



8-2013

Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality

Meghan Elizabeth Conley

University of Tennessee - Knoxville, mconley2@utk.edu

Recommended Citation

Conley, Meghan Elizabeth, "Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality." PhD diss., University of Tennessee, 2013.

https://trace.tennessee.edu/utk_graddiss/2411

This Dissertation is brought to you for free and open access by the Graduate School at Trace: Tennessee Research and Creative Exchange. It has been accepted for inclusion in Doctoral Dissertations by an authorized administrator of Trace: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.

To the Graduate Council:

I am submitting herewith a dissertation written by Meghan Elizabeth Conley entitled "Immigrant Rights in the Nuevo South: Enforcement and Resistance at the Borderlands of Illegality." I have examined the final electronic copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Sociology.

Stephanie A. Bohon, Major Professor

We have read this dissertation and recommend its acceptance:

Lois Presser, Frances Ansley, Jon Shefner

Accepted for the Council:

Dixie L. Thompson

Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

**Immigrant Rights in the *Nuevo* South:
Enforcement and Resistance at the Borderlands of Illegality**

A Dissertation Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

Meghan Elizabeth Conley
August 2013

Copyright © 2013 by Meghan Elizabeth Conley
All rights reserved.

*Yo quiero un pueblo
Que ría y que cante
Yo quiero un pueblo
Que baile en las calles
Yo quiero un pueblo
Bien organizado
Que luche en las calles
Por su dignidad*

- Adapted from "Tu Pueblo Es Mi Pueblo"
by Danny Rivera

Abstract

This dissertation examines the ways that immigrant illegality is structured and resisted in new Latino destinations in the US Southeast. I analyze the US Southeast as a new *frontera*, or borderland, for Latina/o immigrants, a border that is structured by racialized discourses of difference and belongingness between newcomer Latinas/os and long established Anglo and black populations. Experienced by Latina/o immigrants as a space of non-belongingness, this borderland has become an important site in the modern production of immigrant illegality. In the Southeast, illegality arises from the enforcement of non-belongingness, and it is structured through new forms of immigration enforcement, such as police-ICE collaboration and state-level “cimmigration” laws, which operate through the enforcement lottery and bureaucratic enforcement. These mechanisms render the threat of enforcement omnipresent, but never certain, producing illegality in everyday life and structuring the vulnerability of immigrants in the Southeast. Still, even as unauthorized immigrants are rendered vulnerable, they also resist the policies and practices that structure their illegality. Just as their vulnerabilities structure resistance, however, forms of narrative resistance may actually legitimize illegality, ultimately reproducing the vulnerability of unauthorized immigrants.

A Note on Language

The events and conversations described within this work occurred largely in a Spanish monolingual or English-Spanish bilingual environment. This reflects the reality of immigrant rights organizing in the Southeast, where the majority of immigrants in the region are comprised of those from Spanish-dominant countries. The reader should note, then, that many of the quotes that appear in English in this text were originally expressed in Spanish or a mix of Spanish and English. I have translated them here so that they are accessible to an English-dominant audience. Still, I have tried to honor the rich linguistic foundations of immigrant rights movements in the Southeast by incorporating Spanish into the text, at times code switching to more accurately reflect the dialogue, signage, workshops, and speeches that I witnessed during the course of my fieldwork. My purpose in doing this is to highlight the importance of language—its cultural, historical, and social meanings—in immigrant rights work.

Prologue

I met Jesus on July 2, 2011. He was standing in a parking lot in downtown Atlanta, clothed in a white undershirt and faded denim jeans, and he was not happy.

|||||||

On April 14, 2011, the Georgia legislature approved House Bill (HB) 87, the “Illegal Immigration Reform and Enforcement Act.” Signed into law the following month by Governor Nathan Deal, Georgia HB 87 became the third in a series of state copycat bills, following Utah and Indiana, designed to mimic the provisions of Arizona’s controversial Senate Bill (SB) 1070.¹ Notably, HB 87 was only the first of many comprehensive restrictionist bills that would pass that year in states across the Southeast.

Georgia’s new law empowered state and local law enforcement officers to verify the immigration and citizenship status of individuals in the course of a routine traffic stop, mandated that private and public employers use the federal E-Verify database to confirm the documentation status of employees, and established criminal penalties for those who knowingly “harbored” or transported unauthorized immigrants in Georgia. “It’s a great day for

¹ Arizona Senate Bill (SB) 1070, titled the “Support Our Law Enforcement and Safe Neighborhoods Act,” was passed into law in 2010. This law requires law enforcement officers to make a “reasonable attempt” to determine an individual’s citizenship or immigration status during the course of their regular patrolling duties—such as during traffic stops or arrests—whenever officers have a “reasonable suspicion” that the individual is unlawfully present in the United States, enables the warrantless arrest of unauthorized immigrants, and requires that officers ascertain the immigration status of anyone who is booked into custody, jailed, or convicted of a crime.

