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“El Que No Tiene Trabajo No Tiene Derecho A Nada, Solo A La Muerte”

The Experiences of Latinx Day Laborers in Memphis

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Rhodes Institute for Regional Studies 2017

Advisor: Dr. Shaolu Yu

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

Abstract

Although Latinx people are native to various regions of the United States; economic, social, cultural, educational, and political factors have drawn millions of documented and undocumented people in search of a better life. Migration trends amongst Latinx have historically been concentrated in the southeastern region of the United States. However, between 1990-2000 the American South experienced a wave of Latin American migration into the region. Although greatly reduced, alarming rates of Latinx population growth in the South continued through the following decade. Latinx people have prospered in several cities throughout the American South, transforming much of the landscape through their cultural and economic contributions.

This research specifically addresses Latinx day laborers currently living in Memphis, Tennessee. Memphis is well-known for its centrality in the Civil Rights Movement, and has specifically focused on labor rights. However, nearly thirty years have passed since Latinx communities settled in the city, and this population's voice continues to be missing from the Memphis narrative. Thus, this research aims to explore the lived experiences of undocumented Latinx day laborers to understand the challenges they must endure in order to sustain themselves. To comprehend these obstacles, an ethnography of the hiring site for day labor in the city was and a series of interview studies with Day Laborers were conducted. This study determines that this population is a target for exploitation by employers that perceive them as disposable bodies. Day laborers suffer from a variety of work-related abuses including wage theft that often neglected because this population is criminalized based on their migratory status. This research looks to recount the experiences of day laborers in the city of Memphis and understand how factors such as race, class, and migratory status affect labor experiences.

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

I. Introduction

According to research by the Pew Hispanic Center, the fastest growing population in the South are Latinxs.¹ Their presence and cultural diversity have disrupted the bi-racial constructions of a ‘Black’ and ‘White.’ This is because Latinxs inherently challenge notions of race due to their multifaceted identities that reflect not only skin color, but also nationality, Indigenous and/or African and/or Asian and/or European origin. Moreover, Latinx have historically had a complicated position in the racial and ethnic categorization in the United States because race in the U.S. is based on the construction of ‘whiteness’ (which originally only included Anglo-Saxons) created as the antithesis to blackness and racial slavery during the conception of the nation (Guerrero, 2017). This facilitated the connection between black people to slavery and poverty and white people to freedom and economic opportunity. Although Latinx did not fit into either category, they were nonetheless considered ‘colored’ and were forced to use the facilities for colored people during Jim Crow [See Figure 1.1] (Guerrero, 2017).



Figure 1.1:
Jim Crow era sign in the American South
El Paso Texas, February 20, 1929

¹ The Latinx identity in the United States has a historical complexity that continues to defy the prevailing notions of race. The term “Hispanic” is standardly used to classify people that have Latin American descent but are neither Black, White, Asian, or Native American. However, this classification is unreliable because “Hispanic” refers to linguistic traits, thus it only includes Spanish-speaking individuals. Due to the multifaceted nature of people from Latin America and the Caribbean, this term is not comprehensive enough to effectively describe people with Latin American roots. Alternatively, the diasporic term, Latinx, has increasingly gained popularity in the lexicon of public discourse. Latinx (pronounced “La-TEEN-ex”), is a gender-neutral term used to describe people of Mexican, Central American, South American, and Caribbean descent. It is also used to include people often excluded by the traditional binary gender labels such as male and female. The use of the term Latinx is part of a broader intellectual phenomena known as the “linguistic revolution,” thus it will be used to describe the focal population throughout this research study.

Latinxs immigrants in the United States have traditionally established communities at high rates of density in the southwest and north of the nation. Prior to 1990 Latinx people scarcely lived throughout the South because the region lacked linguistic and ethnic diversity (Smith, 2001). Yet, the decades that followed exhibited a social, political, and economic shift in which Latinx people were able to establish and develop communities, businesses, and organizations in the region. Their presence in the South became evident and their labor contributions have been particularly impactful. Throughout this time period, many Latinxs found success through the workforce and were able to experience social mobility. Yet, other Latinxs groups have yet to live above the poverty line. Various structural factors have contributed to the Latinx population's inability to accumulate capital, but the most discernable is the lack of documentation. Out of the eleven million undocumented individuals living in the United States, there are about 119,000 residing in Tennessee, the majority of which are Latinx (Passel and Cohn, 2016). Current state legislation prevents undocumented people from obtaining traditional jobs resulting in the need to settle for alternative forms of work, such as Day Labor.

Day Labor is defined by non-permanent work that is usually paid one day at a time (Workplace Fairness, 2017). Day Laborers perform manual labor such as landscaping, construction, carpentry and other mechanical jobs. Although Day Labor is presumed to consist of short-term contracts, often there are no actual contractual agreements, rather verbal arrangements are made between employers and workers (Valenzuela et. al, 2006). This has led to numerous cases of wage theft and a lack of employer accountability. Day Laborers typically work through temporary labor agencies or by waiting at a designated location, usually a popular street or corner, where employers pick up, negotiate with, and hire workers on the spot (Valenzuela et. al, 2006).

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

This research is a qualitative analysis of Latinx day laborers in Memphis that aims to understand the experience by contextualizing their racial, ethnic, linguistic, and migrant identities to the region. Moreover, it seeks to understand how racial categorization of Latinx people has shaped their status as Laborers. The purpose is to create a narrative of this population through the interview study and to help visualize it through an ethnography. The research study performed for this project takes place at the designated location for Day Labor in Memphis which is situated in one of the neighborhoods with high concentrations of Latinx people in the city, the Jackson Avenue Corridor. Outside a shopping center large groups of men gather and negotiate with employers that profit from cheap labor. This project performed an ethnography of the site and also conducted an interview study with fourteen Day Laborers. The evaluation of these major issues determines that the racial categorization of Latinx Day Laborers has disenfranchised this population and prevents them from mobilising and accessing basic services.

