TANYA MARIA GOLASH-BOZA

DEPORTED

IMMIGRANT POLICING, DISPOSABLE LABOR AND GLOBAL CAPITALISM

5

Getting Caught

Targets of Deportation Policy

At least since the early 1990s, Latino and Caribbean men have been the primary targets of deportation policy. Today, about 90 percent of deportees are men, and nearly all (97 percent) are from the Americas, even though about half of all noncitizens are women and only 60 percent of noncitizens are from the Americas (Golash-Boza and Hondagneu-Sotelo 2013). As the last chapter described, immigration law enforcement is selective: Even with mass deportation, a fairly small portion of unauthorized immigrants is actually deported. Deportation law renders millions of immigrants deportable, yet the vast majority remain in the United States undetected. How are deportees caught? Why are Latino and Caribbean men the primary targets of mass deportation? How does the selective deportation of these groups create a system of racialized and gendered social control?

Thus far, I have argued that neoliberal economic policies in the country of origin push migrants out; that the enhancement in border enforcement has made the passage to the United States more difficult, and at times deadly; that immigrants have been channeled into low-wage jobs; and that certain immigrants have been targeted by law enforcement. Through these analyses, I am building my argument that mass deportation is part of a global cycle of neoliberal capitalism and that these enforcement techniques are part of a system of racialized and gendered social control. Daniel Kanstroom (2007) describes deportation as "post-entry social control." I would add that the racial and gendered dimensions of this social control further illuminate mass deportation's connection to global capitalism and to global apartheid.

Cecilia Menjívar and Leisy Abrego (2012) characterize the complex web of laws that control migrants' lives as "legal violence" (1381) insofar as these laws and practices create new hierarchies and delimit the lives of immigrants in tenuous legal statuses. These scholars and others, such as Nicholas de Genova (2002, 2005) and Joanna Dreby (2012), show how illegality and the threat of deportation affect immigrants' lives and enhance their vulnerability. In this chapter, I build on this scholarship by focusing on deportees who are actually caught. This focus allows us to move beyond the possibility of being caught to the reality of apprehension. These stories render it evident that immigrants are apprehended in very specific situations: Most are arrested in their homes or driving their cars. Moreover, men are much more likely to be caught in the deportation dragnet than women, and this creates a system of "gendered racial removal" (Golash-Boza and Hondagneu-Sotelo 2013).

The stories of apprehension I tell in this chapter are the same stories that circulate in immigrant communities. The deportees I met told me their stories in detail, based on what they remembered. In some cases, their memories may not be completely accurate, or they may not have a complete understanding of what happened. I did not double-check their recounting by looking up police reports, for example. Instead, what is important for my purposes and my overall argument is that these are the stories that circulate in immigrant communities. Immigrants know that *la migra* can come into your home and that a traffic stop can turn into a deportation. As Meghan McDowell and Nancy Wonders (2009–10) argue, both the surveillance itself and the internalization of the security gaze work to regulate how migrants move through public spaces. The circulation of these apprehension stories adds an additional layer of social control to the immigrant population insofar as migrants begin to self-police. In this way, mass deportation works to ensure the self-regulation of immigrants (McDowell and Wonders 2009–10).

Teresa Miller (2008) argues that the criminalization of undocumented workers causes them to have to live below the radar to avoid apprehension, and this in turn increases their vulnerability to economic exploitation. One way that we can see this criminalization of immigrants is in the fact that police officers cooperate with immigration authorities. Another way is that immigration agents raid the homes, workplaces, and neighborhoods of immigrants, using tactics such as handcuffing and the use of heavy weaponry that we traditionally associate with the apprehension of criminals. This criminalization produces fear in immigrant communities, as now millions of people are subject to arrest in the course of carrying out mundane tasks such as driving, working, and sitting at home watching television.

A recent study of dairy farmers in Wisconsin found that high levels of immigration policing in communities created a pervasive fear of deportation that made workers more compliant. The authors, Jill Lindsey Harrison and Sarah E. Lloyd (2012), argue that "increasingly militarized and spatially expanded immigration policy enforcement practices are not just oppressive but also tremendously 'productive' in that they serve two key functions of the state: ensuring capital accumulation in industry and maintaining the political legitimacy of the state in the eyes of the public" (371). My findings support the argument that intensive policing is designed not to remove all immigration offenders but to control labor and legitimize the state.

This chapter will focus on immigration law enforcement to develop an understanding of how it targets particular immigrants for deportation. This inquiry will clarify the racialized and gendered nature of the system of social control that immigration law enforcement has become. As I describe, immigration law enforcement operates without the basic protections we take for granted in criminal law enforcement. Under U.S. law, violations of immigration law are civil, not criminal, offenses, and deportation is technically not punishment but an administrative procedure. This distinction has become increasingly blurred as criminal and immigration law enforcement agents have begun to work together more consistently.

The Merging of Law Enforcement Functions

Eric Boehme (2011) argues that much of the immigration debate revolves around making individuals pay for having broken the law. He contends that this stance weaves together three typical neoliberal discourses: (1) the importance of being tough on crime; (2) the idea that immigrants are a drain on the state; and (3) xenophobic and racist fears about why "aliens" cannot become part of the United States. These same discourses have been used to justify the merging of criminal and immigration law enforcement in the United States. The stories of immigrants who are deported, however, often show that immigration law enforcement is doing little to decrease crime; that deportation poses a burden on the state; and that many deportees were well on their way to becoming integral parts of the United States prior to their apprehension.

Alfonso's story illustrates some typical features of immigration law enforcement as it has been practiced of late, and it demonstrates how deportation practices are not making us safer. Alfonso is from Escuintla, a city south of Guatemala City, where he grew up with his grandparents. When he was eight years old, his father, a truck driver, was murdered in a robbery in Petén, Guatemala's northernmost state. Alfonso's mother decided to immigrate to Miami so she would be able to provide for her three children. Alfonso's mother traveled illegally to the United States, and his older brother and sister followed. He stayed behind. However, like many children left behind, Alfonso decided to immigrate to the United States when he was old enough to do so independently.

When he was 20, in the year 2000, Alfonso's mother paid a coyote $4,500 to cover the costs of his trip to the United States. Alfonso secured a visa to travel through Mexico. When he reached the border of the United States, he had to walk three days through the mountains of Arizona before arriving in a city where he could take a bus to Miami to join his mother and siblings.

In Miami, Alfonso started out mowing lawns but quickly found a more stable job in a recycling plant. His first position was on the floor, but, once he learned how to operate the heavy equipment, he was able to get better jobs. At his last job, he earned $16.50 an hour, meaning his hourly wage was twice the daily minimum wage in Guatemala.

Little by little, Alfonso made a life for himself. He married a Cuban woman, and, in 2006, they had their first baby together. In 2007, their second child was born. Alfonso focused his energy on working and enjoying time with his family. His wife was a legal permanent resident (LPR) of the United States, but not a citizen. Alfonso may have qualified for legalization on the basis of his marriage, but they never looked into applying; they were busy trying to make ends meet and caring for a growing family. Applying would have cost thousands of dollars, and Alfonso had no expectation of being deported.

In the summer of 2009, Alfonso's mother fell seriously ill. He went to the hospital to see her on his day off from work. As he was pulling into the hospital parking lot, a man talking on his cell phone hit his car.

Alfonso got out of the car and saw that, although his car was damaged, the other car was not. He tried to explain to the man, in his limited English, that it was not necessary to get the insurance companies involved or to call the police. Alfonso did not have a driver's license and knew that he would get in trouble if the police arrived.

As Alfonso was explaining this to the other driver, the hospital security guard showed up and asked Alfonso for his registration and insurance papers. Alfonso gave them to him, and as they were going over the details of what had happened, the sheriff arrived.

Alfonso explained what happened:

> The sheriff showed up at the scene of the accident and asked me for my registration, insurance, and driver's license. I showed him my consular ID. He asked if it was real. I told him it was and that I had my passport as well. He asked if I was legal, and I told him the truth, that I was not. He asked how long I had been in the United States, and I told him nine years. Next thing I knew, he was calling the Border Patrol and everything went downhill from there.

Border Patrol arrived on the scene and took Alfonso into custody. Alfonso was in immigration detention for 72 days. His mother died while he was detained. Alfonso feared he would not be able to go to the funeral. However, immigration authorities allowed Alfonso to go to the funeral.

Two Immigration and Customs Enforcement (ICE) agents took Alfonso in a van at 11:00 am to the funeral home where his mother lay. There were no other people there, as the service would not start until 6:00 pm. Alfonso was allowed to change out of the orange prison jumpsuit into gray pants and a sweater, but he did have to wear handcuffs and his feet were chained together. Alfonso spent 45 minutes praying with his mother before it was time to go back to the detention center. Ten days later, he was deported to Guatemala, even though his wife was an LPR, he had two U.S. citizen children, and he had been in the United States for nine years.

When the police cooperate with Border Patrol, any minor interaction with police can lead to deportation. Knowing this, many undocumented immigrants take extreme measures to avoid interactions with police. Some of my interviewees told me they stopped driving and some even went so far as to try and avoid leaving their homes except when absolutely necessary.

The merging of immigration and criminal law enforcement tactics has meant that police officers are often the first step in the deportation pipeline. Merging immigration law enforcement and criminal law enforcement creates a situation where the immigration status of any noncitizen who comes into contact with law enforcement authorities may be checked to determine their eligibility to remain in the country. These programs—which are in place in most but not all police jurisdictions—ensure that convicted murderers and rapists are deported after serving their time in federal prisons. However, they also make certain that when Latinos are driving down the highway and are stopped by the police for a traffic violation, the police officer will do a routine immigration check while writing a citation. This is what happened to Philip, whose story I began discussing in chapter 1.

Philip was born in Jamaica, is married to a U.S. citizen, and has five U.S. citizen children. Philip, like Alfonso, qualified for permanent residency based on his marriage. Philip submitted the initial paperwork but never completed the process. Philip and his wife had their first child in 1998 and their second child the following year. Their second daughter was born severely disabled. She was born unable to see or hear, is confined to a wheelchair, and only eats from a feeding tube.

Philip opened a small vegetarian restaurant in New York and also worked as a musician. With the money he made, he was able to support his family. He had three more children, all girls. When I spoke with him in 2009 in Kingston, his youngest child was two years old.

While on a road trip through Louisiana in 2008, Philip was pulled over:

> I got pulled over because I had Florida State paper plates on the car. My friend's car, you know, it was brand new. . . . I saw [the officer] go in the car and come back and say that I have a deportation order. . . . Then they took me, first, to a county jail. Second, to another county jail that immigration rented out. And then the third one is like a federal detention [also] in Louisiana.

Philip had a deportation order because he had never completed the paperwork for his permanent residency. He did not receive the letter indicating that he had a court date to determine his residency. When he did not report, a deportation order was issued.

Philip most likely qualified for relief from deportation, based on the facts that he had lived in the United States for 13 years, was married to a U.S. citizen, and had a daughter who was severely disabled. However, Philip was taken to a detention facility in an isolated part of Louisiana, which made it very difficult for him to gain access to an immigration lawyer. After three months in immigration detention, he was on a plane back to Jamaica, without ever having the opportunity to consult an immigration lawyer. The police officer who pulled Philip over used his out-of-state paper plates as a pretext to stop him. It is possible that the police officer also noticed before pulling him over that Philip is black. It is clear that the officer surmised he was not a U.S. citizen based on his Jamaican accent.

Tools of Mass Deportation

Philip was declared a "fugitive alien" and deported. Anyone released from ICE custody who failed to report back to their immigration hearing would be subject to this label. Had Philip had a criminal record, not matter how minor—such as a marijuana possession conviction from decades before—he would have been declared a "criminal alien" and deported. If he had overstayed a tourist visa, he would have also faced deportation as an "illegal alien."

In its reports and budgetary requests, ICE uses this dehumanizing language to suggest that removing noncitizens makes America safer. There is little evidence, however, that these noncitizens are actually dangerous. In fact, more than 80 percent of all criminal deportees are deported for nonviolent crimes; fugitive aliens and illegal aliens have broken the law, just as anyone who's driven above the speed limit or executed a kitchen remodel without having the required permits. Moreover, a recent paper by Thomas Miles and Adam Cox (2014) shows that the enhancement in interior enforcement of immigration laws since 2007 has had no meaningful impact on violent or property crime.

