November 18, 2018, Available at: <https://edition.cnn.com/2018/11/29/opinions/domestic-workers-bill-of-rights-harris-poo-jayapal/index.html>
- Henton, L. (2022), “Hispanics Have Become the Majority Group In Texas. Now What?”, *Texas A&M*, October 10, 2022, Available at: <https://today.tamu.edu/2022/10/10/hispanics-have-become-the-majority-group-in-texas-now-what/>.
- H.R.4826 - Domestic Workers Bill of Rights Act, 117<sup>th</sup> Congress 2021-2022. Available at: <https://www.congress.gov/bill/117th-congress/house-bill/4826/text#toc-id4F1028AC85E14192A1DD94BA0188F026>.
- Henríquez-Betancor, M. (2012), “Anzaldúa and ‘the new mestiza’: A Chicana dives into collective identity”, *Language Value*, December 2012, vo. 4, n. 2, pp. 38-55.
- Hernandez, H. (2022), “What is Operation Lone Star? Gov. Greg Abbott’s controversial border mission, explain”, *The Texan Tribune*, Online Journal, March 30, 2022, Available at: <https://www.texastribune.org/2022/03/30/operation-lone-star-texas-explained/>.
- Hilgers, L. (2019), “Out of the shadows”, *The New York Times*, *The Future of Work*, Available at: <https://www.nytimes.com/interactive/2019/02/21/magazine/national-domestic-workers-alliance.html>.

- Hochschild, A. R. (1997), “The Time Bind: When Work Becomes Home and Home Becomes Work”, New York, Metropolitan Books.
- Hondagneu-Sotelo, P. (2006), “Narrating the New World Domestic Order”, IIS Discussion Paper n. 150, Available at: <https://ssrn.com/abstract=925656>.
- Hondagneu-Sotelo, P. (2000), “Feminism and Migration”, *The Annals of the American Academy of Political and Social Science*, vol. 571, Feminist Views of the Social Sciences, pp. 107-120. Available at: <https://www.jstor.org/stable/1049137>.
- Hyde, A. (2000), “Classification of U.S. Working People and Its Impact on Workers’ Protection, A report submitted to the International Labour Office”, International Labour Organization.
- Hutchison, E. Q. (2021), *Workers Like All the Rest of Them: Domestic Service and the Rights of Labor in Twentieth-Century Chile*, Duke University Press, Durham and London.
- International Monetary Fund (2008), “Globalization: A Brief Overview”, May 2008, Available at: <https://www.imf.org/external/np/exr/ib/2008/053008.htm>.
- International Labour Organisation, (2013) “Formalizing employment relationships in Domestic Work”, Making Decent Work a Reality for Domestic Worker in Africa: a regional knowledge sharing forum Dar es Salaam, Tanzania, pp. 28-30.
- Isin, E. e Wood, P. (1999), *Citizenship and Identity*, SAGE Publication, London.
- Kaga, M. (2012), “Domestic Work is Real Work’ Repoliticizing the Discourse on Gender, Citizenship, and Global Injustices”, *DPU Development Planning Unit*, London.
- Lacanche, P. (2019) “Olmec, Maya, Toltec, and Aztec civilizations – A brief overview”, 22 November, 2019, Available at: <http://pacelachance.com/olmec-maya-toltec-and-aztec-civilizations-a-brief-overview/>
- Latin American Programme (1986), *The Ideology of Feminism in the Southern Cone, 1900-1940*, Asunciòn Lavrin, Howard University, Number 169.

- Ledesma, I. (1995), "Texas Newspapers and Chicana Workers' Activism", *Western Historical Quarterly*, Oxford University Press, vo.26, no.3, pp.309-331, Available at: <https://www.jstor.org/stable/970655>.
- Lugo, B. M. (2015), "God, Children and Country: An In-depth Study of the Condition of Immigrant Illegality Through the Experiences of Mexican Domestic Workers in Dallas", Dissertation of the University of Texas at Austin, Available at: <https://repositories.lib.utexas.edu/bitstream/handle/2152/31683/LUGO-DISSERTATION-2015.pdf?sequence=1>.
- Luterman, S. (2023), "Biden Doesn't Need Congress for His Plan to Support Domestic Workers", *The Nation*, November 17, 2023 Available at: <https://www.thenation.com/article/society/biden-sample-agreements-domestic-workers/>.
- Lutz, H. e Palenga-Möllenbeck, E. (2012), "Care Workers, Care Drain, and Care Chains: Reflection on Care, Migration, and Citizenship", *Social Politics: International Studies in Gender, State and Society*, Oxford University Press, vol.19, n.1, pp. 15-37. Available at: [https://www.researchgate.net/publication/225050927\\_Care\\_Workers\\_Care\\_Drain\\_and\\_Care\\_Chains\\_Reflections\\_on\\_Care\\_Migration\\_and\\_Citizenship](https://www.researchgate.net/publication/225050927_Care_Workers_Care_Drain_and_Care_Chains_Reflections_on_Care_Migration_and_Citizenship).
- Marchetti, S., Cherubini, D. e Garofalo, G. (2021), *Global Domestic Workers, Intersectional Inequalities and Struggles for Rights*, Chapter Title "Feminism and Domestic Workers: Different Positionalities, Discursive Convergences", Bristol University Press, Available at: <https://www.jstor.org/stable/j.ctv209xn9k.10>.
- Marchetti, S. (2018), "Gender, migration and globalisation: an overview of the debates", in *Handbook of Migration and Globalisation*, Edited by Anna Triandafyllidou, Edward Elgar Publishing, Available at: <https://iris.unive.it/handle/10278/3700242>.
- Martinez, M. M. (2014), "Recuperating Histories of Violence in the Americas: Vernacular History-Making of the US-Mexico Border", *American Quarterly*,