II. Latinx Migration Trends

Various historical, economic, and political factors have contributed to the vast numbers of people from Latin America migrating to the United States. Communities of homogenous national or ethnic identities have emerged and expanded in large cities and metropolitan areas throughout the nation. Latinx people are native to the United States, particularly in “Aztlán,” (Arizona, California, Colorado, New Mexico, and Texas) and since Florida and Texas were Spanish colonies (Smith and Furuseth, 2006). Yet as the United States has distinguished itself as the site for the “American Dream,” people from everywhere in Latin America have made the trek to *Los Estados Unidos* for a better life. The primary motivator for Latinx immigration is labor opportunity (Mendoza et. al, 2001). As workers in this country, about a quarter of Latinx people work low-wage and low-skill jobs (Quinnell, 2015). The vast majority are paid minimum wage,

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many are paid less, something that perpetuates poverty for the Latinx/Hispanic demographic at rates double the national average (Quinnell, 2015). Numerous obstacles and injustices transpire in the lives of Latinx workers that disenfranchise them and make them easy targets to exploit for labor. Nevertheless, Latinx people endure these hardships in the U.S. because they have far better opportunities than in the countries of origin. Thus, Latinx people continue to immigrate into the country at rates higher than any other demographic.

A significant feature of immigration is the development of geographic concentration. To facilitate their integration into a new country, immigrants from similar ethnic, national, and linguistic backgrounds tend to move into neighborhoods near each other and build community spaces (Massey, 2008). Moreover, these established migrant networks may provide reduced risks and financial cost for newcomers. Knowing that certain regions of the country are populated by other immigrants that have experienced crossing borders, finding shelter, and securing jobs eases the fear of those migrating internationally (Smith and Furuseth, 2006). Thus, Latinx immigrants in the U.S. tend to disproportionately establish large communities in what are now understood as “traditional settlement states,” which include: California, Illinois, New York, New Jersey, Texas, Florida, and New Mexico (Kochhar, 2005)

The early twentieth century and the post-1965 eras are recognized as time periods during which immigration into the United States emerged as a response to market expansion that structurally transformed economic globalization (Massey, 2008). Such policies are structural reasons that explain transnational migration throughout the century and determines patterns of global competition for jobs in which Latinx people have been utilized as disposable bodies for temporary labor. During World War II, the U.S. and Mexico signed the Mexican Farm Labor Agreement which commenced the Bracero program. This program brought in millions of

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Mexican workers into rural areas, predominantly California, for minimum-wage agricultural labor in exchange for citizenship (Zong and Batalova, 2016).

The next waves of Latinx migration into the United States can be linked to policy changes regarding immigration such as the Immigration Reform and Control Act and NAFTA. In October of 1986, Immigration Reform and Control Act (IRCA) was passed to defeat undocumented immigration (Molina, 2012). This required employers to attest to their employees' immigration status. This prevented the hiring of undocumented people, but also led to labor discrimination against Latinx people because employers avoided IRCA paperwork by not hiring workers that looked Latinx (Molina, 2012). Moreover, it granted amnesty to undocumented immigrants that had arrived prior to 1982 which had significant influence in the labor market, which became overwhelmingly Latinx throughout California (Massey, 2008). However, IRCA also worked to prevent further undocumented immigration by strengthening border patrol, something that often led those desperate to enter the United States to rely on *coyotes* and *polleros*², to be smuggled across the border (Molina, 2012).

While neoliberal policies such as the Immigration Reform and Control Act (IRCA) seemingly supported Immigrant rights, this Act also produced anti-immigrant sentiments with its allocation of funds to Border Patrol. Moreover, immigration is intrinsically motivated by the necessity for financial prosperity which is precipitated by global capitalism and its effects that continually undermine already vulnerable populations. NAFTA and the maquiladora phenomenon are clear examples. The North American Free Trade Agreement (NAFTA) was ratified in 1994 in order to establish free trade between Canada, the U.S., and Mexico (Gutierrez, 2013).. This allowed American firms to outsource production in Mexico and benefit from low-

² Coyotes or Polleros are Spanish slang terms referring to the individuals that help people travel into the United States. There are a variety of ways that coyotes or polleros travel including walking through deserts, floating through rivers, by underground tunnel, etc.

wage work in maquiladoras³. Maquiladoras provided numerous job opportunities but at the expense of dangerous working conditions and high exposure to toxic chemicals (Faux, 2003). As the U.S. Economy began slowing and China entered the WTO (World Trade Organization), the number of job opportunities in Mexico swiftly fell increasing abroad for Chinese workers willing to work for an eighth of the average Mexican wage (Faux, 2003). The effects of NAFTA can be characterized as sudden population growth throughout all of Latin America as well as an unexpected increase of both lawful and unlawful immigration into the United States (Gutierrez, 2013). This wave of immigration was anticipated to last a decade decreasing into the 2000s, yet unexpectedly went on a decade longer. Throughout this peak of undocumented immigration, an evident shift in geographic concentration of Latinx immigrants occurred.

Throughout the 1990s into the early 2000s, large numbers of Latinx immigrants began to establish communities in the United States South. Prior to the 1990s, Latinx people in the South were likely limited to temporary workers or visitors (Smith and Furuseth, 2006). Their transitional labor contributions became part of cyclic farming work that allowed workers to inhabit the Southern rural areas for only weeks or months at a time (Smith and Furuseth, 2006). Between 1990 and 2000 six southern states experienced extraordinary numbers of incoming Latinx immigrants in search of a new home.

III. From the New South to El Nuevo Sur

The Southern United States has historically been a region in which the political, social and economic structures have been shaped by the relationship between black and white people. Since settlement in the seventeenth century, the only influx of people into the area had been from Africa to perform slave labor (Smith, 2001). Due to its rurality, this region has strong ties to an

³ Factories of manufacturing plants 100% foreign owned in Mexico. Women were usually hired to work in maquiladoras because they have small nimble fingers and were able to effectively assemble production parts.

agricultural economy that for centuries produced a labor system based on slavery and sharecropping. The lack of industrial and urban centers throughout the years discouraged many of the millions of immigrants looking for labor opportunities, allowing the South's racial profile to remain binary (Smith. 2001). Nevertheless, the late nineteenth century brought cheap manufacturing labor into the region, establishing the 'New South.' This along with Civil Rights Movement policy allowed black workers to enter the labor market into low wage jobs generally as domestic servants, janitors, and in manufacturing plants. While this was essential for African American workers, the rise of the New South protected White supremacist political, social, and economic power over African Americans. The arrival of a third racial group, Latinxs, commenced a profound much of the established networks between Black and White Southerners.