TABLE 5.1. How 147 Deportees Were Arrested, by Nationality

	Jamaicans	Dominicans	Guatemalans	Brazilians
ICE	9%	9%	21%	7%
CBP	0%	4%	26%	66%
By police as a suspect	11%	0%	15%	17%
After prison/jail release	79%	87%	53%	10%
n	n = 37	n = 46	n = 34	n = 30

Table 5.1 provides a broader view of how deportees get caught, showing the agencies responsible for carrying out immigration enforcement priorities and how the 147 deportees I interviewed were arrested. These deportees are not a random sample. Nevertheless, the trends in the table reflect the range of immigration law enforcement and indicate that there is variation by nationality. In the overall sample, local police officers made the initial arrest that led to deportation in the majority of the cases. ICE made the initial arrest for a relatively small portion of the overall sample. Customs and Border Patrol (CBP) also made the initial arrest for a small portion of the overall sample, but these arrests accounted for two-thirds of the Brazilian interviewees. The Jamaicans and Dominicans were the most likely to be funneled through the criminal justice system prior to encountering immigration law enforcement. The Dominicans who were funneled through the criminal justice system were all convicted of crimes whereas 17 percent of the Brazilians were arrested by the police and eventually deported without ever being convicted of a crime. The Department of Homeland Security (DHS) does not release full information to the public, but my sample provides a foundation for some preliminary conclusions from these data about how certain immigrants are targeted. The vertical columns do not always add up to 100% due to rounding.

The available data show that the selective enforcement of immigration law leads to a select group of people facing deportation: black and Latino men. There are clear racial and gendered dimensions to this enhancement in the coercive arm of the state. In my research with deportees, I also found patterns that reflect this selective enforcement.

The majority of Brazilians were apprehended by CBP as they attempted to enter the United States either via land or air. In contrast, none of the Jamaicans were apprehended by CBP. Thus, although Jamaicans and Brazilians are both among the top 10 nationalities of deportees, their deportations occur in distinct manners. Whereas Brazilians are apprehended primarily at the border and other points of entry, Jamaicans are much more likely to be deported after a release from prison. Guatemalans were the most likely to have been arrested via an ICE home raid, likely because they had applied for asylum, and thus ICE had their home addresses on file. Brazilians were the most likely to be arrested by police during routine traffic stops. The primary reason for this is that the Brazilians I interviewed lived in places where the police cooperate with ICE. Whereas the New York police will contact ICE if a person actually serves time for a criminal conviction, police in places such as Marietta, Georgia, will contact ICE if they encounter a person who appears to be undocumented—even if the police do not plan to press criminal charges.

The likelihood of being deported is directly related to where you live. Even though large numbers of Brazilians live in New York City and in Boston, none of the Brazilian deportees I interviewed had lived there. Instead, they were deported from two places where police cooperate with immigration authorities: Marietta, Georgia, and Danbury, Connecticut. A close look at how noncitizens are arrested and end up in the deportation dragnet will help us to understand the mechanisms that underlie this system of racialized and gendered social control.

DHS does not make explicit its targeting of black and Latino immigrants. Instead, DHS purports to be carrying out policies that make the nation safer by targeting specific kinds of immigrants. This tactic of using gender- and race-blind language while implementing policies that primarily target specific groups is typical in a colorblind society (Alexander 2010; Bonilla-Silva 2013). Through a language of security and public safety, DHS carries out an agenda of racialized and gendered social control. This agenda need not be intentional to operate effectively.

The fiscal year (FY) 2011 DHS budget request stated that "ICE makes America safer by identifying, apprehending, and removing criminal and other illegal aliens from the United States." ICE budget reports and requests indicate that they are deporting people according to their priorities: convicted criminals, immigration fugitives, repeat violators, and border removals, with convicted criminals as their highest priority.

In 2013, ICE conducted a total of 368,644 removals. Of these, 133,551 were interior removals. The remaining were people apprehended within 100 miles of the border. Of the interior removals, 52,935 were Level 1 criminals, those who, as discussed in chapter 1, have the most serious criminal record. Notably, of the 235,093 people who were deported at the border, only about 65,000 had never attempted to enter the United States before. The remainder were people who had either lived there before or had attempted to enter before and gotten caught.[1]

This chapter will focus primarily on interior immigration law enforcement—the deportation of people who are living in the United States when apprehended by immigration law enforcement. Four programs are designed to locate criminal and fugitive aliens: They are the 287(g) Program, Secure Communities, the Criminal Alien Program (CAP), and the National Fugitive Operations Program (NFOP). These programs rely on a shared fingerprint database that allows local police to identify people who are in the United States without authorization.

1. *The 287(g) Program*: A police officer pulls over a person for an alleged traffic violation. If that police officer is deputized to work for ICE, she can run the driver's fingerprints through a database that contains FBI and DHS information. If the fingerprints reveal that the driver is illegally present in the United States or has an immigration hold, the police officer can arrest the driver and hand them over to ICE.
2. *Secure Communities*: A police officer arrests a person and charges him with a crime. She takes him to the police station, fingerprints him, and then runs his fingerprints through the database. Even if the police decide to drop the charges, if the person turns out to have an immigration hold, they will detain him until ICE comes to pick him up.
3. *CAP*: A police officer arrests a person, charges him with a crime, and the person serves time. Before being released from jail or prison, the police officer can call ICE to come and check his eligibility to remain in the United States. In some cases, the CAP can also function like Secure Communities insofar as it also identifies unauthorized immigrants at booking.

4. *NFOP*: The police provide ICE with the criminal history of a noncitizen. If ICE determines the noncitizen is a fugitive or criminal alien, ICE sends out a team of federal agents to the noncitizen's home and arrests him. A fugitive alien is a noncitizen who failed to appear in immigration court, whereas a criminal alien is any noncitizen convicted of a crime.

Congress appropriated $690 million for these four programs in 2011—up from $23 million in 2004. This 30-fold increase in funding led to an increase in annual arrests through these programs from 11,000 to 289,000 during that time. The shift toward targeting criminal aliens has thus involved a shift in how we talk about immigrants as well as large-scale funding of these initiatives.

The CAP is the largest of the initiatives. In FY 2011, ICE issued 212,744 charging documents for deportation through the CAP. In 2011, 78,246 people were removed or returned through Secure Communities and 1,500 people through the NFOP (the only program where ICE agents are actively on the ground arresting unauthorized residents). In 2010, 26,871 people were removed through the 287(g) Program. Between 2010 and 2012, about half of the 400,000 deportations that DHS realized happened through the CAP. The majority of the remainder of deportations were carried out by CBP (Simanski and Sapp 2012; Golash-Boza and Hondagneu-Sotelo 2013).

The NFOP has come under severe criticism. The budget of this program has increased dramatically since its inception in 2003—from $9 million to $218 million in FY 2008. A 2009 report by the Migration Policy Institute criticizes the NFOP, primarily because of its failure to arrest dangerous fugitives: "NFOP has failed to focus its resources on the priorities Congress intended when it authorized the program. In effect, NFOP has succeeded in apprehending the easiest targets, not the most dangerous fugitives" (Mendelson et al. 2009: 2). Although the NFOP is designed to deport dangerous criminals, nearly three-quarters of the people they apprehended through February 2008 had no criminal records. In 2007, the NFOP, with a $183 million budget, arrested only 672 fugitive aliens that ICE considered to be dangerous. The other 30,000 people arrested were people with deportation orders (15,646), undocumented migrants (12,084), or noncitizens who had been convicted of nonviolent crimes, such as shoplifting (2,005). The Migration Policy Institute report points out that "the number of fugitive aliens with criminal convictions arrested . . . remained relatively constant between FY 2004 and FY 2008. Congressional allocations to NFOP, in contrast, grew 17-fold over the same period" (2009: 15).

The Racial Implications of Key Policies

ICE claims that the primary purpose of the CAP, Secure Communities, the 287(g) Program, and the NFOP is to find criminal aliens. However, ICE detains many people who have not been convicted of crimes through these programs. I found this to be true in my research: Any encounter with law enforcement could lead to arrest and deportation.

A substantial body of research and legal cases concludes that police racially profile people who drive while brown or black (Johnson 2004), and the racial implications of using traffic stops to identify deportable aliens are clear. In September 2012, the Justice Department released a report subtitled "Findings Show Pattern or Practice of Discriminatory Policing against Latinos."[2] This report found that deputies in Alamance County, North Carolina, stopped Latinos at least four times as often as non-Latino drivers, consistently stopped Latinos at checkpoints, and arrested Latinos for minor traffic violations while issuing citations or warnings to non-Latinos for the same violations. (Arresting Latinos enabled officers to process them in the county jail and, in doing so, check their immigration status.) During the period under study, Alamance County participated in both the 287(g) Program as well as Secure Communities. Immediately after the release of the report, DHS rescinded the 287(g) agreement and restricted access to Secure Communities in Alamance County.[3] A study in Davidson County, Tennessee, revealed that officers in this county apprehended 5,333 immigrants through their 287(g) Program, and all but 102 were from Latin America (Lacayo 2010).

Guatemalans were the most likely to be arrested directly by ICE agents, usually because they had outstanding deportation orders and ICE showed up at their houses. In one case, an entire family—Mariluna, Rafael, and their two daughters—was deported this way.

I met Rafael, whose story I began in chapter 2, in his hardware shop in Guatemala City. He came across as a very pleasant and open man, who did not hesitate to talk about his life. When I told him I was writing a book about people who had been deported from the United States, the first thing he wished to clarify is that he did not enter the country illegally. Rafael had traveled to the United States on a multiple-entry visa for years before abruptly deciding to settle there after witnessing a political assassination.

Once in the United States, Rafael applied for political asylum. As he was waiting for his application to be processed, a legal representative advised him not to work until he received a work permit. The family survived on their savings for more than a year before ending up on the streets, homeless. Eventually, Rafael realized that, although he was not authorized to work, he could start a business. He found a business partner and started doing touch-up paintwork on cars. His brother, who was in the same business, taught him the trade. As such, technically, Rafael was not employed but simply conducting business in the United States. Rafael's self-employment strategy is part of a broader trend—8 percent of undocumented immigrants are entrepreneurs, and there are likely others who realize they can avoid breaking the law and feed their families this way (Mastman 2008).

Rafael's plea for asylum was denied on the basis of lack of sufficient evidence. His lawyer told him he would appeal the case, and Rafael and his family continued to live in the United States. Rafael's business grew. One of his daughters, Katy, who had lived in the United States from the time she was two years old, described her neighborhood and her friendship network in Louisiana as primarily white. Katy emphasized that she had a "normal" upbringing: "I grew up with American people all my life. . . . We went to the movies. We went to the mall. We went to, like, the zoo and stuff. It was, like, normal kid stuff." Tears streamed down her face when she recalled her luxurious life. "My house was big. We had, like, two living rooms, two floors, a walk-in kitchen. My dad's room had a Jacuzzi. We had, like, a ten-car parking lot. It was wonderful, actually, you know. And it was funny because my dad and my mom always paid bills, taxes and everything, you know. We thought we were fine."

Katy excelled in school, was popular with her friends, and never got into trouble. She had dreams of becoming a veterinarian, and her sister had plans to become a doctor. “My last Christmas in the United States, I couldn’t even think of anything to ask for; I had everything,” Katy told me.

Early one morning, however, it all came crashing down. At 6 am, when Mariluna was still sleeping and Katy was getting ready for school, they heard a loud knock on the door of their home and someone shouting: “Does Rafael Gutierrez live here?” Mariluna told me, “They came in, as if we were criminals, as if we were murderers.”

The immigration agents decided not to take the family into custody. Rather, they told them they had 30 days to leave the country. Instead of leaving, Rafael and his family decided to move with the hope that they would be able to evade deportation. This was a reasonable expectation, because in 1999 immigration agents did not have the resources to check up on the vast majority of deportation orders. However, the agents returned a month later.

When Mariluna recounted to me the story of what happened the second time immigration agents came to her house, her voice broke and tears streamed down her face. The immigration agents were upset that they tried to flee and told them that this time they would have to take at least two of them into custody to ensure that they would depart. Rafael surrendered, and they had to choose whether to send 20-year-old Alejandra or Mariluna to immigration detention. Alejandra volunteered and was taken to a county jail.

The immigration agents took Rafael to an immigration detention center. However, there was not a center for women close by, and Alejandra had to spend four days in the county jail. She still has nightmares about the experience. Another inmate tried to rape her when she was inside, but she waited years before telling her parents about the incident, as she did not want them to feel guilty. Mariluna wept again, telling me of this.