- The Johns Hopkins University Press, vo.66, n.3, Special Issue: Las Americas Quarterly, pp. 661-689, Available at: <https://www.jstor.org/stable/43823424>.
- Meyers, D. W. (2006) “From Horseback to High-Tech: U.S. Border Enforcement”, *Migration Policy Institute*, February 1, 2006, Available at <https://www.migrationpolicy.org/article/horseback-high-tech-us-border-enforcement>.
- Metcalf, B. D. e J. Rees, C. (2010), “Gender, globalization and organization: exploring power, relations and intersections”, *Equality, Diversity and Inclusion: An International Journal*, vo. 29 n. 1, pp. 5-22. Available at: [Equality, Diversity and Inclusion | Emerald Insight](#).
- Migration Policy Institute, “Profile of the Unauthorized Population: Texas”, Available at: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/TX>.
- Modood, T. (2014), “Citizenship in a diverse and multicultural society”, in Peter Taylor-Gooby (ed.), *New Paradigms in Public Policy*, London, online edn, British Academy Scholarship Online, January 30, 2014, pp.103-137. Available at: <https://doi.org/10.5871/bacad/9780197264935.003.0005>.
- Moore, A. (2023), “The Bracero Program: Prelude to Cesar Chavez and the Farm Worker Movement”, *National Archives*, September 27, 2023. Available at: <https://prologue.blogs.archives.gov/2023/09/27/the-bracero-program-prelude-to-cesar-chavez-and-the-farm-worker-movement/>.
- Nadasen, P. (2023), *Care, The Highest Stage of Capitalism*, Chicago, Haymarket Books.
- National Domestic Workers Alliance, <https://www.domesticworkers.org/>.
- National Immigration Forum, “Five Things to Know about Texas’ SB 4 Bill”, Available at: <https://immigrationforum.org/wp-content/uploads/2017/05/SB-4-five-questions.pdf>
- New York Times (1997), “Mexico: Machismo Thrives in a Matriarchy”, September 19, 1977, Available at: <https://www.nytimes.com/1977/09/19/archives/mexico-machismo-thrives-in-a-matriarchy.html>

- Office of Justice Programs, “Violent Crime Control and Law Enforcement Act of 1994”, Available at: <https://www.ncjrs.gov/textfiles/billfs.txt>.
- Overfelt, R.C. (1995), “Mexican Revolution”, *Texas State Historical Association*, May 1, 1995, Available at: <https://www.tshaonline.org/handbook/entries/mexican-revolution>.
- Owen, D. (2005), “American Identity, Citizenship, and Multiculturalism”, September 2005. Available at: <https://www.civiced.org/pdfs/germanPaper0905/DianaOwen2005.pdf>.
- Poo, A. (2015), *The Age of Dignity: Preparing for the Elder Boom in a Changing America*, The New Press.
- Posson, A. (2023), “Domestic and Care Work Power Raises the Bar for All of Us”, *Every Texan*, September 8, 2023. Available at: <https://everytexan.org/2023/09/08/domestic-and-care-worker-power-raises-the-bar/>.
- Poston, D. e Sàenz R. (2019), “The US White Majority Will Soon Disappear Forever”, *Texas A&M Today*, May 6, 2019. Available at: <https://today.tamu.edu/2019/05/06/the-us-white-majority-will-soon-disappear-forever/>.
- President Biden’s orders regarding care workers regulations, April 18, 2023. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/18/executive-order-on-increasing-access-to-high-quality-care-and-supporting-caregivers/>
- President George W. Bush's Inaugural Address (2001), Available at: <https://georgewbush-whitehouse.archives.gov/news/inaugural-address.html>.
- Provenzano, S. (2021), “La donna chicana: ‘alienata dalla cultura madre e aliena nella cultura dominante””, *Visioni Latino Americane*, Numero 6, Gennaio 2012, Issn 2035-6633, Centro Studi per l’America Latina, Available at: <https://www.openstarts.units.it/server/api/core/bitstreams/f1936985-2e18-4210-acd4-80324c1aca2e/content>.