'El Nuevo Sur' or the Latinx New South refers to the growing population of Latinx immigrants to the Southern geographic region of the United States that unfolded during the 1990s and has endured nearly three decades. This population has been able to transform the landscape through the incorporation of various transnational characteristics. This is something that is ethnographically evident when observing Latinx communities which consist of businesses and community centers using the Spanish language and Latinx symbols. Apart from evident cultural markers, Latinx labor has provided far-reaching effects to the developments in the economic framework of the South (Smith and Furuseth, 2006).

The intense revitalization of various economic structures in the South has attracted Latinx immigrants looking to find labor opportunities. The urban economy in the region during the 1990s is characterized as an active, service-oriented, and flourishing region for labor and production (Smith and Furuseth, 2006). The economic circumstances of the South during this period were perfect to receive an influx of workers because the rate of growth of manufacturing,

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

service and financial industry, construction, transportation, and public utility jobs increased (Kochhar, 2005). The abundance of jobs in the market and low-cost housing in the suburbs of large Southern cities lured millions of Latinx immigrants seeking labor and shelter. During this decade, the real gross domestic product increased by a rate of 3.7% and employment rose by at least 2% each year (Kochhar, 2005). The Southeast was one of the leading economically developing regions and added jobs at a faster rate than the national average (Kochhar, 2005). While Black and White workers began to occupy white-collar jobs in the region, Latinx workers filled in the growing sector of low-status or dangerous jobs. These jobs include “unpleasant food processing manufacturing, construction, landscaping, cleaning, and kitchen help” (Smith and Furuseth, 2006 pp.9) By the year 2000, nearly fifty percent of all Latinx workers were employed in either manufacturing or construction in the region (Kochhar, 2005) .

These factors supported the establishment of Latinx communities within the region as opposed to the previous patterns of temporary and transitional labor. The new migrant workers became trendsetters because their settlement led to astonishing population increments. The tremendous population increase can be attributed to Mexican labor migration. The individuals that made up the trendsetter demographic are generally young (median age: 27) and identify as men (63%). The majority are not high school graduates (62%) and are not fluent in English (57%) They are predominantly foreign born (57%) and lack legal status (more than 50%) (Kochhar, 2005). This fast-paced population growth was mainly concentrated in six Southeastern states: Arkansas Alabama, Georgia, North Carolina, South Carolina, and Tennessee. While this migration pattern is not unique to these six states, nor the South, what sets El Nuevo Sur apart is its current state of transition in contrast to the existing saturation in the traditional settlement states.

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Between 1990-2000, the population of Latinx grew an average of 288% throughout the six new settlement states. Moreover, this population more than doubled in a decade within four out of the six states: Georgia, North Carolina, Arkansas, and Tennessee (Mendoza et. al, 2001). By 2004 it became much more likely for Latinx people migrating to the United States to settle in the South than the following traditional settlement states: California, Illinois, New York, and New Jersey. Although the majority of the new population was mostly concentrated within cities, Latinxs also settled throughout suburban and rural areas (Smith, 2001). Despite the explosive growth of the Latinx community, this identity continued to be a minority throughout every new settlement state.

Tennessee is one of several states that experienced the pervasive effects of a growing population with differing cultural and linguistic characteristics. Between 1990 and 2000, statistics demonstrate that the Latinx population in Tennessee nearly tripled, estimating 92,763 Latinxs in the state (Smith and Furuseth, 2006). Tennessee during the 1990s housed the majority of its Latinx population in the Nashville metropolitan region, however there has been a surge in the Latinx community in other large cities including Memphis, Clarksville, and Chattanooga (Mendoza et. al, 2001). However, by the end of the decade Latinxs only made up 2.3 percent of the population in the state which has increased to 5.2 percent as of July 2016 (US Census, 2000, 2016). Latinx migration patterns in Tennessee demonstrate a lack of consistent settlement in a single area as is customary in the traditional settlement states. Latinx in the South have settled according to labor opportunity thus the populations of Latinx throughout Tennessee are scattered in four regions rather than a single metropolitan region (Smith and Furuseth, 2006).

Another unique characteristic of the new Latinx population in Tennessee, is the neighborhood composition. In traditional settlement areas, concentrations of immigrant

populations tend to arise inhabit large neighborhoods or barrios. This is not the case for the new settlement areas in Tennessee. Instead, there are smaller pocketed neighborhoods or apartment complexes dispersed throughout the cities that house Latinx residences and businesses (Smith and Furuseth, 2006). The dispersion of this population can be best explained by the flexible zoning regulations which have allowed low-income housing to exist throughout the cities⁴(Smith and Furuseth, 2006). What this information determines is that large numbers of Latinxs have settled in Southern regions contingent to their growing labor opportunities.

IV. Area of Study: Memphis, TN

The geographic focus of this research is within the city of Memphis, a demographic outlier within Tennessee due to its majority black racial population. There were an estimated 54,628 Latinxs in Memphis by 2001. Out of this population, there were an estimate 17,959 men and 9,470 women (Mendoza et. al, 2000). As of 2010, Latinxs made up 6.5 percent of the total population in Memphis (US Census, 2000, 2016). However, it is necessary to consider that this statistic (and others regarding undocumented immigrants) is most likely skewed due to the preservation of identity most undocumented people endure, this concept is commonly described as “living in the shadows.” Reflecting the patterns of the new Southern settlement states, the demographics of Latinx immigrants during the 1999-2000 period in Memphis indicate that most were born in Mexico. The majority were men (61%) with a median age of 26 (Mendoza, 2004). The median age for women was 24 and most (75%) were married. Although large portions (33%) of men lacked a high school education, most women had at least a high school diploma equivalent or more (Mendoza, 2004). According to Mendoza (2004) many Latinx immigrant

⁴ Several Latinx immigrant workers often occupy single hotel rooms or a single low-scale apartment. The flexible zoning laws allow these to be scattered throughout the city as opposed to stricter regulations in the large traditional settlement cities where low-rent housing is often strategically placed far from single-family homes (Smith and Furuseth, 2006).

households were generally overcrowded, holding three or more people per room. These homes usually housed large family units sometimes including grandparents, extended family, friends, or roommates renting a room (Mendoza, 2004). The areas that currently hold large populations of Latinx people in Memphis are in the Jackson Avenue Corridor, Binghamton, Parkway Village, Fox Meadows, and Southeast Memphis [See figures 9.1-3]