Georgia,” said state representative Matt Ramsey, one of the bill’s sponsors. “We think we have done our job... to address the costs and the social consequences that have been visited upon our state by the federal government’s failure to secure our nation’s borders” (Redmon 2011).

Not all Georgians agreed.

In June, a coalition of civil and immigrant rights groups, represented by the American Civil Liberties Union (ACLU) of Georgia, the Asian Law Caucus, the National Immigrant Law Center (NILC), and the Southern Poverty Law Center, filed a class action lawsuit against HB 87.

July 1, the day that HB 87 went into effect, was declared *un día de incumplimiento*: a day of non-compliance. The Georgia Latino Alliance for Human Rights (GLAHR), a prominent grassroots immigrant rights organization, encouraged immigrants and their allies to stay home from work, to close their businesses, to buy nothing. Adelina Nicholls, Executive Director of GLAHR, urged: “No buying, no doing, no caring for their children, no cooking in their restaurants... This is the commitment we make. The first of July will be a day of noncompliance precisely so that they know that the Latino community *está presente!*” In a statement released to the press, Paulina Hernandez of Southerners on New Ground (SONG) elaborated, “We will show our economic power by not working or shopping on July 1st and [we] will demonstrate our people power by marching on July 2nd. Those who thought this law would break apart our communities have awakened a movement.”

And so, on July 2, we marched.

|||||||

Months earlier, before we knew for certain that HB 87 would pass in the Georgia legislature, I'd committed to organizing an affinity group from my city—Knoxville—and driving to Atlanta to stand with Georgians against the law. Upon the law's implementation, our small group quickly doubled and then tripled in size. We rented a fifteen-passenger van, and somehow I was volunteered to captain and transport the East Tennessee group to the Atlanta demonstration. Although only two of our van's passengers were undocumented,² we felt like moving targets as we drove our white, unmarked van down Interstate 75 into downtown Atlanta.

The weather forecast for the day predicted temperatures in the high-90s, but the combination of the midday rally and the tens of thousands of marchers packed onto the concrete of Atlanta's shadeless downtown streets made it seem much hotter. We sweated through the pre-march gathering, as group after group of demonstrators trickled in and claimed space in front of the Capitol building. Masses of people were everywhere—standing in the road, sitting on the sidewalks, leaning against the sides of buildings. Lightweight metal fencing had been installed to keep us from treading on the Capitol lawn, but a daring few had jumped the fences to spread out on the cool grass beneath the shade trees as they awaited the start of

² The terms *unauthorized* and *undocumented* are technically identical in meaning, though their semantic differences imply political and ideological standpoints. Whereas the Department of Homeland Security, Immigration and Customs Enforcement, and immigration-related judicial proceedings generally use the official term *unauthorized* to refer to foreign nationals who are out of status, immigrant rights actors prefer the term *undocumented*. Throughout this work, I use *unauthorized* to refer to populations and hypothetical individuals. However, to accommodate and honor the claimed identities of immigrant rights actors, I use *undocumented* to refer to specific individuals.

the march. All around, people were putting the finishing touches on homemade protest signs: “*Legalización ahora*,” “No racial profiling,” “Immigration reform now!” Some used templates to spray paint “No HB 87” in bold print on poster board, the “o” in “No” shaped to look like a Georgia peach. Others carried sophisticated signs made of printed words and images on vinyl tarps, their messages echoing similar themes in English and Spanish: “*Marcha por la Justicia*,” “Justice for All.”



Figure 1: "No HB 87: Hate Hurts Georgia."

We sweated as demonstrators piled into the narrow downtown Atlanta streets, swarming tightly around a group of people singing songs of resistance and playing drums. At the center of it all stood a group of DREAMers,³ waving flags and chanting, in call-and-response

³ DREAMers are self-identified unauthorized immigrant youth who would benefit from passage of the DREAM Act. The DREAM Act (Development, Relief, and Education for Alien Minors) would provide a path to legalization and

fashion, “UNDOCUMENTED... UNAFRAID!” Around them stood people of all ages: toddlers holding the hands of their mothers, old women playing trumpets, young fathers pushing strollers. Families. The music and chanting continued, and we sweated as we listened, and sang, and waited, over what seemed like hours, to take our first steps.