Mariluna was in shock. Her friends helped her pack her things, but there was no way to ship all of the family’s belongings to Guatemala. She was able to pack eight suitcases, only six of which she was able to take with her. They left their house and five cars in Louisiana.

Nine years later, this family still suffers tremendously from what happened to them. Rafael believes his brother, upset by the competition Rafael’s business posed, called on the governor of Louisiana at the time, who was a friend of his, to make sure immigration agents knew his application for asylum had been declined and that Rafael and his family were deportable.

Katy was 15 when she was deported and was never able to finish high school, because she did not have the proper papers to register in Guatemala. The Guatemalan educational system has distinct requirements from that of the United States, and the school officials said that Katy would have to start school over again by entering the third grade. Rafael was never able to get a job in Guatemala, as potential employers said he was too old. Thus, he did the same thing he did in the United States: He started a small business. However, he has been much less successful. Today, they have enough money to eat and keep a roof over their heads. But deportation destroyed the lives they had made for themselves in the United States.

Assessing Criminal Aliens' Threat to U.S. Society

Rafael and his family were deported as fugitive aliens because they failed to leave the country after a deportation order was issued. Another top priority for ICE is apprehending criminal aliens, and being a criminal alien also means that you can be subject to a home raid. As Melvin's story illustrates, not all criminal aliens pose a threat to U.S. society. He was deported as a criminal alien for a hit and run.

In 1986 when Melvin was 18, he moved to the United States as an LPR. Melvin went to Arlington, Virginia, to live with his father and stepmother. He stayed there for a few months before moving out on his own. Melvin first worked in hotel maintenance yet later found a better-paying job working on hardwood floors. He worked in that business for about five years. In 1996, his boss encouraged him to set up his own flooring business. It worked out very well for Melvin, and by 1998 he made up to $15,000 a month. He married and had two children: one in 1999, and the second in 2001. He had a house, several cars, and a successful business, and the family took frequent vacations.

Prior to Melvin's trouble with ICE, Melvin had trouble with the law once in 1995. Melvin hit a dead body that was lying in the highway but drove away because he was scared—a decision he acknowledges was poor. The police found him and charged him with involuntary manslaughter and hit and run. The manslaughter charge was dropped when forensics revealed the body was already dead when Melvin ran over it, but Melvin served a year in jail for the hit and run.

Melvin was an LPR and never expected immigration agents to bother him. He had lived lawfully and productively for 10 years when they did.

> They came and knocked on my door. My wife answered. They go, "Mr. Gonzalez?" And I was reading a book to my little boy. And she goes, "Yeah." "Can we speak to him?" So, they called me. I was ready to go to bed. "Are you Mr. Gonzalez?" I said, "Yeah." "So, you're under arrest." I said, "For what?" They said, "We're immigration and you're going to be deported." I said, "For what?" I said, "I got a green card." "Well, you are eligible for deportation because you have problems with the law back in 1995." I was like, "Why do you guys wait so long to do this to me?" I said, "I'm married. I got kids. I got a family. I got a business. Why are you doing this to me?" They said, "Well, all we're doing is our job. Come with us." So that was a big deal, because my wife, she jumped on them and said, "You don't have no right to come and just pick him up. He already did his time. He did what he did. He paid for it." And they actually had to pull a gun on her because she was getting aggressive: "So, you're gonna leave me with my kids here? He's the head of the house. You're gonna take him." I mean, she was pretty bad. They said, "I'm sorry. We're just doing our job."

Melvin spent $15,000 on legal representation, but the law was inexorable: He served several months in immigration detention, and then ICE sent him to Guatemala.

Jodie Lawston and Martha Escobar (2009–10) link the War on Drugs to the criminalization of Latina migrants through the Immigration Reform and Control Act (IRCA) of 1986. Melvin's story shows how the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) deepened the criminalization of Latinos. With the passage of IIRIRA, immigration agents were given license to raid the homes of migrants who had prior convictions. Both the emphasis on border control in the 1980s and the turn to interior enforcement in the 21st century have been justified through discourses of criminality and under the pretense of ending the "imagined crisis of national disorder" (Lawston and Escobar 2009–10: 13). Immigration enforcement extends the logic of the U.S. prison regime (Lawston and Escobar 2009–10). These enforcement techniques heighten the threats felt in migrant communities (McDowell and Wonders 2009–10).

The Effect of ICE Street Raids

Street raids are even less common than home raids, but they inspire terrible fear.[4] In 2007, hundreds of heavily armed federal agents descended on the Little Village Discount Mall in a predominantly Mexican neighborhood in Chicago, in an operation designed to find people who were producing fake permanent residency cards. The use of force instilled great fear in the people present in the mall, and rumors about the raid circulated in the community long after it took place. Community members were outraged by the raid and felt strongly that such a raid would have never taken place in a middle-class, white neighborhood (Golash-Boza 2012).

A recent study of how immigrants in Lowell, Massachusetts, deal with the environment of increased threat of deportation found that when ICE raids happen, rumors of the raids spread and people become scared. In addition, immigrants develop distrust for local authorities, which leads many people to fear even reporting crime to the police. These researchers also found that immigrants fear going to the hospital, as rumors circulate that health workers may report them to ICE (Sládková et al. 2012).

Raids are also detrimental to people who experience them directly. Tamara witnessed a street raid in her Brazilian neighborhood in Georgia. She, her husband, and her 20-year-old son had immigrated from Goiás, Brazil, where they had owned a nightclub that made enough money to survive but not thrive. A Brazilian coyote convinced them that they would meet their financial goals if they traveled to the United States.

The coyote helped them get to Mexico and then to Texas in early 2005. In Texas, they were arrested and detained by the Border Patrol. After three days, they were released with a court date and made their way to Marietta, Georgia. Like many Brazilians who were released from immigration detention with a court date, Tamara and her husband never went back to immigration court, making them "fugitive aliens."

In Marietta, they moved in with a Brazilian friend from their hometown. The next day, Tamara was working as a housecleaner. It was hard work with toxic chemicals in the cleaning liquids, chemicals that gave 50-year-old Tamara frequent headaches. Tamara said she enjoyed the work, even though the women whose houses she cleaned barely acknowledged her existence.

Tamara described her life in the United States as *a vida do rico* (the lifestyle of a rich person). She had a modern apartment with new appliances and nice clothes. However, she and her family barely left their apartment, for fear they would be caught by immigration agents. They lived in Cobb County, where authorities work closely with ICE. Since 2008, more than 8,000 people have been deported from Cobb County through the 287(g) Program. That is a fairly high rate for a county with just over 700,000 people and is actually higher than the rate for Maricopa County, Arizona, which is well known for its harsh deportation tactics.

One morning in 2006, as Tamara left her apartment for work, there was an immigration raid in her neighborhood. Immigration agents accosted Tamara in front of her home and asked her for her documents. When she produced her Brazilian passport, she was handcuffed and arrested. She had to spend 42 days in immigration detention before she was deported. Tamara expressed pain at being treated like a criminal, and she was angry about the terrible food in prison and not being allowed outside. She managed by purchasing instant soups in the commissary.

Tamara's husband joined her in Brazil two years later; their son stayed in Georgia, where he has an infant daughter. Although Tamara and her husband have established a more comfortable lifestyle in Brazil than they had before immigrating, she still misses the life she had in Georgia. When we met, she called her husband to come see me, "an American in Brazil."[5] She couldn't believe that I was living in Brazil, when I could live in the United States.

Tamara enjoyed living in the United States. However, she remains bitter about her experience of being arrested, detained, and deported.

She also was diagnosed with cancer upon her return—an illness she attributes to her exposure to chemicals in the United States. I asked her if she would go back. She shook her head and clucked her tongue twice—a very typically Goianian way of saying "no way."

With just over 6,000 agents for the entire country,[6] ICE does not have enough agents to conduct street raids with any frequency, and perhaps they recognize that use of the technique might lead to unwanted attention from civil rights groups.

The Criminal Alien Program

Aside from border apprehensions, the CAP is one of the primary ways in which deportees are apprehended and subsequently deported. This program deports people upon release from prison after they serve time for a criminal conviction. The CAP is a direct extension of the system of mass incarceration that many scholars have referred to as a system of social control (Alexander 2010; Wacquant 2009; Garland 2012).

The crimes committed by "criminal aliens" range quite a bit. The top three categories of criminal offenses for deportees are immigration crimes, drug crimes, and traffic offenses. The previous two chapters explored drug offenses extensively; the next two sections will examine immigration crimes and traffic crimes, respectively. Immigration and traffic crimes are similar insofar as they both can either be administrative or criminal offenses, depending both on the severity of the infraction and on prosecutorial discretion.

Immigration Fraud

Walter was convicted of immigration fraud. He is tall, brown-skinned, in his early thirties, and has a shy smile that seems out of place on a man with such an imposing physical presence. Although he smiled a lot, the pain in his eyes was clear when he recounted to me that he had been deported back to the Dominican Republic, leaving his two children behind.

I interviewed Walter in Santo Domingo, where he lives with his mother, his brother, and his two sisters in a large second-floor apartment in an old building in the Colonial City. The house was nicely furnished, with a new sofa and chairs in the living room and a large wooden dining-room table, covered with a lace tablecloth. Most of the other rooms in the house were bedrooms, which were all tidy, yet small, with just enough room for a bed in each. Walter's sisters were mopping the floors while we were there. Walter told me that his mother had 14 children, and he was the youngest.

Walter played basketball as a youth for the school and the local teams. When he finished high school, he won a basketball scholarship to attend a private university in Santiago. He went to college for two years and majored in business administration. However, in 1994, he decided to take his chances and leave for the United States. Two of his brothers were already there, and they promised to help him get to the States. Walter got a visa to go to Mexico, and then crossed the border illegally.

Shortly after arriving, Walter met and married a U.S. citizen and was able to obtain permanent residency. In 1996, their first child was born, and in 2002 they had another child. Walter had a good job, and he won custody of his children when he and his wife divorced. He left the children with a babysitter in the building where he lived when he went to work each day. Walter and his children lived in the Bronx, and his ex-wife lived close by.

Walter was involved with his local church. He especially enjoyed activities designed to help children. He spent weekends with his children, going out to parks or restaurants whenever they could. Walter never had any trouble with the law, and he thought that he had it made in New York. He had permanent legal residency, two U.S. citizen children, and a stable job.

However, in 2004, an old mistake came back to haunt him. In 1990, when Walter was 13 years old, he had taken a boat to Puerto Rico illegally and been deported back to the Dominican Republic. When Walter applied for legal permanent residency in 1998, he did not mention this previous deportation from Puerto Rico. That amounts to immigration fraud, and it rendered Walter eligible for deportation on criminal grounds. Walter did not know that it was possible for ICE to access this record, but an investigation revealed the history after he was granted legal permanent residency.

Fourteen years after Walter failed to disclose the earlier deportation on his application for permanent residence, police stopped him for a traffic violation on his way to the airport in 2004. This police officer, who was deputized by ICE, was able to run Walter's license through a database and discover that Walter had an immigration warrant. The officer arrested him. At the time, Walter had custody of his three-year-old daughter as well as his eight-year-old daughter. His ex-wife was able to take the children back and care for them, although, similar to many other families I interviewed, his ex-wife had to rely on public aid once he was deported.

Walter spent four years fighting his deportation order. He spent the first two years fighting his case from inside immigration detention. Eventually, he was released, and he continued to go to court to appeal the order, but he was deported in July 2008.

Manuel was also deported for what amounted to immigration fraud, though technically he was convicted of identity theft. One of only three Brazilians I met who were deported on criminal grounds, Manuel was born in 1964 in Goiânia. He fell on hard times after he lost a job he'd held for years in 2001 and a business he tried to start failed. Manuel knew many people from his hometown of Jaraguá who had gone to the United States and who had returned with lots of money. He set out for the United States in 2003, intending to stay two years, and then return to his wife and children with enough money to pay their debts.

Manuel stayed in the States for four years, but he found he did not earn money as quickly as he expected. He took three months to find work, and he then spent a year paying off debt he'd amassed while he looked. His wife wanted him to stay long enough to pay off their house, so he decided to stay two more years, then return to Brazil.