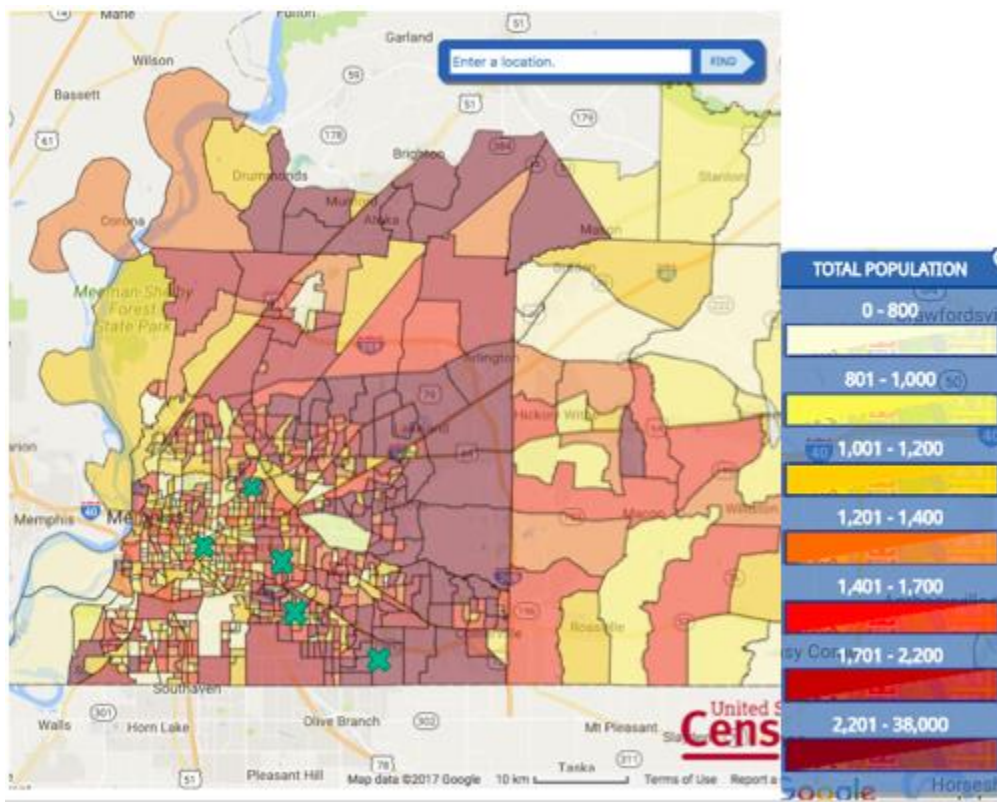


Figure 9.1 U.S. Census 2015

Throughout the decade of rapid population growth, there were an estimated 2,374 births in Shelby County to Latinx mothers, most of which were born in Mexico. Between 1993 until 1998 Latinx births within the city increased by 165 percent (Mendoza et. al, 2001). About 50% of married Latinx households had children under 18. Studies have indicated that these children

were more likely than children of U.S. born parents to live with both parents (Mendoza, 2004). These births, along with child immigration, led to the enrollment of Latinx children in the public and private school systems. Throughout the decade, the enrollment of Latinx students more than quadrupled in Memphis City and Shelby County schools. The proliferation of the Latinx population in Memphis has resulted in the necessity of a multi-lingual workforce to facilitate communication with Spanish-speaking clientele and led to the construction of various Latinx-owned businesses (Mendoza et. al, 2001).



Plaza Latina located in Southeast Memphis

Figure 9.2



El Mercado, located in Fox Meadows

Figure 9.3

Latinx Integration into Memphis

The growth in population of Latinx people has led to the opening of various culture-specific businesses throughout Memphis. In 1995, there was only a single business that catered to Latinx people. This increased to twenty-six businesses by 2000 and has since added dozens

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more restaurants, food trucks, *tiendas*⁵, nightclubs, bars, beauty salons, places of worship, and nonprofit organizations as of today [see Figures 10.1-3]. Further, Latinx people have also created unofficial businesses such as food preparation,⁶ childcare⁷, *curandera*⁸, shipment⁹, and entertainment services¹⁰. The establishment of these social services and social spaces have allowed Latinx immigrants to sustain their need of cultural and ethnic resources. Finally, the flow of information throughout Latinx communities is dispersed through Spanish-speaking newspapers and radio stations. These media sources distribute ethno specific information and advertise Latinx-owned businesses. The spaces in which Latinxs are allowed to communicate and create social networks with individuals of similar backgrounds promote cathartic experiences of storytelling, self-acknowledgement, and emotional relief. Such households, neighborhoods, and social spaces support transnational networks that have developed as a result of globalization.

⁵ A convenience store or small market that sells both local and imported cultural items including food, medicine, clothes, and other houseware.

⁶ Women often make large quantities of popular foods such as tamales or pupusas and sell them by the dozen. They sometimes sell them in their neighborhoods or in parking lots of popular markets.

⁷ Some women stay home and care for several children at once essentially running day-care from their own homes.

⁸ Traditional healing methods that provide mental, emotional, physical and spiritual remedies. People often seek these services for cultural reasons or because they cannot afford medical care at clinics or hospitals.

⁹ Some individuals drive back and forth from the United States to Mexico carrying packages that others pay them to take to their families back home. These packages usually contain clothing or electronics.

¹⁰ Some people rent out sets of chairs, tables, decorations, bouncy houses, and other party accessories. Others perform at social gatherings. These performances include clowns, dancers, mariachi bands etc.

Tienda



Figure 10.1

Beauty Salon



Figure 10.2

Flea Market



Figure 10.3

In addition to the cultural impact throughout the city, Latinx immigrants have also made important contributions to the local economy. According to a series of interviews by the Center for Research on Women (CROW) the majority of Latinx immigrants have indicated that they moved to Memphis for employment opportunities (Mendoza et. al, 2000). Throughout the latter half of 1990s, the Memphis economy flourished, providing an increase in jobs from 531,600 open positions to 586,300 in just five years. This left more than a quarter of new jobs available (Mendoza et. al 2001). Low unemployment rates allowed this population to obtain work within the growing trade, distribution, and construction industries despite barriers such as lack of education, English deficiency, and undocumented status (Mendoza et. al 2001). A survey study conducted by The Center for Research on Women at the University of Memphis demonstrates the type industries that employed Latinx workers.

