

# [***Opinion: The problem isn't Biden's 'illegal' gaffe***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BHV-46K1-JBSS-S2JP-00000-00&context=1516831)

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**Body**

(CNN) &#8212; In 2017, then-House Minority Leader Nancy Pelosi invited me to [*attend*](https://www.washingtonpost.com/posteverything/wp/2017/02/28/trump-could-deport-me-thats-why-im-at-his-speech-to-congress/) President Donald Trump's first address to a joint session of Congress, one of [*a few undocumented immigrants*](https://www.politico.com/story/2017/02/trump-speech-congress-2017-democrats-bring-undocumented-immigrants-235448) who were invited by Democratic leaders to the "People's House." Then, as now, immigration was central to Trump's election campaign. And then, as now, calling people like me "illegal" was a part of Trump's vocabulary, a signal to the right-wing, anti-immigrant media machine consumed by his voter base.

Seven years later, in Thursday's State of the Union address, President Joe Biden echoed Trump's dehumanizing rhetoric, [*referring*](https://www.cnn.com/videos/politics/2024/03/08/marjorie-taylor-greene-laken-riley-biden-state-of-the-union-vpx.cnn) to an [*undocumented immigrant who allegedly killed a young woman*](https://www.cnn.com/2024/02/24/us/uga-augusta-university-student-death-saturday/index.html) as "an illegal." Reacting to a clip of the moment on CNN, Pelosi [*remarked*](https://www.cnn.com/videos/politics/2024/03/08/pelosi-illegal-undocumented-biden-state-of-the-union-vpx.cnn), "He should have said 'undocumented,' but it's not a big thing."

And you know what? She's right. Even though Biden [*told*](https://www.nbcnews.com/politics/white-house/biden-says-regrets-reference-illegal-state-union-address-rcna142561) The Washington Post's Jonathan Capehart in an MSNBC interview Saturday that he regrets using that word - and a White House spokesperson felt the need to clarify today that the president [*"absolutely did not apologize"*](https://abcnews.go.com/Politics/biden-apologize-term-illegal-state-union-white-house/story?id=108016777) - it's not a big thing that a sitting US president referred to a group of people as "illegal." Obsessing over this single word loses sight of the more sobering reality that, in action and in copious, insidious words, Trump will be worse on immigration than Biden if reelected.

The gaffe does underscore the political reality that, in the Trump era, the country has veered right on immigration, and the language that shapes the anti-immigrant policies being pushed at almost all governmental levels reflects it. Though the Biden administration [*began by offering solutions*](https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/) intended to fix the immigration system that has been broken for decades, the White House is now in reelection mode and is under pressure to respond to public fears stirred by right-wing voices and media.

In 2021, [*Biden ordered*](https://www.washingtonpost.com/immigration/illegal-alien-assimilation/2021/04/19/9a2f878e-9ebc-11eb-b7a8-014b14aeb9e4_story.html) US immigration enforcement agencies to stop using terms such as "illegal alien" when referring to immigrants in the United States, a rebuke of terms widely used under Trump. Three years later, Biden was at the US-Mexico border [*inviting Trump to work with him*](https://www.nbcnews.com/politics/2024-election/trump-biden-collide-split-screen-trips-border-immigration-spotlight-rcna140899) to push Congress to pass "the toughest, most efficient, most effective border security bill this country's ever seen."

This is what it means to be undocumented in America: Though many of us have called this country our home for decades, paying local, state and federal taxes; though most major American cities would collapse [*without undocumented labor*](https://abcnews.go.com/US/immigrants-us-economy-disaster-experts/story?id=45533028); though we are a sizable portion of the population in our country's biggest states (an estimated 900,000 undocumented individuals in Florida and about 1.6 million in Texas, [*according to Pew Research Center*](https://www.pewresearch.org/short-reads/2023/11/16/what-we-know-about-unauthorized-immigrants-living-in-the-us/)), we are not a voter base.

Come election season, we are always on the menu, but we never get to order. We are pawns in a political game, a boogeyman rolled out regularly by both sides to scare up votes. For the right, it's "the left will legalize them and they'll all vote Democratic" - never mind that there are plenty of immigrants from all racial and ethnic backgrounds [*who identify as Republican*](https://www.pewresearch.org/religion/religious-landscape-study/compare/party-affiliation/by/state/among/immigrant-status/immigrants/). For the left, it's "the right will never legalize them" - never mind that undocumented people are very much aware of the complicated legacies of the Clinton and Obama administrations on immigration. And while immigration is a galvanizing electoral force on the right, the issue is rarely ever a priority for the left. "Illegal" does not mean anything meaningful or substantive - it's just vibes.