When Manuel first arrived, he worked primarily with Brazilians. However, he soon realized that if he learned English and worked with Americans he could make more money. However, such jobs required him to have a social security card. Manuel told me that the hiring manager in a granite factory where he wanted to work let him know that the social security card need not be real. So long as Manuel presented them with a card, they could claim that they did not know it was fake, and the employer would avoid any sanction. Thus, Manuel did what the vast majority of undocumented immigrants do: He purchased a fake social security card.

Manuel's employer contributed social security payments from his wages into the false account. Such fake accounts use random numbers. Sometimes, however, these random numbers turn out to belong to real people. This happened to Manuel: His number belonged to a child. Thus, unbeknownst to him, Manuel was contributing money each month to a child's account. Manuel would never be able to withdraw this money, of course. Immigrants like Manuel who use fake social security numbers contributed about $2 billion to Medicare and $8.7 billion for social security in 2010—funds they will never see.[7] Nevertheless, when the child's father discovered the payments, he reported it to the police as identity theft.

One afternoon around 2 pm, when Manuel was at work in the granite factory, he was called into the office. He thought they were calling him in to talk about his pending departure, as he had told them he would be returning to Brazil within the next few weeks. When he arrived at the office, the police were there. The police officers asked him if he was using the social security number in question. He said he was. They asked him where he got the number from and Manuel told them he got it in Miami three years before. The officers told him they had to arrest him because he was being accused of a federal crime: identity theft. Notably, if the number had been unclaimed he would not have been charged with a federal crime, because using a fake number that no one owns is not a criminal offense, whereas it is a federal offense to use an actual number that belongs to someone. One month later, he was taken to trial. Manuel pled guilty to identity theft. All told, Manuel spent three months in jail and was deported to Brazil as a criminal alien.

While ICE uses the term "criminal alien" to conjure images of violent threats to public safety, Manuel clearly presents no threat. Moreover, he had every intention of returning to Brazil and could have saved the U.S. government some money had they decided not to pursue his case.

Driving under the Influence

Legal permanent residents are rarely deported for drunk driving because a single DUI conviction it is not an aggravated felony. However, driving under the influence can land you in jail, which can trigger immigration consequences. This is what happened to both Diallo and Ben, migrants from Guatemala.

I met Diallo in the cafeteria of the call center where he works, after his shift ended. Diallo is in his late thirties, has light brown skin, almond-shaped eyes, and curly, short hair. He spoke English with a strong Boston accent. Diallo was born in 1972 in Escuintla, and he moved to Guatemala City when he was six months old. He moved to the United States when he was eight. He is not sure exactly why his family moved, but it was related to the fact that his stepfather was killed in the employ of Interpol, an international policing organization. His mother, who owned several restaurants in Guatemala City, had begun receiving threats. Shortly after they left, armed gunmen came to one of her restaurants, demanding to speak with the owner. Fortunately, they were already in Boston by that time.

Diallo enrolled in the third grade in Boston. His mother achieved legal permanent residency status for Diallo and for herself. He lived in a primarily white suburb west of Boston called Newton, and he graduated from high school there and went to work with his uncle in shipping and construction.

Diallo and his mother bought a house, and things were going well. However, he developed a drinking problem and began to have trouble with the law. In 1999, after 19 years in the United States, Diallo was arrested for the first time. He served a year of probation for driving under the influence. In addition, the police found a few seeds of marijuana in his car, and he had to pay a $50 fine for marijuana possession. In 2000 he served six months in prison for another DUI charge and paid another $50 fine for possession of a marijuana cigarette. Then, in 2004, he received a third sentence, a 300-day sentence for driving while intoxicated.

Diallo had been an LPR for nearly two decades, but any sentence that lasted for more than a year could lead to deportation. On this third occasion, Diallo had been intoxicated but not driving when arrested; his car was parked on the side of the road and he and his passenger, a black man, had gone to get gas for the car. Someone in the primarily white neighborhood had called the police to report suspicious activity: a black man and a Latino man walking down the road. Diallo might have been able to beat this charge had he gone to court, but he accepted the 300-day plea bargain his lawyer negotiated in order to avoid deportation. With no family ties in Guatemala, Diallo preferred the 300 days to that risk. Nevertheless, he was ordered deported—not because of the DUI but because of the two marijuana charges. Under the 1996 laws, two drug charges constitute an aggravated felony, no matter how small the charges are.

In a similar case, Ben, a young, athletic man, was deported to Guatemala in 2008. He had lived in the United States from the time he was six months old, and a DUI charge ultimately led to his deportation. He was only given three years' probation for the charge, which was imposed in 2005 when he was 20, and while he knew any parole violation could lead to jail time, and that his parole officer had the right to search his room, he did not know that he might be deported for any infraction.

When Ben returned from playing basketball with a friend one night in 2008 and realized his parole officer had searched his room the night before, he had no notion that he had anything that could violate his parole. She had scoured the place, creating such a mess that he spent hours cleaning it up the next day. He'd forgotten about a set of brass knuckles he'd owned and a souvenir bullet his cousin, who is in the Marines, had given him. While neither was illegal, the combination violated the terms of his parole.

Ben was charged with having a dangerous weapon while on probation and with possession of ammunition. He was sentenced to six months in prison. When his prison term was over, Ben was handed over to immigration and he spent a year in immigration detention before deportation. "I pretty much thought that I couldn't get kicked out because I lived all my life there, you know. I don't know anything about here [Guatemala, where I met him]. I've never been here, you know. At least, not when I was old enough to remember." Like Diallo, Ben admits he made a mistake. Diallo admits to having a drinking problem and Ben drove a car while under the influence.

Ironically, immigration law represents an area of the law that, perhaps, punishes drunk driving in better proportion to drug crimes than any other. As Michelle Alexander (2010) argues, the disparities between penalties for drunk driving and those for illegal drug possession do not reflect the fact that in 2010 drunk-driving accidents killed more than 10,000 people in the United States.[8] While numerous states now have mandatory sentencing for first offenses for drunk drivers—two days in jail for a first offense and two to ten days for a second offense—possession of crack cocaine carries a mandatory minimum sentence of five years in prison. Alexander (2010) argues that this disparity is due to the fact that drunk drivers are mostly white (78 percent of all arrests in 1990), whereas nearly all people arrested for crack cocaine are black. Drunk driving carries a much less harsh penalty than crack cocaine possession, even though more than 100,000 people die each year from alcohol-related causes, as compared to 21,000 illegal drug–related deaths each year.

Notwithstanding the overall treatment of drunk driving in the United States, deportation extends the logic of a neoliberal society, which places the blame for all actions on the individual (that is, people like Diallo and Ben). This neoliberal logic of crime control uses a discourse of personal responsibility (Passas 2000). Under this logic, Ben and Diallo should be punished. And they have been through the forcible return to their countries of birth.

Assault, Guns, and Police

DHS's suggestion that mass deportation makes the United States a safer place by removing dangerous criminals misrepresents the vast majority of deportations. However, I did interview some deportees who were convicted of violent offenses. Alberto had been convicted of involuntary manslaughter in 1984, before such offenses usually led to immediate deportation upon release from prison, and he was subjected years later to a home invasion in which 20 officers surrounded his house. Again, this standpoint relies on the neoliberal logic that the United States is a dangerous place because of a small number of individuals who are unable to control themselves, rather than focusing on structural reasons for crime. The reaction of the state to these lawbreakers is to mete out harsh punishment. When they are noncitizens, an additional punishment is deportation.

Fewer than 10 percent of people deported on criminal grounds have convictions for violent offenses. I interviewed very few people with such convictions. One of them, Alberto, was mentioned earlier. Chris is another example. He was deported after an assault conviction.

Chris was an LPR who had been born in Jamaica. He got into trouble after living many years as a law-abiding person in the United States. Chris told me that one of his neighbors, a crack addict, stole some goods from his apartment. Chris confronted him about the theft, and they got into a fight. The addict pulled out a knife. Chris wrestled the knife from him and stabbed him. Chris was convicted of assault and sentenced to one year in jail. He served eight months and was taken directly to immigration detention from Rikers Island. He spent five months in a detention facility in Texas and was deported. This was Chris's first time in jail. When he was deported, Chris had been in the United States for 38 years, was married to a U.S. citizen, and had three U.S.-born children. While the logic of removing people from the United States who pose an ongoing threat to society has some validity, the point of sentences as short as the one imposed on Chris is that society did not judge him an ongoing threat.

Under U.S. law, deportation is not an additional punishment for a crime but is a civil penalty for violation of the Immigration and Nationality Act, which stipulates that noncitizens convicted of certain charges face mandatory deportation.

Emanuel's story involves guns, a controversial issue in the United States. Emanuel had lived in the United States since he was a teenager but was deported to the Dominican Republic on a firearms charge. Emanuel finished high school in New York in 1980, and he decided to join the army afterward. He said that the streets were getting dangerous and he preferred to join the military. Emanuel served in the army for two years. When he finished, he got a job in a factory. Working there, he was able to go to night school to complete a technical degree at DeVry Institute of Technology. When he finished, he got a job with a company that fixed security cameras within supermarkets.

When Emanuel was in the army, he purchased a gun for his personal use. When he acquired it, he lived in North Carolina, where it was legal to own guns. However, he took it with him to New Jersey, where it is illegal for civilians to carry firearms without a permit. One day in early 1996, Emanuel was driving his car in New Jersey. A police officer pulled him over and asked to search the car. Emanuel agreed. The officer found the gun and arrested Emanuel. He was sentenced to one year in prison for illegal possession of a firearm. He served nine months and was released back to his family. Emanuel began working again but had to report to the parole officer each month. During this time, immigration law enforcement set up programs that enabled them to check the citizenship status of parolees. On one occasion, when Emanuel showed up for his meeting with his parole officer, immigration agents were waiting for him. He was deported to the Dominican Republic in 1998.

Like Chris, Caleb had children in the United States. Like Emanuel, he is a U.S. military veteran. Like Ben, he was ultimately deported for a parole violation. Caleb got into an altercation at a nightclub, and this fight earned him two years of probation. While he was still on probation, a police officer followed Caleb to a friend's house. When he parked, the police officer asked him about his car's tags. Caleb asked the officer if he was under arrest; the officer said he was not, so Caleb went into his friend's house. When he came out of his friend's house, the car was gone. The next morning, Caleb went to the police station and found that the Lexus had been impounded and severely damaged in the process. Caleb believes that the police officers wrongly presumed that he had drugs in the car and thus subjected his car to an extensive search. A jury found Caleb guilty of resisting arrest without violence, a charge that specified he had not resisted violently, because he went into his friend's house, for which he received a sentence of nine months in jail. Receiving the conviction meant that Caleb had violated his probation, and the judge sentenced him to 46 months in prison. Caleb was deported to Jamaica, the country he had left 20 years earlier.

Caleb expressed more outrage about the deportation, which separated him from his two daughters, than his imprisonment. When we spoke, he was in the process of appealing his case. His prospects for an appeal are slim. Moreover, even if his case is overturned, he would need the assistance of extremely skilled lawyers to be able to return to the United States. As far as I know, there are only two agencies—one at New York University and the other at Boston University—that operate postdeportation clinics.

A pattern we can discern in the cases described here is that the deportation of each of these men is related to their race, class, and gender. How likely is it that a white, middle-class woman would find herself in a situation where she is being attacked by her neighbor who is high on drugs? How likely is it that she would be arrested after getting into an altercation in a bar or serve time in prison for illegal possession of a firearm? Given residential segregation patterns, white women are less likely to live in neighborhoods where their neighbors might burglarize their homes. Even if arrested and charged with an offense, white women are significantly less likely to be convicted. If convicted, their sentences will be shorter (Mauer 2007).

On the one hand, we can blame individuals for their deviant behavior. However, it also makes sense to ask what structural conditions were involved. In Chris's case, his experience was closely related to where he lived, because his neighbor initiated the dispute. For Emanuel and Caleb, the event that led to their deportation involved being pulled over by a police officer. Even if we can't uncover individual acts of racism by state agents in each of these cases, the trend is apparent. Finally, it is conceivable that, with adequate legal representation, Chris may have been able to have claimed self-defense and Caleb may have been able to have been found not guilty of resisting arrest.

The NFOP: ICE Home Raids

Whereas the CAP is the largest immigration enforcement program, ICE home raids account for a fairly small percentage of deportations. However, they are significant insofar as they create extreme fear for any family that experiences them. Additionally, stories of these raids circulate in immigrant communities, leading to more fear and self-imposed social control, similar to what we have witnessed in the aftermath of large-scale workplace raids (Golash-Boza 2012). As these stories circulate, undocumented immigrants feel compelled to live under the radar as much as possible, and they experience a pervasive fear of deportation, which enhances their economic and social vulnerability (Miller 2008; Harrison and Lloyd 2012).