The majority of Latinx workers' hourly wages ranged between \$7.00 and \$10.00. This population on average earned \$20,000 or less annually. Nevertheless, latinx workers are inclined to save up to 30% of their earnings (Mendoza et. al, 2000). This is likely due to their tendency to save money to return home and/or send large portions of their savings to their families in their countries of origin (Latinx in Memphis sent an estimated \$125.6 million in 2000). Between 2000-2001, Latinx people occupied 35, 972 jobs earning \$570.8 million dollars in wages and paying \$85.6 million in payroll/income taxes and \$12.3 million in local and state sales taxes (2000). Overall, Latinxs spent about \$359.6 million in the local economy making a total economic contribution of \$1,020,000,000 as workers and consumers (Mendoza et. al, 2000). All things considered, Latinx immigrants in Memphis have played a significant role in the economic development of the region.

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis,TN

V. Day Labor

Many of the economic contributions made to the city can be attributed to the work of *Jornaleros* or Day Laborers. Day labor is a nationwide phenomenon that has experienced growth due to the demand for cheap, disposable, and flexible work within labor markets (Valenzuela et al, 2009). The accessibility of the day labor market attracts individuals because often it is informal and does not involve paperwork nor requirements that undocumented workers lack. For many immigrant people, the day labor market is the initial source to jobs and income, however many permanently rely on temporary work for income. The day laborer population is usually characterized as young men that perform back-breaking labor. They attain temporary jobs lasting from a few hours to a few months of work at a time by performing manual labor such as landscaping, construction, carpentry and other mechanical jobs. To seek these jobs, Day Laborers typically work through temporary labor agencies or by waiting at *la esquina*, a designated location which is usually a popular street corner, where employers pick up, negotiate with, and hire workers on the spot. A significant majority (83%) of Day Laborers rely on their temporary work as a main source of income (Heyer, 2008). As a result, they perpetually remain below poverty lines and at the bottom of the income distribution tending to not exceed \$15,000 per year (Heyer, 2008).

Day labor is not exclusive to Latinx or migrant workers, but there are clear racial implications because media sources tend to portray day laborers as uneducated, undocumented, Mexican or Central Americans and that their “solicitation for work is criminal” (Valenzuela et al 2009). Although there are evident patterns linking Latinx immigration trends and day labor, it is necessary to recognize that employers knowingly hire such workers to their own advantage.

Day laborers are susceptible to various situations related to hazardous working conditions and wage theft. A study by UCLA's Center for the Study of Urban Poverty shows that nearly fifty percent of day laborers have experienced some form of wage theft, including false checks and underpayment (Valenzuela et. al 2009). This study also indicates that day laborers are subject to inhumane abuse such as denial to water, restroom, and food breaks (Valenzuela et. al 2009).

Finally, day laborers have exceedingly high rates of injuries on the job; 20% of surveyed workers have reported to have been hurt at work at least once (Valenzuela et. al 2009). The majority of these individuals did not receive medical care, most likely because they lack funds or fear giving personal information to hospitals that may reveal the immigration status. Many Day Laborers are indeed undocumented, thus they also do not report their employers for fear of deportation. Day Laborers also lack representation in Unions and often refuse to communicate their experiences because of language barriers, access to community spaces, and fear of revealing their migratory status.

Day labor is classified as a free or structureless market in which employers and employees are able to mediate short-term contracts. Day labor markets are also characterized as networks for fast cash with little requirements that view workers as "anonymous, interchangeable, warm bodies" (Bartley and Roberts, 2006). The perception that day laborers are expendable parts is quite common especially considering that the market consists of migrant workers pressed for work (Heyer, 2008). Employers are cognizant that a large portion of day laborers are undocumented, are not fluent in English, and do not know how to access legal assistance. Thus, making day laborers susceptible to wage theft, dangerous working conditions, deportation threats, physical violence, and other abuses. According to Abel Valenzuela (2009) workers dignity movement for day laborers is relatively new. However, this campaign faces

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tremendous obstacles, of which the immigration status of day laborers is the most challenging. Without a path to immigration reform, undocumented workers continue to be vulnerable to the exploitation they face by their employers.

Furthermore, day laborers in the city are affected by various structural challenges, yet the most prominent relates to their immigration status and Tennessee's policy on access to employment. The findings of this research indicated that the current legislative framework surrounding labor and immigration confine day laborers to temporary work due to lack of identification. Tennessee Law states that individuals must provide proof of "identity, legal presence and residency" in order to obtain any form of identification (Tennessee Department of Homeland Security, 2017). Such proof must come from a social security card, a U.S. birth certificate, or a document "issued by the United States Citizenship and Immigration Service" (Tennessee Department of Homeland Security, 2017). Undocumented individuals are ineligible for state identification in the state of Tennessee and are thus unable to access various basic resources that require identification such as purchasing a vehicle, driving, and applying for jobs with formal applications. Furthermore, the Tennessee Lawful Employment Act (TLEA) requires employers in the state to maintain a "legal workforce" by requiring all employees to provide proof of employment eligibility with a work authorization card, driver's licence, a U.S. passport, a U.S. birth certificate, a certificate of citizenship or naturalization (Tennessee Department of Homeland Security, 2017). Employers are held accountable for verifying their employees' eligibility within a week of being hired and will be sanctioned if they employ ineligible workers. Thus, undocumented workers must often rely on alternative forms of labor that do not require identification nor impose the employment verification system. Day labor is accessible but also the only option to many undocumented individuals in the city.

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

VI. Methods and Data

The data was collected through an ethnography of the day laborer hiring site, but is principally contingent upon a series of interview studies. An observation of the space in which day laborers convene and carpool to their work locations on pick-up trucks took place. Additionally, the environment was examined to provide sensory descriptions of the space and the demographics of the workers to analyze the number of day laborers, how long it typically takes to find a job, and the demographic information of the workers. The semi-structured interview study looks to find information on the participant day laborers' background such as their motivations to seek labor in the United States, how they arrived, the type of work they perform, their personal feelings and experiences as day laborers, and their familial situations. The participants were all working-class individuals that indicated they were undocumented. Further, the interviews investigated the integration of day laborers into the region and how their social context influences their daily lives. The recruitment of the majority of interview participants took place on site while they waited to be picked up for the day's work. A few others were recruited at an eatery adjunct to the site where several day-laborers eat and socialize. Because this investigation studied a vulnerable population, it maintained participant anonymity by withholding participants' names and other identifying information from the data collection process. Moreover, they did not sign an informed consent document, thus vocally affirming their participation to protect their privacy. They were briefed on the procedures, risks, and benefits of the study prior to participation with a document that will also be read to all the participants in their preferred language.