Crammed in so tightly, it was impossible to tell that the march had begun until those immediately in front of us moved forward. And then we were off, singing and chanting for miles as the sun bore down. Those marching around me, mostly Latinas/os, roared exuberantly, “*Se ve, se siente, el pueblo está presente!*” [“You hear it, you feel it, the people are here!”] Ahead, we heard bursts of cheers and applause rumble up from the crowd in regular intervals. It wasn’t until we turned a corner, and found ourselves standing at the top of a long sloping hill, that we realized why: in front of us, as far as the eye could see, was a sea of white t-shirts. Behind us, the same. The announcements for the march had urged all demonstrators to wear white, and we did. Looking back at photos from that day, what stands out most is how the mass of people occupying the streets of downtown Atlanta on July 2, 2011, of varied immigration histories and racial and ethnic and backgrounds, had been remade into a single undulating white line. We, too, cheered.

citizenship for unauthorized immigrant youth who have grown up in the United States, provided that they fulfill certain requirements, including the completion of either two years of service in the military or two years of attendance at an institution of higher education.



Figure 2: Mass demonstration against HB 87 in Atlanta, GA.

||||||

At the end of the march, the crowd assembled to listen to a series of speakers giving testimony against the law. The testimonies were punctuated by spontaneous and prolonged outbursts of *“¡Sí se puede! ¡Sí se puede! ¡Sí se puede!”* [“Yes, we can!”]

It was, reportedly, one of the largest marches that downtown Atlanta had seen in decades. The sheer number of people packed into those city streets, chanting and clapping and singing, seemed to suck all of the oxygen from the air. Gasping for breath and exhausted by the unrelenting heat, I stepped away from the crowd and trudged back to the van we had driven from Knoxville, in search of a moment of peace and a bottle of cold water.

It was in the parking lot that I met Jesús. He was standing next to what I supposed was his car, waving his arms frantically in the air and cursing in Spanish. Although he didn't carry a sign, and I hadn't seen him during the march, I recognized him as one of us by his white shirt.

He was shouting at another man, planted just beyond him: *¿Qué pasó? ¿Qué pasó?*⁴

As I approached, the man turned. Seeing me, he asked, in careful English, *Did you see what happened here?*

No, I didn't see anything, I responded, matching his English. Then again, for good measure: *No vi nada*.

He gestured to his car, a worn but well-maintained sporty looking sedan, nothing fancy. Painted a showy candy apple red, it stood out next to our van, which was parked just beside it. *Someone broke my window*, he said. *Look*. He pointed at the passenger side of his car: *Mire*. He must have noticed my reluctance to get involved. Even so, I did have to walk past his car to reach mine, so I obligingly peered around him, in the direction signaled by his hand. Sure enough, glass lay scattered inside and outside the car, the window shattered into hundreds of shiny crystals that danced in the sunlight.

Lo siento, I said spreading my hands wide. *I'm sorry. I didn't see anything*.

I shrugged, and he nodded. It was hot—much too hot to care. And, really, it's not like I had seen anything. I passed his car and walked to our van. Opening the trunk, which was really two doors at the back of the van, I hid from the men, from their shattered window. After all, I

⁴ In terms of dialogue, italicized text indicates conversations that were reconstructed from field notes, rather than directly quoted material.

reasoned, I had things to do. I reapplied sunscreen, stretched, and filled my backpack with several ice-cold water bottles from the cooler. As I drank some water, and cooled down, I peered back at the two men from behind the van door. They were pacing around their car, visibly upset by the shattered window.

I sighed—why was I at this march, anyway?—and turned back to the men. *¿Quieren agua?* I tossed a couple bottles of water to Jesús, who accepted them gratefully and passed one to his *compañero*. They were both young, perhaps in their mid-twenties. There was silence as they guzzled the water. Then, I listened. I listened as Jesús told me about how he had paid a man—*The security guard, you saw him, ¿no?*—to watch his car while they marched. I nodded: I had seen him. We, too, had been approached when we first parked; a man had walked up to our van just as we pulled in, peered inside, told us the cost of parking, and waited. At the time, we thanked him and assured that we would pay for our parking spot at the pay station, a large machine located at the front of the lot. The man quickly replied that *of course* we should pay the machine—definitely not him—he wasn't allowed to collect any money. We had also noted his companions, a small group of adolescent men hanging around across the street from the parking lot, who seemed to carefully eye each car and each group of passengers as they entered and left. So I had a pretty good idea of what had happened to the window of Jesús' sporty red car.