ICE agents that conduct home raids will enter private homes in search of suspected undocumented migrants or "criminal aliens." A typical raid is usually conducted in the following way. Very early in the morning, when most occupants are sleeping, ICE agents surround a house and pound on the door and windows. I heard stories of 20 officers or more descending on a house and terrifying occupants not yet dressed for the day.

When the occupant opens the door, the agents enter the home, frequently without properly identifying themselves or gaining the consent of the occupant. They may do so under false pretenses—I heard of a case where officers claimed to be responding to reports of a robbery. Once the agents enter the house, they order all of the occupants—including children and the elderly—to a central location. Though often looking for a particular person who is suspected to be a fugitive or criminal alien, they frequently interrogate all occupants of the house and will arrest anyone whom they suspect to be unlawfully present in the United States. Imagine if law enforcement agents could raid homes for tax evasion and then could arrest anyone else in the home unable to provide immediate proof of having filed their taxes. ICE refers to these literally "unwarranted" arrests of suspected undocumented migrants as "collateral arrests." Evidence suggests that markers of a Latino background have been used as the only substitute for nonexistent markers of not being documented, because many U.S. citizens and legally present people of Latin American origin have been arrested in these raids (Azmy et al. 2008).

ICE home raids since 2003 have involved a series of violations both of people's constitutional rights and of ICE's own policies. According to a recent report, aptly titled "Constitution on ICE,"[9] ICE agents routinely fail to observe constitutional rights during home raids. The fourth amendment to the U.S. Constitution implicitly protects citizens and noncitizens from unreasonable searches and seizures, and ICE agents who enter private homes without permission act in violation of this. These protections contrast with ICE protocol, which allows them to arrest any person they suspect not to be a citizen of the United States.

Maximo told me of a violation of just this kind. A Dominican citizen who lived in Puerto Rico, Maximo shared an apartment in San Juan with two other men, a Venezuelan and a Puerto Rican. Early one morning in January 2010, they heard loud banging on the door. Maximo tried to sleep through it, but the banging got louder. Finally, he got up to answer the door. Just before he reached the door, the people knocking decided to break it down. Maximo found himself surrounded by 40 armed officers, some of whom had jackets with ICE stamped on them. The agents did not indicate that they had a warrant for the arrest of a specific person. Instead, they demanded to see all occupants of the house, then pointed guns at them and ordered them to sit on the floor. When they asked Maximo for identification, he gave them his Dominican passport. They asked if he was in the country illegally, and he said he was.

Once the search was over, Maximo was arrested and taken to an immigration detention center. He signed a voluntary departure form and was deported to Santo Domingo two days later. A voluntary departure allowed Maximo to be deported quickly. He could have asked for an immigration hearing, but he would have spent months in detention awaiting his hearing and his chances for gaining legalization were slim to none.

If Maximo's story is accurate, his constitutional rights were violated. Immigration agents have administrative warrants that do not permit them to enter houses without the consent of the occupants. They definitely were not looking for Maximo, as he had never had any previous encounters with immigration agents, so he could not have had a deportation order. He just happened to be there and was arrested when he revealed that he was undocumented. Maximo's arrest is one of the many collateral arrests made by ICE agents during home raids. These sorts of arrests account for a substantial portion of arrests during home raids.

Unlike Maximo, ICE agents actually had an arrest warrant for Vern, a fugitive alien from Guatemala. Vern fled an abusive family situation in Guatemala when he was 10 years old and had lived for 10 years in Mexico. In 1991, when he was 20 years old, Vern traveled to the United States, where he applied for political asylum. The Immigration and Naturalization Service (INS) issued him a work permit while his case was being processed, and he began to work in a frozen-food plant in Ohio. He met and married a Honduran woman, Maria, who was also applying for political asylum. They received work permits every year that allowed them to continue working legally, and their first child was born in 1996. Similar to many other Central American immigrants, Vern and Maria lived in a status of "liminal legality" (Menjívar 2006: 1008), where their status is temporary and contingent, somewhere between the statuses of LPR and undocumented immigrant. Liminal status can expire and people like Vern can easily slip back into being undocumented.

In 1998, Vern received a notice that he should leave the United States—his asylum application had been denied. Vern was devastated; he had established a life in the United States, and he had few ties to Guatemala. He decided to stay, in the hope that his wife's application would be approved, so she could apply to legalize his status. They had another child. Vern lived in fear that immigration agents would come for him. He did everything he could to avoid problems with the police—he never drank, avoided traffic violations, and abided by the laws at all times. He learned English, took his kids on outings every weekend, and tried to blend in as much as possible.

It was not enough. One Sunday morning, two immigration agents came to Vern's house and arrested him in front of his children, aged 12 and 9. Vern was put into detention and, eight days later, he was in Guatemala, the country he had left nearly three decades before. Vern's arrest was part of the NFOP, which has been given the money and the authority by Congress to search homes for dangerous criminal fugitive aliens that threaten national security. Vern was a fugitive alien, and that is why he was deported. It is easy to make the case that Vern did not have the legal right to remain in the United States. That he presented a threat to national security, however, is a hard case to make.

Conclusion

The stated goal of criminal law enforcement is to enhance public safety. The stated goal of immigration law enforcement is to enhance public safety and national security. Prisons serve the purpose of locking people away and preventing them from committing crimes against people who are not incarcerated. Deportation removes people from the United States, with the ostensible goal of making the country more safe and secure. Both of these institutional practices are based on the idea that the country would be safer if they could only get rid of bad people. Long gone is the idea that people could be rehabilitated.

The deportees I spoke with are not simply bad people. Most of them made mistakes, but even those convicted of violent crimes probably do not pose an ongoing risk to society. By being removed, they are separated from their families and communities. Their children, brothers, sisters, parents, and other friends and family suffer the loss of a loved one. The argument that none of this would have happened had they obeyed the law is based on an individualist understanding of lawbreaking and social disorder. From a critical perspective, we can see that laws are made to be broken, that lawbreaking is common across all racial, gender, and class divides, and that the selective enforcement of laws leads to a racialized and gendered system of social control. We can also perceive a long history of devaluing the family ties of nonwhite families in the United States—going back to the era of slavery. As Patricia Hill Collins (1998: 72) points out, "Members of some racial families receive full benefits of membership while others encounter inferior treatment." Because of the devaluing of some families, the "family values" discourse of the 1990s has been primarily applicable to white, middle-class families.

ICE reports its numbers each year, showing the number of Level 1, 2, and 3 offenders. The stories in this chapter show that even if someone is convicted of a Level 1 offense a deportation is not always a win-win situation. Caleb, for example, was convicted of resisting arrest, assault, and violating parole. However, it is far from clear that he poses a constant danger to society. It is very clear that his deportation means that his children will grow up without a father physically present in their lives and that his children and their mother will be much less financially stable than they would have been had he not been deported.

As a consequence of the deportation of the people profiled in this book, hundreds of children are growing up without their fathers present, single mothers are struggling to make ends meet, and parents have effectively lost their sons and daughters. Moreover, the effects reverberate throughout the community. People who hear about or witness deportation live in fear that it could happen to them.

In this chapter, I provided details of the lives of several deportees in order to develop a more nuanced understanding of their lives and to think about the relationship between lawbreaking and deportation. These apprehension stories help us to parse out how people are caught in the deportation dragnet. Once arrested, people are placed in jails, prison, and detention. In the next chapter, we take a look at what goes on behind bars.

6

Behind Bars

Immigration Detention and Prison Life

The incarcerated population in the United States reached a peak at around 2.2 million in 2009. The rate of incarceration of 767 people behind bars per 100,000 in the general population was five times what it had been in 1972. Since 2010, the incarceration rate has shown signs of decline, meaning the era of prison growth may be over (National Research Council 2014). But significant decreases seem far off. More than two million people continue to be behind bars. Seven million people are under criminal justice supervision. Twelve million felons in the United States, many of them released from prison, face lifelong stigma and economic deprivation (Pager 2007; Alexander 2010). Incarceration not only influences the lives of these 19 million people directly involved in the criminal justice system: It also affects their children, spouses, and communities (Comfort 2007).

Many people in the United States are unaware that, in addition to the incarcerated population, there are thousands of people behind bars who are not serving time for a crime or waiting for a trial. Instead, they are in immigration detention and are awaiting an immigration hearing or their deportation. On an average day in 2009, there were about 33,000 immigrants in detention centers around the country.[1] Similar to incarceration rates, there has been an uptick in the rate of immigration detention. In 1973, Immigration and Customs Enforcement (ICE) detained a daily average of 2,370 migrants. In 1994, this rate went up to 5,532. It was up to 20,000 in 2001 and has gone up another 50 percent since (Dow 2004; Golash-Boza 2012).

Nearly all of my interviewees spent time in immigration detention. Some of them only stayed a few days, whereas others were in detention for over a year appealing their deportation orders. Many of the deportees I interviewed spent time both in prison and in immigration detention. Their experiences behind bars help us to understand this integral part of the criminalization of immigrants.

Mass incarceration is a relatively new phenomenon in the United States, and it marks a divergence from attitudes of the mid-20th century, when Americans tended to view incarceration as an ineffective means of controlling crime and sought other solutions to secure public safety. Prison was seen as a last resort, and in the mid-1970s, the Federal Bureau of Prisons planned to close large prisons in Kansas, Washington State, and Georgia. In 1970, Congress voted to eliminate nearly all federal mandatory minimum sentences for drug offenders, because most Americans viewed drug addiction as a problem of public health, not criminal justice (Alexander 2010).

Just ten years later, this mindset—that drugs are a public health problem and prisons are barbaric—was pushed to the margins as mass incarceration took off. The U.S. incarceration rate was about 1 per 1,000 residents for almost the entire 20th century, up until the 1970s. According to the data from the Bureau of Justice Statistics, the rate doubled between 1972 and 1984, then again between 1984 and 1994. By the end of the 20th century, the United States had an unprecedented number of inmates: over two million, more than 10 times any number of U.S. inmates prior to the 1970s. In 2009, more than 7.2 million people were on probation or parole or were in jail or prison: This statistic affects 3.1 percent of all U.S. adult residents, or 1 in every 32 adults. The increase in incarceration cannot be explained by a rise in crime, because crime rates have not fluctuated with incarceration rates (Wacquant 2009; Alexander 2010). Incarceration rates have soared because the laws have changed, lengthening prison sentences and making a wider variety of crimes punishable by incarceration. By the beginning of the 21st century, the United States had built a massive system of incarceration that seems to have little chance of dissipating.

The ease with which the U.S. government puts people behind bars is quite remarkable: Despite the putative importance of liberty, U.S. citizens accept the deprivation of freedom for anyone convicted of a crime. The nominal reasons for imprisonment are punishment (retribution, prevention of future harm, rehabilitation, or deterrence). These ideas of punishment and the moral authority of the state to punish go back to ancient times (Golash 2005). However, the United States is unique insofar as it puts far more people behind bars than any other country does. A consideration of the political economy of mass incarceration helps us to understand why this is the case. It also helps us to see where mass incarceration fits into the story of mass deportation.

The Political Economy of Incarceration

Mass incarceration in the United States is directly tied to neoliberal economic reforms. At the same time that the federal government began to cut funding for social programs, it began to open the doors of its prisons. "Reaganomics," a brand of neoliberalism launched in the 1980s, involved heavy cuts to a wide variety of social programs. As the welfare system shrunk, the prison system grew: The number of inmates in federal prison expanded from 25,000 in 1980 to 219,000 in 2011. This dramatic rise in federal imprisonment rates primarily reflects increases in the numbers of people prosecuted for drug and immigration offenses. However, the most substantial increases have happened at the state level. California led the states in a prison buildup.

Between 1977 and 2007, the California Assembly passed more than 1,000 laws extending and toughening prison sentences (Wacquant 2009). The California State prison population increased five-fold between 1982 and 2000, even though the crime rate peaked in 1980 and declined thereafter. Notably, California's incarceration rate increased after the crime rate had begun to decrease. California had built only 12 prisons between 1852 and 1964, yet it built 23 major new prisons between 1984 and 2004 (Gilmore 2007). What happened? Why did California engage in this massive prison-building project? Why did the legislature pass so many anticrime laws?