Race and Racial Relations

Participants in the interview study were asked a series of conversational and open ended questions that prompted them to talk about their lives as day laborers in the city of Memphis and how their identities supported such lived experiences. Throughout the fourteen total interviews, three major themes emerged that support the claim that the racial categorization of day laborers affects their experiences as workers: labor, identity, and integration. The majority (62%) of the participants identified the countries they were born in as Mexico. Meanwhile the next most popular country of origin was Guatemala (30%) and a single (7%) person claimed Nicaraguan as their nationality. The work performed by day laborers is often racialized, thus affecting the experiences of those that obtain the main source of their income through day labor. Their identities are central to their conception of the city. Appendix B considers various characteristics central to the identities of the population studied. When asked what the motivating factors for migration into the United States, most looked for an improvement in their lifestyles through higher paying jobs. This information reflects just about every study on push and pull factors for migration. All the participants in the study stated they were undocumented or alluded to the fact. The participants were asked about their experiences in the city on the basis of their individual identities [Appendix C]. The interviewees were asked how they identify and half answered that they identify by their nationality. Others said things along the lines of “Latino or Hispanic, we are all the same.” Moreover, the individuals were questioned on how that identity played a role in their experience in Memphis or in the United States as a whole. The answers stimulated an interesting conversation around the Latinx identity in the south and race relations.

Many of the participants revealed their feeling toward other racial identities. Many of them claimed to dislike or be afraid of African Americans. This can be best explained by past

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

experiences that typically involved some form of theft. Many Latinx interviewees also claimed to be afraid to report that information to the authorities because they feared police due to their immigration status or because they would not be able to communicate with them. Several of the participants state that they knew they were targets because their perpetrators knew they would face no repercussions for their actions. It is well-known that Latinxs often carry cash because their migration status does not allow them to open bank accounts and carry cards. Although this information is true, there are evident notions of anti-blackness that are popular in Latin American culture and carry over into the United States South. Other explanations for racial tensions amongst these groups of people can be traced to labor competition and the idea that these two racial groups are at odds to find a job in the United States.

Although more answers with distinct information on how race impacts experience were expected, many interviewees claimed that they were actually relieved to be in the United States because it was much safer and provided a better lifestyle than their countries of origin. Nevertheless their neighborhoods can maybe attest to these experiences because the majority of the participants in the study stated that they lived in majority Latinx neighborhoods. This has provided, to some degree, a safety net from discrimination and has likely facilitated individuals' integration into the city. Various sources state that immigrants tend to settle in areas with already existing concentrations of other immigrant people, which is true for Memphis and for the interviewees. Their settlement into these areas was strategic and allowed them to rely on their neighbors for support and guidance when navigating a new city and nation.

The majority of interviewees stated that their sources of difficulty can be attributed to their lack of documentation, resulting in job insecurity or language barriers. Overall, the tone of the interviews were quite positive as the participants experienced a sense of relief and progress

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living in the United States. Many of the interviewees stated that they hope to return to their countries of origin for sentimental and family reasons, but that they have a sense of responsibility to stay in the United States because their work generates money.

Demographics

The interview participants were all Latinx men with ages ranging from 25-50. The median length of time living in the U.S. amongst the surveyed day laborers was 12 years and an average of 12.8 years. The majority of them have lived in the United States for at least a decade; the most years spent in the U.S. amongst participants was 28 years (arriving in 1991, during the Latinx population boom in Memphis) and the shortest recorded time was 7 months. [Appendix A] demonstrates that individuals from Mexico have lived in the U.S. for longer periods of time than those from Guatemala, this can be attributed to peak of Central American immigration to the United States during the 2010s (Lesser, 2017).

The types of jobs performed by the participants in the study varied, especially because the day laborers reported that they worked a variety of manual labor tasks and that they were willing to learn on the spot if they were hired to do something unfamiliar. Many state they do “un poquito de todo,” a little bit of everything. However, there were consistencies in construction, landscaping/yard work, and electrical work. The data proved that the vast majority of labor performed by the participants were in urban or suburban settings. Yet, there was an exceptional sample that claimed agricultural labor as their main source of income and even shared images of the field he worked in and described the work as removing weeds and picking cotton.

VII. Findings

The ethnography and interview study indicated that the structural obstacles to stable income have strongly impacted latinx undocumented day laborers resulting in three principal consequences. First, they overwhelmingly suffer from wage theft. Second, they regularly suffer from injuries while on the job without access to medical services nor workers' compensation. These two factors contribute to the final consequence in which day laborers live in constant poverty and have difficulties moving upward in the social strata. Without widespread recognition, day laborers in Memphis will continue to suffer from the injustices they face today.

The hiring site for day laborers in Memphis can be found in the Jackson Avenue corridor outside a shopping center on one of the busiest streets in the area. The location is in an urban setting that is worn down, which is evident from the disintegrating paved roads. Wearing baseball caps and work boots, day laborers begin arriving at the hiring site at around 6:00 in the morning during the week, but begin the day a bit later on Saturday mornings at about 7:30 AM. While some day laborers drive to the site and leave their vehicles parked as they wait, others walk 3-4 hours from their homes daily. Between 60-85 day laborers show up on an average week day, but the numbers can increase up to 120 workers especially on Saturday mornings. The rise in day labor on weekends can be attributed to individuals having regular jobs during the week and performing day labor on their day off for extra money. Although research communicates that day laborers are generally young, empirical data suggests otherwise. Although a few young men were identified, the majority of the workers appeared to be at least 40 years old, perhaps implying that the same population has aged and continues to use the hiring site. It is possible that younger generations do not rely on day labor because manufacturing work is more accessible and pays better. Nearly all the day laborers were latinx, although some African American individuals

did seek for jobs at the site. Not a single identifiable woman used the hiring site to find work throughout the ethnographic study.