- Putnam, R. D. (1993), *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton, Princeton University Press.
- Rodriguez, J. K. (2010), “The construction of gender identities in public sector organisations in Latin America: A view of the Dominican Republic”, Department of Human Resource Management, University of Strathclyde, Glasgow, UK, *Equality, Diversity and Inclusion: An International Journal* vo. 29 n. 1, pp. 53-77, Available at: [Equality, Diversity and Inclusion | Emerald Insight](#).
- Rodriguez Omar, O. (2017), “A Sisterhood of Domestic Workers is Fighting Against SB 4”, *Texas Monthly*, September 25, 2017. Available at: <https://www.texasmonthly.com/the-daily-post/domestic-workers-sb-4-immigration/>.
- Romero, M. (1992), *Maid in the U.S.A.*, Routledge.
- Rosa, S. K. (2021), “The Wages for Housework Campaign Is As Relevant As Ever”, *Novara Media*, 21 March 2021, Available at: <https://novaramedia.com/2022/03/21/the-wages-for-housework-campaign-is-as-relevant-as-ever/>.
- Rose, J. (2023), “The floating border barrier in the Rio Grande must be removed, a federal judge rules”, *Texas Standard*, September 7, 2023. Available at: <https://www.texasstandard.org/stories/rio-grande-barriers-texas-buoy-border-removed-judge-rules/>
- Rosinska, A. (2022), “Whose Rights? Domestic Workers Organizing in Massachusetts”, *Social Politics: International Studies in Gender, State and Society*, vo. 30, n. 1, Available at: <https://academic.oup.com/sp/article-abstract/30/1/69/6705372?redirectedFrom=fulltext>.
- Rosinska, A. e Pellerito, E. (2022), “Pandemic Shock Absorbers: Domestic Workers’ Activism at the Intersection of Immigrant’s and Workers’ Rights”, Chapter in Book *Migration and Pandemics: Spaces of Solidarity and Spaces of Exception*, pp.123-144, Available at: [\(PDF\) Pandemic Shock Absorbers: Domestic Workers’ Activism at the Intersection of Immigrants’ and Workers’ Rights \(researchgate.net\)](#).

- Ruiz, O., Sanders, A. e Sommers, M. (1996), “Mexico’s Loss of Land: Perspective from Mexico and the United States”, *OAH Magazine of History*, vo. 10, n. 2, Latinos in the United States (Winter, 1996), pp. 24-35. Available at: <https://www.jstor.org/stable/25163068>.
- Saputo, P. (2014), “Texas Senate Bill 4: Analyzing SB4, Passed in 2023 & Taking Effect 2024”, *saputo toutexis*, February 5, 2024, Available at: <https://saputo.law/texas-criminal-law/texas-senate-bill-4-analyzing-sb4-passed-in-2023-taking-effect-2024/>.
- Seghetti, L. M. (2019), “Enforcing Immigration Law: The Role of State and Local Law Enforcement”, *Congressional Research Service*, March 11, 2019. Available at: <https://www.everycrsreport.com/reports/RL32270.html>
- Shekar, P. (2015), “Who Cares? The Politics of Making Domestic Work Visible”, *Reimagine, Poverty & the Environment*, vo. 20, n. 1, Arise!, pp. 77-80. Available at: <https://www.jstor.org/stable/43875793>.
- Stets, J. E. e Burke, P. J. (2000), “Identity Theory and Social Identity Theory”, *Social Psychology Quarterly*, vo. 63, n. 3, pp. 224-237, American Sociological Association, Available at: <https://www.jstor.org/stable/2695870>.
- Sutton, K. (2023), “Household Heroes: An Examination of Domestic Worker’s Rights in the United States and Mexico”, Honors College Theses, Murray State University, 2 May 2023. Available at: <https://digitalcommons.murraystate.edu/honorstheses/183/>.
- Senate Bill 232, State of Nevada, 2017. Available at: <https://trackbill.com/bill/nevada-senate-bill-232-enacts-the-domestic-workers-bill-of-rights/1414281/>
- Senate Bill 393, State of Connecticut, 2015. Available at: <https://www.cga.ct.gov/2016/ba/2016SB-00393-R000331-BA.htm>
- Senate Bill 2132, State of Massachusetts, 2014. Available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter148>.
- Senate Bill No. 535 S.D 1, State of Hawaii, 2013. Available at: [https://www.capitol.hawaii.gov/sessions/session2013/bills/SB535\\_SD1\\_.HTM](https://www.capitol.hawaii.gov/sessions/session2013/bills/SB535_SD1_.HTM)

Senate Bill 4, 88th Texas Legislature (SS4), Section 2, Available at:

<https://capitol.texas.gov/tlodocs/884/billtext/html/SB00004F.htm>

Senate Bill 3 87(1) Available at:

<https://capitol.texas.gov/tlodocs/871/billtext/pdf/SB00003I.pdf>.