Economic restructuring in California during the period holds the answers. During World War II, much of California's prosperity had been tied directly to defense contracts; people from across the country flocked to California to secure well-paying jobs building defense machinery. After the war, California invested in education and technology to ensure that defense contracts would continue, and it endeavored to make itself uniquely able to provide research, development, and manufacturing for the Department of Defense (DoD). DoD contracts continued to come in until the 1980s, but these contracts contributed to the bifurcation of the labor force into well-paid, technology jobs on the one hand, and low-skilled, poorly paid jobs on the other (Gilmore 2007). As you will recall from previous chapters, this economic restructuring was a national trend. And although this trend meant a loss of jobs in the manufacturing sector, it opened up jobs in the service economy, which immigrants often filled.

As in other states, the restructuring of California's economy led to increases in unemployment, poverty, and inequality. By the 1980s, California was a highly unequal state, with high poverty rates, high housing costs, and high unemployment rates alongside some of the wealthiest people in the nation. Over the next 15 years, its economy would continue to change, with more and more low-paid manufacturing and service jobs and fewer high-paid manufacturing jobs. Childhood poverty rates increased 25 percent between 1969 and 1979. These rates continued to soar, increasing another 67 percent between 1980 and 1995, such that by the end of the 20th century one in four children in California lived in poverty (Gilmore 2007). Beset with social problems, the California legislature used mass incarceration to address poverty, unemployment, and inequality. Prisons serve the double purpose of providing employment to tens of thousands of Californians who work in the prison system and locking away a good proportion of the surplus labor force.

The economic restructuring and cuts in government spending in California mirrored those in the rest of the country. Christian Parenti (2000: 41) explains: "In 1982 alone, Reagan cut the real value of welfare by 24 percent, slashed the budget for child nutrition by 34 percent, [and] reduced funding for school milk programs by 78 percent, urban development action grants by 35 percent, and educational block grants by 38 percent." These enormous cuts in social spending disproportionately affected low-wage people of color in urban areas. As is typical in these sorts of reforms, the state simultaneously enhanced its repressive capacities. As David Harvey (2005: 77) argues, "In the United States incarceration became a key state strategy to deal with problems arising among discarded workers and marginalized populations. The coercive arm of the state is augmented to protect corporate interests and, if necessary, to repress dissent."

As these cuts to government spending on social welfare spread across the country, companies began to outsource manufacturing jobs, sending jobs once held by blue-collar Americans overseas where cheaper labor could be found. Deindustrialization led to the impoverishment of cities such as Chicago and Detroit. Detroit was hit particularly hard: It lost half of its population in the 1980s. The beginning of the War on Drugs coincided with deindustrialization. Well-paying, stable, blue-collar jobs disappeared, leaving unemployment, as well as social unrest, in their wake (Alexander 2010). The possibility of social unrest led to the expansion of the criminal justice system, designed to manage and contain the underclass created by neoliberal economic policies (Wacquant 2009). Racialized fears of crime have meant that the prison buildup has had public support: People with negative biases toward African Americans are more likely to support punitive policies (Bobo and Thompson 2010).

In 2009, after 30 years of prison building, California found itself with a massive prison system it was no longer able to finance. It is remarkable that the first cuts in California's prison system came not because the prison system was failing to reduce crime but because the state could no longer afford to finance a state prison system larger than that of most other countries in the world. Facing similar economic pressures, the state of New York closed four prisons in 2013.[2]

Mass incarceration served a political purpose insofar as politicians were able to present themselves as tough on crime. It served an economic purpose insofar as it provided jobs in rural areas. And it served an ideological purpose. In a neoliberal society, the state takes limited responsibility for the well-being of its citizens, expecting each individual to be entrepreneurial and independent. It celebrates people who succeed in this environment. When a threadbare safety net fails people who cannot support themselves and who turn to the illegal economy, the state places them behind bars. By doing so, the state sends the message that it is protecting society and also sends a warning message to others who might consider falling out of line.

The effects of incarceration, moreover, are far-reaching. Nearly all prisoners will eventually be released (Petersilia 2003). And many prisoners emerge from prison deeply scarred by their experiences.

Life on the Inside

The deportees I spoke with experienced incarceration as demeaning, stressful, and dangerous. Hector, for example, never expected to end up behind bars. He came to the United States from Guatemala as a toddler. He completed a degree at the University of California and was on track to middle-class success when he was convicted of credit-card fraud. He was sentenced to two years in prison.

When he was initially booked into Los Angeles County Jail, the bailiff inquired about his sexual orientation. Hector told him he was a gay man, and the bailiff placed Hector in the LGBT section of the holding cells. Hector's first cellmate was a transgender woman who explained to him that there are segregated cells in county jail but not in state prison. In L.A. County Jail, Hector was issued a powder-blue uniform, as are all of the other LGBT inmates. L.A. County Jail is unique in that it has a separate facility for gay men and transgender women. This unit, created in 1985, is also distinctive insofar as it is relatively free from threats of physical or sexual violence—quite different from the dangerous conditions in the rest of the jail (Dolovich 2012).

County jails are designed as holding cells and are not for long-term incarceration. The conditions in these jails vary dramatically. Some of the deportees I interviewed expressed frustration about the conditions in county jail. For example, Manuel, a Brazilian deportee charged with identity theft, told me that jail is

> one of the most terrible, dark places you could ever go. There, you don't take a shower; you don't eat properly, because of the enormous stress. Also, they only give you sandwiches, and we Brazilians are not used to eating sandwiches. You will be hungry in there. It is also a claustrophobic place. I suffer from claustrophobia, and when they closed that cell door, that was it for me.

Manuel spent only seven days in county jail before being taken to prison, where he found the conditions a bit more tolerable. In contrast, Hector stayed in L.A. County Jail for three months before being transferred to a state facility. When Hector arrived at the state prison, he told the receiving deputies, “I am gay and I need protective custody.” They responded, “You’re a big boy. Deal with it.” Unlike L.A. County Jail, the state prison had no separate unit for gay and transgender people.

The officers then asked Hector if he was white, black, or Mexican so that they could place him with the right group. Hector, who was born in Guatemala, chose Mexican. He explained his rationale:

> The Mexicans sleep with the Mexicans. The blacks sleep with blacks. The whites with the whites. And if you’re Asian, you gotta pick one or the other. Some prisons will let you pick other. . . . I get to state and I walk in and I’m forced to choose a race. I choose Mexican because I’m not black and I’m not white. And the whites are really . . . skinheads.

Racial tensions within prisons are high. Some California prison systems have responded by separating black, Latino, and white inmates into different groups. Manuel also found racial tensions in the Florida prison where he was housed. Manuel explained that the African American prisoners bothered him because they thought he was a “yellow black” (an African American with light skin) and were troubled that he chose to make friends with white prisoners. Although Manuel has African ancestry, in keeping with social norms in Brazil, he does not identify as black. The African American prisoners, however, saw him as black and Manuel had to learn to deal with the racial dynamics of the prison in which he was housed. Similarly, Hector’s fellow prisoners pressured him to choose an affiliation with one of the prison gangs.

Hector describes his first Mexican cellmate as a “lifelong gangbanger”:

> [He was] this guy with tattoos all over his face. You know, a scary-looking guy. And I tried not to say a word because I know if I open my mouth, I’m gonna give myself away. So I’m keeping it as short and sweet, to the point. And he is asking me if I gangbang and I’m just, like, “No, no, no, yes, no.” I lived with him tenuously for a while. I had to choose one of the two Mexican gangs. . . . Well, my cellmate, once he realized I was completely fresh and had absolutely no idea what I was doing, he took a very kind attitude. He was a nice guy. It kind of helped me figure out what I was gonna do and he said he was a Southsider.

Gangs run many California state prisons, and prisoners often feel obliged to choose an affiliation. Most gangs conform to racial categories. U.S.-born Latinos in California state prisons align with one of two gangs: the Northsiders or the Southsiders. Foreign-born Latinos typically join Paisas (Dolovich 2012). As a 1.5-generation Latino with a Southsider cellmate, Hector chose to join the Southsiders. He explained why he did so:

> I chose to be a Southsider because of my cellmate and because of the people that I knew. So, the first time that you go to yard, that's that next morning, you are in the midst of really ground zero. Race tension, violent, race-related violence. It's scary. I remember the first time I saw somebody get stabbed. I saw somebody get sliced seriously, probably where like that person is dead. I know that person is dead. This person sitting next to me just got stabbed and that person is dead. Or the first time that you see the tower shoot somebody. The guard's towers. It's a scary feeling. When lights go out and all the Southsiders have to take care of a problem with another Southsider who has done something bad and then all of a sudden I get caught up in the stuff. I have to or it's my life on the line. At that point it's survival: me or this person. And it broke my heart to do anything, I had to do it. And it's not in my nature and I'm not proud of it.

Prisons may be designed to reduce crime. However, as Hector's story makes clear, prisoners often are vulnerable to violent crime while inside prison. Donald Sabo, Terry Allen Kupers, and Willie James London (2001) argue that many young, nonviolent offenders are thrown into overcrowded prisons and must learn both to toughen themselves up and to become numb to the pain of others. Hector witnessed several acts of violence within prison, and he even admitted to engaging in violence himself for his own protection. Hector was not convicted of a violent crime and had not engaged in violence while he was a free man. In prison, however, he found it difficult to avoid violence. In prisons controlled by gangs, gang members are obliged to get involved in any altercation involving members of their group. If two black inmates were to attack a Southsider and Hector was around, he would have no choice except to jump in the fight. If he didn't, he would surely face a violent reprisal from fellow Southsiders later on, as well as a loss of respect.

The hypermasculinity of men's prisons creates this environment. It requires men to prove their prowess through physical acts. However, prisons also restrict access to heterosexual partners, thereby limiting a key part of men's masculinity. Inside prisons, men do have access to same-sex relationships, and these relationships do occur, both consensually and through rape.

In prison, Hector was fearful of being forced into nonconsensual same-sex relationships. One solution to this potential problem was to develop an intimate relationship with someone inside the prison who would also protect him from unwanted sexual overtures. Hector found an intimate partner and explained that finding a partner was crucial to his protection:

> Obviously, it is very difficult for me to hide the fact that I'm gay. I ended up meeting one of the other Southsiders who was a young guy like me, about the same age. . . . So this guy comes up to me and he is like, "Listen, I can tell that you're gay." And he said, "Why don't you move in with me and be my cellie?" He is one of the carnales, the big homies. He is running the gang on this yard in this building for the Southsiders. He said, "Just move in with me and you're going to avoid a lot of problems." And it turned out that he and I ended up getting along really well. He is heterosexual but we ended up getting into a relationship and as a matter of fact, we were in a relationship for a really long time. The entire time that I was at that prison with him, we were in that relationship. And it got to the point where we chose to stay together.

Hector's partner was able to work things out so that they could share a cell.

> Because he had been there so many times he had a lot of juice with the officers. So, he said, "I want that guy moved into my cell." The officer is, like, "Sure, tell him to pack his stuff. I'll have his cell changed later today." He walked over, helped me pick up my stuff, and moved me into his cell, moved his cellie out of there. And we actually ended really getting into a

> relationship really is what it is. For each traditional gender role, he was very much the man. I was very much the woman and I am going to leave it at that because I'm demure. . . . I took care of the cooking, the cleaning, and the washing, really is what it was. I don't mind playing house. I mean, I love it. And he took care of everything else. Right? We shared everything, obviously, and we lived together.

Like any first-time prisoner, Hector had to learn the rules of prison, which are rooted in a patriarchal society but have their own manifestation in prison. Inside prison, it is often acceptable for men to enter into a relationship and for a dominant male to claim possession of another man (Sabo et al. 2001).

Hector was distinct from my other respondents in that he talked at length and in great detail about his experiences behind bars. It seemed that others' reticence reflected trauma and perhaps shame. Most of the other deportees only spoke briefly about their experiences behind bars. No matter how long they spent in prison, it was not an experience they wanted to dwell on. They wanted to forget about it, just as most people on the outside would rather not think about the fact that millions of people live without freedom. Jose Carlos is another deportee who was willing to talk about his prison experiences.