What should I do? He asked. *I had money in there, five hundred dollars. It's gone. Stolen. What should I do? Should I call the police?*

I looked down at the ground, quiet this time because I wanted to help and knew the answer to his question, but I didn't want to give it voice. Finally, I glanced up at him sideways, rubbing my forehead, and told him the truth: *I don't know if it's... safe... for you to talk to the police.*

Looking into his eyes, I saw that he understood what I was saying. I was hoping he would protest, hoping that my assumption about his immigration status had been wrong and he would tell me—not to worry—he had papers and all he needed was someone to interpret into English the details of the situation to a police officer. But he didn't. He was quiet. Resigned.

But I was angry. *Look, I said, I know someone we can talk to. We can ask if there is anything we can do. Maybe someone will be able to help.*

Together, Jesús and I walked back to the rally, leaving his friend to keep watch over the shattered window. We walked in search of any one of the legal observers⁵ attending the march, who were decked out in neon-colored baseball caps and vests, a clear message to both police officers and marchers that they were on hand, monitoring. It was on the long, hot walk back to the Georgia Capitol that I learned that my new acquaintance was named Jesús, that he had recently moved to Georgia from North Carolina, and that he was originally from Mexico.

⁵ A legal observer is someone who monitors interactions between law enforcement personnel and participants at public demonstrations, marches, and/or protests. The purpose of the legal observer is to document any perceived improper behavior on the part of law enforcement toward the public.

Like many young Mexican men, Jesús had come to the United States seeking work to support his family back home. He had lived and worked in North Carolina for years without incident but had lost his construction job several months earlier. Jesús had recently been through a difficult time, unable to find steady employment due to his lack of documentation. Moreover, it seemed to him that North Carolina was becoming increasingly hostile to immigrants; police had begun to establish checkpoints and patrols outside predominantly Latino neighborhoods, and *la migra*—Spanish slang for immigration enforcement officials—seemed to be working closely with the police to apprehend unauthorized immigrants. A friend had told Jesús that he could find a job in Georgia, that the state was friendly to immigrants, and that he wouldn't have to worry about *la migra*—at least not in the capital. Of course, this was months before the passage of HB 87.

As we walked, I spotted Miguel Carpizo, a friend who at the time was also the East Tennessee organizer for the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). In short order, we filled Miguel in on the details of Jesús' situation, and together the three of us set out in search of someone more familiar with Georgia's legal procedures.

It didn't take long to spot one of the many lawyers who had volunteered their time as legal observers for the demonstration. Sporting a hot pink baseball cap and high ponytail, she nodded again and again as Jesús slowly told his story in Spanish and Miguel and I interpreted into English. It was clear that she understood the situation. I was hopeful that she knew of a solution, that I had simply overreacted. After all, I reasoned, the police had given their word to

the organizers that they were not interested in the immigration status of marchers. After all, Jesús had done nothing wrong.

Her response, however, was not what we hoped to hear: *It's possible that the police will not ask for your status, she said. But they will make a report, and they will ask you a lot of questions. You'll have to give them your information. You might have to give them your driver's license. She continued, It's also possible that they might not ask these questions, but probably they won't be able to find the person who did this anyway, so you won't get your money back. In my opinion, a report made to the police could result in severe consequences for you. You could make a report, but—given the potential risks—I strongly caution against it.*

She went on to recommend that Jesús take pictures of the broken glass and damaged window and report the incident to his insurance company, if he had one. He nodded; he didn't have insurance. As an undocumented immigrant, Jesús could not obtain a driver's license, a basic requirement to obtain automobile insurance. I remember Jesús' eyes—stony, resigned—as the lawyer said, repeatedly, *I'm sorry, I'm sorry*. With great dignity, chin held high, he thanked us, he shook my hand, and he headed back, alone, to the parking lot.

When I later returned to our van, Jesús' car was gone. Left behind were only the broken shards of glass to serve as a reminder of our chance encounter on that sweltering Georgia afternoon.