The hiring process commenced with an employer arriving on site typically driving a pickup truck with ladders tied to the back and a variety of tools and equipment in the bed of the truck. As they pulled up to the parking lot, day laborers ran up, swarming the vehicle in attempt to negotiate hours and prices. While chatting with a day laborer and observing the process, they commented “mira, rapido como moscas” meaning “look, fast like flies”. Once an agreement was settled one to a few workers hopped in the vehicle or trailed behind on their own and headed off to work for the day. One Saturday morning it took forty-five minutes between the first arrival of an employer for the next to arrive. The men find it quite difficult to find work due to their immigration status. An interviewee stated “ el que no tiene trabajo, no tiene derecho a nada, solo la muerte,” meaning “he who has no job, has a right to nothing, only death.”

The workers gather beneath a business sign under which several benches allow individuals to sit and socialize meanwhile they wait for employers to arrive [See figure 12.1]. The site also houses a couple of food vendors that sell Latinx food and drinks. Many day laborers eat here daily before their work day begins and utilize the site as a social space. It is evident that the workers have befriended one another as they have intimate conversations retelling each other about their lives in their home countries. There is also a gas station next to the site where pick-up trucks and work vans fill their gas tanks before commencing their commute. The rhythm of the gas station movement is very fast-paced in contrast to the slow waiting and lingering experienced by the the day laborers outside the business next door. After getting acquainted with the space, fourteen interviews were able to take place.



Figure 12. 1

Wage Theft

While interviewing a day laborer and observing the hiring process, one employer pulled up and no men seemed to flock in search of negotiating work. The interviewee revealed that he had worked for this employer cleaning a barn out and unfortunately was paid less than promised. Moreover, the employer did not allow the interviewee to take a lunch break. This indicates that workers communicate and warn each other about fraudulent employers.

A great deal of day laborers nationwide report to have experienced wage theft. This particular study found that nine of fourteen (64%) surveyed day laborers had received only a portion or none of their deserved payment at least one time. When asked whether they had experienced wage theft, several participants scoffed and made remarks such as “obviously, that’s

a given!” Additionally, many of these individuals have suffered from other abuses including the lack of proper alimentation, water, and bathroom breaks on the job. One day laborer reported that at one employment site, he was charged for taking a lunch break and eating the food provided by the employer. When asked about the actions taken in response to wage theft and other abuses, most of the affected study participants stated they took no action. Their responses indicated they were unaware of their own rights as laborers and were uninformed on how to access support in the community to recover stolen wages.

Although there are some resources available to day laborers to assist their claims of workplace abuse and wage theft, day laborers tend to be unaware or neglect those options stating that it is a common occurrence and that their undocumented status will prevent them from securing any worthwhile compensation. Although, there are institutional protections for day laborers nationwide and some Memphis-based workers’ rights organizations make attempts to spread the word to day laborers, this information isn’t always well distributed. The local day labor site lack leadership and organization amongst the workers that exists in other cities across the country, including the Workers Dignity organization in Nashville. This lack of internal coalition prevents workers from fully understanding their rights. They seem to be skeptical of outside influence, potentially this is driven by fear or distrust of forces that do not understand nor experience their plight.

Health and Health Services

Eight out of the fourteen (60%) participants reported having experienced work-related injuries of different varieties depending on the type of work they were performing at the time [See Appendix A]. Many of the injuries have caused a great deal of pain for the workers. For instance, participant #7 experienced poisoning and recalled his story with much grief. He stated

that he crawled underneath an elevated house and discovered that the wood was water damaged and rotting. After exiting the crawl-space, he said he felt his eyes burning and swelling, which led to temporary blindness. His mouth began to have a strong bitter taste and dried up. Finally, after his skin peeled he went to the hospital to find that he was experiencing toxic mold poisoning. Although he received medical treatment, he was not compensated by his employer. His undocumented status meant he had no health insurance, thus his clinical bills were quite expensive. Without a stable income and an irresponsible employer, participant #7 experience a great loss in financial stability. Although he seeked justice for this workplace violation, none of the eight lawyers he saw were able to help his situation because he performed the labor without a written contract or agreement. When other participants were asked whether they received medical attention, there were a mix of responses. Some only saw medical professionals if the pain was unbearable. However all except one of the workers revealed that they were not compensated for their injuries.

In addition to physical injury, there were evident mental health concerns that affect this population. Much of this stems from the trauma that comes from their journeys as immigrants into the U.S. and experiencing poverty in a city that neglects them. A few men were quite open and told heart wrenching stories about how they walked for days across deserts, through water, or mountains. One particular story stood out: Participant #1 talked about his long trek from Mexico to the United States which occurred through an underground sewage pipe. He stated that he, along with several others, walked in a bent over position for a long period of time inside a large sewage pipe. He bent over recalling the experience as painful, uncomfortable, and traumatic. The sewage pipe had loose screws that produced gashes on the backs of those that traveled through the tunnel. Participant 1 stated:

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*“Imaginate si te platico todo, no vamos a llegar ni a una película.
Estaría bien si lo hicieran en una película para que lo entendieran,
para que vieran.”*

*“Imagine if I tell you everything, it would be too much for a movie,
But you know, it would be good if there were a movie about this
So people could really understand it and visualize it”*

However, many other participants were cautious with explicitly stating that information or revealing too much data about their methods of travel into the country. Thus they gave general statements, the most common being “como todos” meaning “like everyone else” referring to their acknowledgement that the majority of their social circles contain other undocumented workers. This level of discomfort when disclosing their migratory status can be traced to the current political climate, which is anti-immigrant. Moreover there was evident alcohol and substance as learned through conversation but also identified on site. Such information has become well-known amongst community members and has discouraged many people and organizations from wanting to help the day laborers, however it is important to understand that the majority of times, these men turn to alcohol and drugs as a coping mechanism in response to traumatic effects.