Jose Carlos, who is also Guatemalan, was a tattoo artist and found a niche for himself by making tattoos in prison. Jose was able to make a homemade tattoo machine with a motor from another electronic device along with ink that was smuggled into the prison. He charged inmates $75 for each tattoo, and they paid him by asking family members to put money into his account. Jose Carlos had quite a different experience from Hector. Jose Carlos spent eight months in state prison for drug possession, yet, unlike Hector, he did not experience pressure to join a gang. Jose Carlos explained that he did not have to join a gang, but he was obliged to follow the informal rules and only hang out with Latinos.

Whereas Jose Carlos felt he was able to lay low and just do his time, Hector had to become a different person to survive. Prison transformed a middle-class college graduate into a gang member. Hector's open homosexuality shaped his experience. Hector describes his relationship with his cellmate as consensual and based on mutual respect. Perhaps because of this, other gang members decided to test Hector's partner, to see if he had gotten too soft. The other gang members asked him to kill someone in the prison.

Hector's partner had only two choices: commit the act and risk a greatly lengthened sentence, or break the prison rules and get himself in solitary confinement for his own protection. He elected to seek solitary confinement. Hector decided to follow suit, because his partner's confinement would leave him vulnerable to reprisal.

As Hector's story reflects, violence is an integral part of the incarceration experience for men. In a recent article, Mika'il DeVeaux (2013), who was incarcerated for 25 years, argues that incarceration is traumatic because of the constant threat and reality of violence.

When prisoners are released, many are placed on parole or probation and have access to reintegration programs. These programs are designed to ease former inmates' transition back into society. Noncitizens who are incarcerated and face deportation, however, are not put into reintegration programs. Instead, they are sent to immigration detention and then to their home countries.

Immigration Detention

When Hector finished his time in state prison, he was transferred to immigration detention, where he was to await his deportation to Guatemala. Detention facilities do not have the same level of organized crime and violence as do state prisons. However, they come with their own set of challenges.

The immigration detention system is a complex of Department of Homeland Security (DHS) detention centers, county and city jails, and privately owned prisons used to hold noncitizens awaiting immigration trial or deportation. In 2009, DHS detained about 380,000 people at 350 different facilities, at a cost of more than $1.7 billion.[3] These detainees are not serving time for any criminal law violations. Instead, they are civil detainees awaiting trial or deportation. Unlike in prison, you cannot be sentenced to a fixed amount of time in immigration detention. In contrast, immigration detention is where noncitizens go once they have completed their prison or jail sentences and where noncitizens await immigration hearings.

The recent expansion of immigration detention has created a profitable market for the private prison industry, especially the Corrections Corporation of America (CCA) and the GEO Group. The CCA is the largest ICE contractor, with 14,566 detention beds. The second largest, GEO, has more than 7,000 beds. These two companies have a history of lobbying legislators in efforts to expand detention and of reaping tremendous profits in the era of mass deportation. Between 1999 and 2009, the CCA spent $18 million lobbying Congress as well as DHS.[4]

Privatization of public services is a key aspect of neoliberal reforms. Insofar as neoliberalism involves unleashing the free market from the shackles of government, the idea that private companies do a better job at providing services than the government is central to neoliberal ideology. In the case of immigration detention as well as incarceration, we have witnessed the private sector reaping profits while costing the government billions of dollars.

The law protects criminal suspects and convicted prisoners in a range of ways not available to immigrant detainees. People arrested and charged with criminal offenses in the United States have the opportunity to challenge their imprisonment before a court and the Department of Justice (DoJ) provides them with legal counsel if they cannot afford it. The Fifth Amendment of the U.S. Constitution provides for the right not to "be deprived of life, liberty, or property without due process of law." A Supreme Court decision in 2001 noted that "freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause."[5] People held by DHS, however, do not have the same rights and safeguards as criminal suspects do in the United States, even though immigrant detention is preventative. DHS can detain people only in order to ensure their deportation or their appearance at a removal hearing. DHS does not have the authority to hold anyone punitively.

In *Demore v. Kim*, Chief Justice William Rehnquist ruled that "the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings." *Demore v. Kim* revolved around the question of whether the government could detain noncitizens who awaited their deportation proceedings or whether it had to give these noncitizens individualized bond hearings to determine whether they posed a flight risk. Kim, who had been a legal permanent resident (LPR) of the United States since he was a small child, argued he should have had the right to a hearing before an impartial official, to determine whether or not he posed a flight risk. In the Court's opinion, Rehnquist concluded he did not require a hearing and that detention during removal proceedings is acceptable, in part because these proceedings are typically not lengthy.[6] Justice David Souter's dissent stated that noncitizens are persons before the law and should be afforded due process. Souter cited a 1987 Supreme Court decision, in which the Chief Justice wrote, "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."[7] For noncitizens subject to removal from the United States, however, detention has become the norm, and bond hearings are the exception.

Despite the centrality of due process and habeas corpus protections to legal frameworks in the United States, the current system of immigration detention violates these procedural protections in three critical ways: (1) Detainees bear the burden of proof; (2) the state can deny bond hearings; and (3) the judge and the jailer are sometimes the same. DHS justifies the detention of noncitizens as a measure necessary to ensure they appear at immigration trials and leave the country when ordered to do so. With this justification, DHS detains people who are very likely to win their cases against deportation, people who have served in the U.S. armed forces, people who have lived in the United States for most of their lives, people who own homes and businesses in the United States, people who are ill, and people who have U.S. citizen parents, children, and siblings.

Under U.S. law, immigration detention is not considered incarceration. Erving Goffman (1961) described prisons as "total institutions" insofar as they have these four characteristics: (1) Inmates are obliged to sleep, play, and work in one space and cannot leave; (2) inmates are required to live with other inmates, and they all have to do the same things; (3) the day's activities are tightly scheduled according to specific rules; and (4) the various aspects of prison life are supposed to fill the official aims of the institution. Immigration detention facilities also qualify as total institutions under this definition and share many characteristics with prisons.

My respondents who had served time in prison and in detention described the experiences as being similar. Some suffered more in detention than prison, others a little less. Like incarcerated people, they lost touch with their families, experienced violence, and suffered financial jeopardy due to imprisonment. While U.S. law states that immigrant detention cannot be punitive, my respondents experienced immigrant detention as punishment.

Elias spent nearly a year in detention, until he ultimately gave up on the appeal process so that he could get out of detention and be deported back to Jamaica. At first, Elias thought he had a chance to win his appeals. However, after spending 18 months in jail on a controlled substance charge, and 11 months in detention, he was tired of being behind bars. I asked Elias about his experiences in immigration detention, especially insofar as it compared to his experiences in state prison:

> Terrible! Oh my God it was worse than the state 10 times. . . . The food is terrible, the place is not clean, and it's just terrible. MRSA staph infection was running rampant though there . . . and the food was terrible. . . . This guy named David . . . they beat him up for nothing and put him in a cell with feces and blood all over the wall. . . . They beat him up terrible. His back was fractured.

Many of the deportees complained about the food, lack of exercise, violence, and unsanitary conditions. Philip, for example, is a vegetarian, and he had trouble getting adequate food. Philip also described unstable conditions inside the detention center, largely due to overcrowding. Many other deportees found immigration detention to be uncomfortable. Alberto, for example, complained it was too cold. He said it was

> disgusting. I hate that place; it was icy cold in there and that place even in the winter they have the air conditioning operating the same way. They take all your clothes; they had me in [a] jumper without a t-shirt and they would take you out in the freezing cold to court, without a jacket. The minute I got in I said, "Bring my papers and sign it right now. I want to leave; I can pay my own fare," because I did not want to be in here two years like some guys. I wanted to buy my ticket and then the whole

> United States army could escort me to the airport. I didn't want to be in no jail—not even for a second.

Alberto was detained for five weeks and he said the cold environment prevented him from sleeping. A recent report in the Los Angeles Times corroborates Alberto's claim that immigration detention centers are kept cold. Immigration activists say that freezing cells—colloquially referred to by guards and detainees alike as "iceboxes"—are used to pressure detainees to agree to deportation.[8] Melvin, also Jamaican, explained that detention is worse than prison because you don't have the same freedoms you have in prison.

> To me, immigration is, like, you don't commit crimes like a criminal . . . , so you should get better treatment. If you have money in your account, you should be able to buy stuff that you really need. In prison you're free, you can buy your stuff, you could buy your jeans, your shower shoes, your little snacks, so you don't eat all that they give you; you don't have to eat that.

It is remarkable that Melvin said that "in prison you're free" insofar as you are able to purchase some consumer items while incarcerated. In contrast, in immigration detention, Melvin did not have the freedom to purchase items he needed and desired. Melvin didn't feel there was adequate food in immigrant detention.

> When you're in immigration [detention], you have to try to force yourself to eat what you don't even want to eat, you know what I'm saying. Because you have money in your account, and you can't even buy what you need to buy 'cause they don't sell it, you're not, you're not existing, you're not in their world, you know what I'm saying? . . . They don't give us free air, they don't, they, they lock us up, they, they everything is inside, you know what I'm saying?

Prison allowed outdoor recreation and commissary purchases. Detention often did not provide these options. In this way, for Melvin and others, detention involved more of a loss of freedom than prison.

Antonio, a Brazilian deportee, recounted harsh conditions in a detention center in McAllen, Texas, where he says he did not eat for three days because he found the food unpalatable. From there, he was taken to a detention center in New Mexico, where he was "scared because the police used excessive force" even though he followed their every order.

Hector also told me that there were no recreational activities in detention, which compared unfavorably to prison.

> It was two months of absolutely no program. We call it program when you do things, when you go out to yard, when you take a class, when you have a job, whatever. There is no program at all. Only a television and you are stuck in the same room about this big with 50 other people besides the dining room. It's mind numbing and it's really boring. And so I started to feel like a caged lion, and I'm pacing back and forth all day going, "Get me out of here." Every INS [Immigration and Naturalization Service] officer that walked in, I said, "Why am I still here? Send me back home. I don't want to be here. I'm not fighting my case." Because if you fight your case, you're looking at a year. Because even if you win your case at the end of that year, the U.S. attorneys are going to appeal it and you're still gonna get deported. So, I knew that wasn't gonna be the case. I didn't want to be locked up for another 18 months. I just got through doing 18 months. I'm done with this. I'm really done with this. I'm done with the lifestyle. I'm done with it.

For Hector, Elias, Alberto, and other detainees, the conditions of detention centers were a great motivator for them to not pursue any appeals so that they could get out as soon as possible. Unlike prisoners, however, detainees often cannot predict when they will be released. They are not "doing time." Instead, they are waiting for their deportation date, which they have little control over. Hector, however, did point to one positive side of detention: Gangs do not run detention in the same way they do California state prisons. His affiliation with the Southsiders from his prison term worked to his advantage without bringing the dangers it had in prison, even though immigration detention involves people from all over the country. "Once I got to the first INS facility, you know, you see the other Southsiders who were there and I tried to keep my mouth shut as much as I could but eventually they see the 13 on the side of my leg, they're gonna know. And they asked, 'Are you a Southsider?' And I said, 'Sure am, homie.'"

Hector didn't tell anyone that he had run afoul of the Southsiders by choosing solitary confinement over following a gang order, so no one knew. He was transferred to another detention facility and again found his affiliation only an asset.

> What I was afraid of was the gangs in immigration were going to be really active like they are in state prison, but they are not. They are actually inactive. Because they are trying to stay in the country, they are trying to get in as little trouble as they can. So the entire time that I was in that facility for those two months, there really was only one incident of gang-related violence. . . .

At the end of two months in detention, Hector was deported back to Guatemala, the country he had left when he was a toddler. With freezing temperatures, unappetizing food, no recreational activities, and an entirely mundane existence, detention centers are clearly designed to cause suffering and make people seek an exit.

The appeals process for deportation cases can take years, and mandatory detention during the process is a major disincentive to continue with the appeals. While detained, people cannot continue working, which puts tremendous stress on their families and makes it impossible to retain a lawyer. DHS has no obligation to provide counsel. Several deportees told me they stopped appealing their deportations even though they had strong cases.

Diallo, a Guatemalan citizen, was among my most tenacious respondents. He spent over two years in detention fighting his case before giving up. I met Diallo, who speaks with a strong Boston accent, in the cafeteria of the call center where he works in Guatemala City. His voice broke and his eyes filled with tears as he explained to me that he spent more time behind bars fighting his immigration case—two and a half years in the prime of his life—than he had for his original sentence. Diallo, who had lived in the United States for nearly 30 years, was deported for being caught with marijuana seeds on one occasion and a marijuana cigarette on another occasion, a decade later. As I explained in the last chapter, Diallo moved to the United States when he was eight years old in 1980 but faced deportation after serving prison time for a DUI.