Senate Bill 552, State of Oregon.

Senate Bill 8, Texas Heartbeat Act, 2021, Available at:

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00008F.pdf>.

Southwest Land Border Encounters data from U.S. Customs and Border

Protection. Available at: <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>.

Stets, J. E. e Burke, P. J. (2000), “Identity Theory and Social Identity Theory”,

*Social Psychology Quarterly*, vo. 63, n. 3, pp. 224-237, Available at:

<https://doi.org/10.2307/2695870>.

Texas Public Policy Foundation.

Available at: <https://www.texaspolicy.com/about/>.

Tronto, J. (2015), *Who Cares? How to Reshape a Democratic Politics*, trad. it.,

*Who Cares? Come Ripensare Una Politica Democratica*, Roma, Lit Edizioni s.a.s, 2023.

Tronto, J. (2013), *Caring Democracy, Markets, Equality, and Justice*, New York

University Press.

Tronto, J (1998), “An Ethic of Care”, *Generations: Journal of the American*

*Society on Aging*, vo. 22, n. 3, Ethics and Aging: Bringing the Issues Home, pp. 15-20. Available at: <https://www.jstor.org/stable/44875693>.

United States Annual Refugee Resettlement Ceilings and Number of Refugees

Admitted, 1980-Present, Migration Policy Institute, Available at: [U.S. Annual Refugee Resettlement Ceilings and Numb.. | migrationpolicy.org](https://www.migrationpolicy.org/annual-refugee-resettlement-ceilings-and-number).

United States Bureau of Labor Statistics data collection of all employees on private nonfarm payroll by industries sector, seasonally adjusted.

Available at: <https://www.bls.gov/news.release/empsit.t19.htm>.

United States Census Bureau, Geographic Mobility Data 2022. Available at:

<https://www.census.gov/data/tables/2022/demo/geographic-mobility/cps-2022.html>

U.S. Census Bureau data of 2022, “Texas Population Passes the 30-Million Mark in 2022”, Available at: <https://www.census.gov/library/stories/2023/03/texas-population-passes-the-30-million-mark-in-2022.html>.

United States Citizens and Immigration Service (gov.), “How to Apply for a Green Card”, Available at: <https://www.uscis.gov/green-card/how-to-apply-for-a-green-card>.

United States Citizenship and Immigration Service (2020), “Should I Consider U.S. Citizenship?”, Available at: <https://www.uscis.gov/citizenship/learn-about-citizenship/should-i-consider-us-citizenship>.

United States Congress Government, Intro.3.4 Civil War Amendments, Available at: [https://constitution.congress.gov/browse/essay/intro.3-4/ALDE\\_00000388/](https://constitution.congress.gov/browse/essay/intro.3-4/ALDE_00000388/)

United States Custom and Border Protection, Available at: <https://www.cbp.gov/>.

United States Department of Labour (.gov), Title VI, Civil Rights Act of 1964, Available at: <https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#:~:text=No%20person%20in%20the%20United,activity%20receiving%20Federal%20financial%20assistance.>

United States Department of State, “Independence”, Available at:

<https://www.state.gov/courses/answeringdifficultquestions/assets/m/resources/DifficultQuestions-AmericanValues.pdf>.

Vidal, M. (1971), “Chicana Speak Out, Women: New Voice of La Raza”, Pathfinder Press, Inc. 410 West Street New York.

Wage Order N.15-2001, State of California, 2001, amended.

Available at: <https://www.dir.ca.gov/IWC/IWCArticle15.pdf>.

Wooten, M. E. e Branch, E. H. (2012), “Defining Appropriate Labor: Race, Gender, and Idealization of Black Women in Domestic Service”, *Race, Gender & Class*, vo. 19, no. 3/4, Social Justice, Environmental Justice, New Racism,

and Race, Gender and Class , pp. 292-308. Available at:

<https://www.jstor.org/stable/43497500>.

§2000e (b), Chapter 21, Title VII of Civil Rights Act of 1964. Available at:

[https://uscode.house.gov/view.xhtml?req=\(title:42%20section:2000e%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:2000e%20edition:prelim)).