Poverty

There is palpable evidence indicated by the quality of the vehicles, clothes, and conversations of the day laborers at the site that the majority of them experience some degree of poverty. After visiting the site numerous times, many faces became recognizable revealing that a large portion of Memphian day laborers regularly rely on this site to access work. Through an interview, an individual revealed that he does not always have the privilege to have a meal everyday.. He often relies on the charity of a church in the neighborhood to eat. Another

individual spoke about not having shoes that were protective enough in the field of work he does and not being able to afford another pair. The majority of these individuals live on a day-by-day basis and are in constant need of money and resources to sustain healthy lifestyles. Another indicator to the degree of poverty that day laborers experience can be understood by their living situations [See Appendix C]. The interview participants were asked about their living arrangements and six of the fourteen stated that they lived with other day laborers. This is a popular cost-effective approach in which several day laborers share a small apartment or house distributing the rent and utility bills to reduce individual expenditure.

VIII. Conclusion

This study found that the patterns for Latinx immigration have historically been linked to job opportunity or the necessity of a more stable life. This can be exacerbated by different laws and policies that worsen the economic conditions of some countries or facilitate the opportunity for migration into the United States. Such policies affected the flow of immigrants from Latin America into the United States during the decade between 1990-2000. This time period saw a shift in the pattern of settlement allowing the American South to receive a large concentration of new Latinx communities in several dispersed cities and towns. Some experienced up to a 300% rise in population of Latinx people. This new geographic location for flourishing Latinx communities has significant connotations considering the traditional racial binary that the South has experienced. The integration of a new complex identity has given many southern cities a transnational, bilingual, and multicultural transformation. Moreover, these cities experienced a great degree of economic development supported by the new Latinx demographic. This research studied a specific sector that contributed a large profit to the economy due to the cheap labor it

provides. Day laborers in Memphis are an invisible population that lack a variety of resources, mainly due to their migratory statuses.

Undocumented day laborers in Memphis suffer from systemic abuse that deprives them of obtaining dignified work. They are constantly exposed to hazardous situations at their job sites without the secure knowledge they will be paid for their work. Day laborers are uninformed on their legal rights as workers in the United States and lack access to community organizations that may provide assistance to them. Without financial stability and without community and medical resources, day laborers in this city will continue to be at risk indignity and invisibility.

These undocumented workers are in need of work permits which may be provided through immigration reform. These permits would facilitate their access to different types of jobs and prevent the injustices and abuses they currently experience on a regular basis. However, their low-cost and competitive labor provides low expenditure and good payoff to employers that exploit the necessity of these individuals to work and sustain themselves and their families.

“Sin la obra de mano Latina, without latinx labor, no seria nada este pais, this country would be nothing”- Participant #3.

Appendix A

Job Category and Labor Abuses

	Country of Origin	Length of Time in U.S.	Job Category	Work-related injury	Wage Theft
1	Mexico	18y	Construction, Landscaping	Hernia	Several Occasions
2	Mexico	7y	Electrical Work	Branch Scratched an eye	Several Occasions
3	Mexico	28y	Electrical Work	Hurt back	Several Occasions
4	Mexico	20y	Electrical Work	Hurt Knee	Several Occasions
5	Guatemala	7mos	Manual labor, janitorial work	none	none
6	Mexico	18y	Carpentry	none	none
7	Mexico	14y	Roofing	Fractured back, knees, hands	Several Occasions
8	Mexico	25y	Construction	none	none
9	Nicaragua	7y	Yard Work	Poisoning	Several Occasions
10	Guatemala	9mos	Yard Work, Tree services, Painting, Sheetrock	Attacked by bees	none
11	Guatemala	7y	Janitorial Work	none	A few Occasions
12	Guatemala	8 y	Agricultural Work (Picks Cotton)	none	none
13	Mexico	11y	Construction	none	Several Occasions
14	Mexico	15y	construction	Has fallen from roofs	A few occasions

Keywords: Day Labor, Temporary Work, Wage Theft, Immigration, Memphis, TN

Appendix B

Racial/ Migrant Identity and Experience in the City

	Country of Origin	Reason for Migrating	Method of Travel	Self Identity	Racialized experiences
1	Mexico	Better Life	Train/sewage pipes	Mexican	Racial tension with African Americans
2	Mexico	Work	"Como todos"	Mexican	Discrimination "it happens everywhere"
3	Mexico	Better life	"Como todos"/ Coyote	Latino	Racial tension with other Latinx
4	Mexico	Work	Coyote	Mexican	Racial tension with other Latinx
5	Guatemala	Better life	Walked 22 days	Guatemalan	none
6	Mexico	Better life	"Como todos" Crossed Border	Latino	Never experienced racism
7	Mexico	Better life	"Como todos" Walked in la sierra	Mexican	none
8	Mexico	American Dream	Crossed the border	Mexican	none
9	Nicaragua	Work	Walked	Latino	Workplace discrimination, Tension with African Americans
10	Guatemala	Work	"Como todos"	Hispanic	none
11	Guatemala	Poverty	Coyote/Pollero	Latino/Hispanic	none
12	Guatemala	Better education for children	"Como todos"/ Coyote	Hispanic	Discrimination in the workplace
13	Mexico	Parents brought him when he was 11 y/o	"Como todos"	Latino	Racial Profiling w/ Police, Refused to be hired because he is Latino
14	Mexico	Work	"Yo llegue bien" (Came with Visa or Work Permit)	Mexican	Racial Tensions with African Americans

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Appendix C

Integration into the City

	Length of Time in U.S.	Living Arrangements	Neighborhood racial makeup	Experience integrating the city
1	18y	With other day-laborers	Mostly Latinx	No car, Financial problems
2	1y	With friends	Mostly Latinx	none/ is a temporary worker from Texas
3	28y	With other day-laborers	Mostly Latinx	Getting permanent employment is difficult without a social security number
4	20y	With cousins	Mostly Latinx	Undocumented status is difficult
5	7mos	With other workers/family	Mostly White	Language, Has difficulty driving
6	18y	With wife/children	Mixed/mostly Latino	No difficulty
7	14y	With family	Mixed/mostly Latino	"It's not like Mexico but I feel great"
8	25y	With family	Mixed/mostly Latino	Feels well integrated but dislikes crime
9	7y	With friends	Mixed Latinx and White	"The land of opportunity is a lie"
10	9mos	With other day-laborers	Mixed	Feels grateful to be here
11	7y	With other day-laborers	Mostly Black	Is working hard but plans to go back home
12	8 y	Friend	Mixed	Language/Communication-- Only person he knows that speaks his indigenous language
13	11y	With Family	Mixed	Lack of license and being undocumented
14	15y	With other day-laborers	Mostly White	Would like better access to medical attention

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