After 300 days in prison, Diallo was sent on a plane to Louisiana to an immigration detention facility. Diallo fought his deportation order but was forced to do so from behind bars. After two and a half years, and more than $15,000 in legal fees, Diallo discontinued the appeals process. He and his mother had exhausted their resources. His mother had diabetes and custody of Diallo's daughter, who had been in his custody since she was an infant. In 2008, Diallo was deported to Guatemala, a land he barely remembered, leaving his mother and daughter behind.

Elias, a Jamaican national, gave up on the appeals process after 11 months. Elias moved to the United States when he was 13, to join his mother, who had lived in the United States as an LPR for eight years. Elias arrived in Brooklyn in the early 1980s. He enrolled in the eighth grade and continued to go to school until he finished high school in 1985.

In 1986, Elias was arrested and charged with selling marijuana. He did not have to go to jail but was ordered to pay a $50 fine. He had no more trouble with the law until 2006, when he agreed to take a diaper bag across town for a friend. Elias got into the cab with the bag and, within moments, a police officer pulled the cab over and asked to see the bag. The diaper bag turned out to have 14 rocks of crack cocaine in it. Elias was arrested, convicted, and sentenced to 18 months in prison. Elias appealed the charge, claiming the bag was not his and that he did not know that there was cocaine in the bag.

The criminal justice system didn't hold Elias while his case was under appeal—DHS did. As a noncitizen facing deportation, he was subject to mandatory detention. After 11 months in detention, Elias gave up his appeal. He had lived in the United States for over 20 years. He had 11 U.S. citizen children and no ties to Jamaica. He agreed to be deported because he grew tired of being in detention.

Elias and Diallo did not exhaust their appeal options. Instead, they ran out of money to pay immigration lawyers to help them pursue their claims, and they tired of their lengthy detention. Thus, they decided to give up the appeals process and agreed to be deported. There are many noncitizens currently in detention who have meritorious claims and may be able to overturn their deportation orders. However, the length and cost of the appeals process as well as the conditions of immigration

11 Scott Bittle, Jon Rochkind, and Amber Ott, "Slip-Sliding Away: An Anxious Public Talks about Today's Economy and the American Dream," 2011, accessed October 12, 2014, http://www.publicagenda.org/pages/slipsliding-away.

12 Branko Milanovic, World Bank, "Global Income Inequality by the Numbers: In History and Now," 2012, accessed October 22, 2014, https://openknowledge.worldbank.org/bitstream/handle/10986/12117/wps6259.pdf?sequence=2.

13 Mary Dougherty, Dennis Wilson, and Amy Wu, Department of Homeland Security, "Immigration Enforcement Actions: 2005," November 2005, accessed July 26, 2010, http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement_AR_05.pdf.

CHAPTER 1. GROWING UP

1 Lina Bassarsky *et al.,* United Nations Department of Economic and Social Affairs, "*International Migration Policies: Government Views and Priorities,*" 2013, http://www.un.org/en/development/desa/population/publications/policy/international-migration-policies-report-2013.shtml.

2 United Nations Human Development Programme, "Human Development Report," 2009, accessed October 18, 2014, http://hdr.undp.org/en/media/HDR_20072008_EN_Complete.pdf; Department of Homeland Security, DHS Table 03 for 2009, "Persons Obtaining Legal Permanent Resident Status by Region and Country of Birth: Fiscal Years 2000 to 2009," Yearbook of Immigration Statistics, accessed October 20, 2014, http://www.dhs.gov/yearbook-immigration-statistics-2009-3.

3 Department of Homeland Security, "Persons Obtaining Legal Permanent Resident Status by Region and Country of Birth: Fiscal Years 1997 to 2006," http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2006/table03d.xls; Department of Homeland Security, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006 August 2007," 2007, accessed September 9, 2014, http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf.

4 Quentin Delpech, "Guate-Mara: The Extortion Economy in Guatemala," *Americas Quarterly*, Spring 2013, accessed October 1, 2014, http://www.americasquarterly.org/content/guate-mara-extortion-economy-guatemala.

CHAPTER 2. CROSSING OVER

1 Jo Tuckman, "Survivor Tells of Escape from Mexican Massacre in Which 72 Were Left Dead," *Guardian*, August 25, 2010, accessed October 16, 2014, http://www.theguardian.com/world/2010/aug/25/mexico-massacre-central-american-migrants.

2 Jo Tuckman, "Mexican Mass Grave Toll Rises to 116," *Guardian*, April 13, 2011, accessed October 16, 2014, http://www.theguardian.com/world/2011/apr/13/mexico-mass-grave-matamoros-tamaulipas.

3 Maria Jimenez, American Civil Liberties Union of San Diego, "Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border," October 1, 2009, accessed

detention prevent many noncitizens from fully pursuing the revocation of their deportation orders. No system of custody hearings evaluates prolonged detention and detainees have to pay for their own counsel. As Mary Bosworth (2014) explains, the uncertainty with regard to how long one will spend in detention creates extreme stress, especially for long-term detainees.

Conclusion

Prisons are the underbelly of global capitalism; these institutions change people on the inside and lead to fear of imprisonment on the outside. They also mirror the larger society, especially the ways in which racial domination and patriarchy play out.

Michel Foucault (1977: 303) argued that “the carceral ‘naturalizes’ the legal power to punish, as it ‘legalizes’ the technical power to discipline.” The existence of a massive system of incarceration in the United States naturalizes punishment. The disproportionate application of incarceration to black and Latino men makes it easier for Americans to accept the fact that there are more than two million people behind bars. In immigration detention, nearly all detainees are nonwhite.

Prisons are a key aspect of neoliberal reforms. In California, we saw how the buildup of the prison system came at the same time as the state cut back social services and manufacturing jobs disappeared. Mass incarceration allowed politicians to appease voters’ concerns about the economy by diverting voters’ attention from the economy and focusing on crime. Politicians promised voters they would be tough on crime. These promises led to policies that lengthened prison sentences. More prisons needed to be built, which provided much-needed jobs in rural areas. Mass incarceration, however, has had an array of collateral costs and the United States now has one of the largest prison populations in the world.

Both detention and incarceration work to warehouse undesired populations. Deportation putatively gets rid of them—although in reality deportees continue to exist. While my respondents often willingly chose freedom in their home countries over detention in the country they had come to think of as home, as the next chapter describes, most experienced hardship in the countries of their birth upon their return.

Population in 2012," 2013, accessed October 17, 2014, http://www.dhs.gov/sites/default/files/publications/ois_lpr_pe_2012.pdf.

6 Department of Homeland Security, "Fiscal Year 2013 ICE Immigration Removals," 2014, accessed October 18, 2014, http://www.ice.gov/removal-statistics/.

7 Immigration and Customs Enforcement, "ICE Removal Statistics, Fiscal Year 2013," 2014, accessed October 16, 2014, http://www.ice.gov/removal-statistics/.

8 "NYC Marijuana Possession Arrests Skyrocket, Illustrate NYPD Racial Bias, New Report Shows," *New York Civil Liberties Union*, 2008, accessed October 16, 2014, http://www.nyclu.org/node/1736.

9 *Carachuri-Rosendo v. Holder*, Attorney General, Certiorari to the United States Court of Appeals for the Fifth Circuit No. 09–60, argued March 31, 2010—decided June 14, 2010, accessed October 16, 2014, http://www.supremecourt.gov/opinions/09pdf/09-60.pdf.

CHAPTER 5. GETTING CAUGHT

1 Department of Homeland Security, "Fiscal Year 2013 ICE Immigration Removals," 2014, accessed October 16, 2014, https://www.ice.gov/doclib/about/offices/ero/pdf/2013-ice-immigration-removals.pdf.

2 U.S. Department of Justice, "Justice Department Releases Investigative Findings on the Alamance County, N.C., Sheriff's Office," 2012, accessed October 16, 2014, http://www.justice.gov/opa/pr/2012/September/12-crt-1125.html.

3 "DOJ: Alamance Sheriff Shows Pattern of Discrimination against Latinos," *WFMY News*, September 18, 2012, accessed October 17, 2014, http://archive.digtriad.com/news/local/article/246062/57/DOJ-Alamance-Sheriff-Shows-Pattern-Of-Bias-Against-Latinos.

4 "Georgia Teen, a Plaintiff in SPLC Suit, Tells House Subcommittee about Terrifying Immigration Raid," *Southern Poverty Law Center*, February 2008, accessed October 16, 2014, http://www.splcenter.org/get-informed/news/georgia-teen-a-plaintiff-in-splc-suit-tells-house-subcommittee-about-terrifying-im.

5 Tamara's comment indicates that she, like many Brazilians, sees the United States as a place where one can earn money and live comfortably. It also indicates that my social location as a white, North American, middle-class woman influenced our interactions. Insofar as this research is primarily interview-based and not ethnographic, it is difficult for me to give many details on how my social location influenced my respondents, but I am sure that my social location did have an influence. I am less sure how—primarily because many of the people profiled in this book are people whom I only met once. I learned in my first book that an understanding of the researcher's positionality comes primarily from informal comments that respondents make outside of the context of the interview. For this project, I had minimal access to that kind of information.

6 Walter Ewing, Immigration Policy Center, "Growth of the U.S. Deportation Machine," 2014, accessed October 18, 2014, http://www.immigrationpolicy.org/just-facts/growth-us-deportation-machine.

7 Kimber Solana, "Illegal Immigrants Give Billions to Medicare, Social Security with No Hope of Benefit," *USC Annenberg*, January 13, 2007, accessed October 18, 2014, http://www.reportingonhealth.org/2013/01/07/illegal-immigrants-give-billions-medicare-social-security-no-hope-benefit.
8 Foundation for Advancing Alcohol Responsibility, "Drunk Driving Fatalities—National Statistics," 2012, accessed October 18, 2014, http://responsibility.org/drunk-driving/drunk-driving-fatalities-national-statistics.
9 Immigration Justice Clinic, Cardozo Law School, "Constitution on ICE: A Report on Immigration Home Raid Operations," 2009, accessed October 16, 2014, http://cdm16064.contentdm.oclc.org/cdm/ref/collection/p266901coll4/id/2049.

CHAPTER 6. BEHIND BARS

1 Detention Watch Network, "The Influence of the Private Prison Industry in Immigration Detention," 2012, accessed October 27, 2014, http://www.detentionwatchnetwork.org/privateprisons.
2 Department of Corrections and Community Supervision, New York State, "New York State Department of Corrections and Community Supervision Announces Prison Reforms That Will Save Taxpayers Over $30 Million Annually Following Decline in Crime Rate and Inmate Population," 2013, accessed October 18, 2014, http://www.doccs.ny.gov/PressRel/2013/Prison_Closure_Announcement.html.
3 Detention Watch Network, "About the U.S. Detention and Deportation System," http://www.detentionwatchnetwork.org/aboutdetention; National Immigrant Justice Center. "Isolated in Detention," September 2010, accessed April 11, 2011, http://www.immigrantjustice.org/download-document/793-isolated-in-detention-full-report.html.
4 Detention Watch Network, "The Influence of the Private Prison Industry in Immigration Detention," 2012, accessed October 27, 2014, http://www.detentionwatchnetwork.org/privateprisons.
5 *Zadvydas v. Davis et al.* U.S. 99-7791 (2001), accessed October 18, 2014, http://www.law.cornell.edu/supct/html/99-7791.ZS.html.
6 *Demore v. Kim* U.S. 01-1491 (2003), accessed April 15, 2011, http://www.law.cornell.edu/supct/pdf/01-1491P.ZO.
7 *Demore v. Kim* U.S. 01-1491 (2003), Opinion of Souter, accessed April 15, 2011, http://www.law.cornell.edu/supct/pdf/01-1491P.ZX.
8 "Immigrant Groups Complain of 'Icebox' Detention Cells," *Los Angeles Times*, December 5, 2013, accessed October 20, 2014, http://articles.latimes.com/2013/dec/05/nation/la-na-ff-detention-centers-20131206.

CHAPTER 7. BACK HOME

1 "Statistics Fuel Deportee-Crime Concerns," *Gleaner*, April 15, 2010, accessed October 18, 2014, http://jamaica-gleaner.com/gleaner/20100415/lead/lead3.html.