When I publicly [*disclosed*](https://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html) my undocumented status in 2011, I started Define American, a nonpartisan, narrative change nonprofit that serves as a resource to anyone interested in telling the stories of immigrants with the necessary facts, context and humanity. Key to understanding immigration as a process - how undocumented people like me can adjust our immigration status - is being aware of the nuances and complexity of legalization. Language is at the core of that understanding. Language is not a slice of the pie - it's the pan. It's how we understand the issue of immigration - and also how we misunderstand it. For years, as immigration has become a third rail in American ***politics***, advocates have worked to change language and center the humanity of immigrants, with wins such as the [*Drop the I-Word*](https://www.raceforward.org/practice/tools/drop-i-word) campaign. Unfortunately, for every dehumanizing or misleading term we get someone to drop or change, two more pop up.

Biden's use of the I-word should also be viewed in context with the current proliferation of the "migrant crime" narrative, which claims that migrants are bringing crime into the country. In 2022, research that Define American released with the Norman Lear Center [*revealed*](https://www.tpr.org/arts-culture/2022-12-12/report-40-of-tv-immigrant-characters-are-tied-to-crime-thats-too-much-and-a-misrepresentation) a shocking statistic: 40% of all migrant characters on scripted television shows aired between July 2020 and June 2022 were associated with crime, an all-time high since the survey was first conducted in 2018. In reality, however, native-born US citizens are [*more than twice as likely*](https://www.pnas.org/doi/full/10.1073/pnas.2014704117#:~:text=The%20gaps%20between%20native%2Dborn,be%20arrested%20for%20property%20crimes.) to be arrested for violent crimes as migrants. [*Migrants are 30% less likely*](https://siepr.stanford.edu/news/mythical-tie-between-immigration-and-crime#:~:text=The%20study%20reveals%20that%20first,are%20white%2C%20the%20study%20finds.) to be incarcerated than White people born in this country. The likelihood of a migrant being incarcerated is 60% lower than native-born Americans when the study also included Black Americans. As the relative size of the foreign-born population increases, the rate of violent crime, murder and robbery actually [*decreases*](https://www.tandfonline.com/doi/abs/10.1080/15377938.2016.1261057). If nothing else, Biden had a point when he [*asked*](https://www.usatoday.com/story/news/politics/elections/2024/03/09/biden-illegal-regret-laken-riley/72913808007/) during his State of the Union address, "But how many thousands of people are being killed by 'legals'?"

There is also a disturbing tendency for Americans to conflate migrants and asylum seekers, or to refer to asylees as a subcategory of migrants, which can have serious consequences. Last month, a vigilante group led by former New York City Republican mayoral candidate Curtis Sliwa [*tackled a Bronx resident*](https://www.cnn.com/videos/us/2024/02/08/fox-news-live-tv-guardian-angels-attack-man-cprog-orig-fj.cnn) during a live interview on Sean Hannity's Fox News show, misidentifying him as a migrant because he was "[*speaking Spanish*](https://apnews.com/article/guardian-angels-times-square-migrants-curtis-sliwa-dacb23b7cfe0679d12642bca116543d4)." This kind of xenophobic assumption comes as [*New York City Mayor Eric Adams*](https://www.nytimes.com/2023/09/07/nyregion/adams-migrants-destroy-nyc.html), a Democrat, gins up a migrant crime crisis while using "migrant" and "asylum seeker" interchangeably in communications.

"Migrant" is a broad term for people who move to another country. Some are lawfully admitted. Some are without status. "Asylum seeker[s]" or "asylee[s]," on the other hand, are a specifically defined and protected group in international law, because the situation in their country of origin makes it impossible for them to go home. People who are fleeing their home countries because they have credible fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group have a legal right to apply for asylum in this country. Referring to them incorrectly can put their lives and safety in jeopardy.

Suffice to say that Biden's "illegal" gaffe is but a tiny bump on the lexical hill up which undocumented activists and immigration advocates have been trying to roll a boulder since the turn of the millennium. Now, flattening the slope of that hill? That would truly be a big thing.

Words do matter. And on immigration, actions matter even more. It's not about what Biden ends up calling us. It's about what Biden does - and can do - to fight for millions of people like me who may have a voice but don't have a vote.

Opinion by Jose Antonio Vargas

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