Table of Contents

Chapter I Introduction: From Illegality to Resistance	1
Borders and Belongingness: Foundations of Illegality.....	3
Illegalizing Moves: Enforcement Begets Illegality	6
Vulnerability Structures Resistance Structures Vulnerability.....	11
Methodological Considerations.....	14
Organization of the Dissertation	27
Chapter II New Destination Borderlands.....	31
The Rise of New Immigrant Destinations	38
Patterns of Dispersal: The Push and Pull of Immigrants to New Destinations	41
The Southeast as Borderland	52
Chapter III Multiplying Forces: The Homeland Security State and Everyday Illegality	60
Immigration Enforcement Meets Homeland Security.....	63
287(g) Delegation of Immigration Authority: Juana’s Story	71
Secure Communities: Alejandro’s Story	74
The Enforcement Lottery: Structuring Illegality through the Everyday Threat of Removal	82
Chapter IV Welcome to Alabama: State Crimmigration Laws and Bureaucratic Enforcement .	111
Arizona SB 1070 and the Origins of State-Level Crimmigration Policies	113
HB 56: The Alabama Twist.....	118
HB 56 in Practice: Expanding State Involvement in Bureaucratic Enforcement.....	129
Attrition Through Enforcement: Alabama’s “Self-Deportation” Strategy	136
Chapter V Framing Immigration: Narratives of Illegality and Resistance	145
The Boundaries of the Problem.....	149
Storytelling Resistance: Narratives of Existence, Deservingness, and (Il)legitimacy	165
Chapter VI Conclusion: Undoing Illegality	218
References.....	228
Vita	262

Table of Figures

Figure 1: "No HB 87: Hate Hurts Georgia."	ix
Figure 2: Mass demonstration against HB 87 in Atlanta, GA.....	xi
Figure 3: "Who's the Illegal Alien, Pilgrim?"	5
Figure 4: Demonstrators in Montgomery urge Latinas/os to rise up.....	12
Figure 5: A demonstrator implies the chilling effects of police-ICE collaboration.	14
Figure 6: Infants and children are a regular presence in organizing spaces.....	17
Figure 7: Pro-Ford political advertisement.....	56
Figure 8: Alejandro poses for a photo during a public hearing in Birmingham.....	81
Figure 9: Removals of Unauthorized Immigrants, F/Y 2000-2012.....	106
Figure 10: Interstate sign at the Georgia-Alabama border.....	112
Figure 11: Everything's illegal in Alabama.	120
Figure 12: Demonstrators protest provisions of HB 56 in Montgomery.	134
Figure 13: "What happened to Alabama the Beautiful?"	137
Figure 14: Francisco Pacheco describes the organization and functioning of CDBs.....	147
Figure 15: CDB workshop participants present ideas for a hypothetical art and culture team.	149
Figure 16: "Undocumented and unafraid."	170
Figure 17: Maria Reyes "comes out" in Birmingham.....	176
Figure 18: "We are workers, not criminals."	184
Figure 19: "Raised to believe that higher education was a right."	189
Figure 20: Demonstrators articulate the racial foundations of crimmigration laws.	201
Figure 21: "Satisfaction in other people's misery."	203
Figure 22: "No human being is illegal."	208
Figure 23: Police officer puppet head.	212
Figure 24: PoliMigra puppet heads.	213
Figure 25: Framing harm in Police-ICE collaboration.	215

List of Abbreviations

ACIJ	Alabama Coalition for Immigrant Justice
CDBs	<i>Comités de Defensa del Barrio</i> / Barrio Defense Committees
CPs	<i>Comités Populares</i> / Popular Committees
DACA	Deferred Action for Childhood Arrivals
DHS	Department of Homeland Security
DREAM Act	Development, Relief, and Education for Alien Minors Act
GALEO	Georgia Association of Latino Elected Officials
GLAHR	Georgia Latino Alliance for Human Rights
HICA	Hispanic Interest Coalition of Alabama
ICE	Immigration and Customs Enforcement
IRCA	Immigration Reform and Control Act
NDLON	National Day Laborer Organizing Network
SEIRN	Southeast Immigrant Rights Network
TIRRC	Tennessee Immigrant and Refugee Rights Coalition

Chapter I

Introduction: From Illegality to Resistance

When I met Jesús in downtown Atlanta on that day in July, I saw only the tragedy of his distinct situation and that of people like him: individual immigrants, many of whom are already struggling to make ends meet, who are made vulnerable both by other people and by policies that make it impossible for them to report their victimization. At the time, I didn't realize the irony of the situation. In the middle of a demonstration in downtown Atlanta, with thousands of unauthorized immigrants openly and collectively declaring their status and confronting restrictionist practices, here was an individual undocumented person who could not claim justice for the wrong that had been committed against him. As a group of thousands, unauthorized immigrants are protected from their status and from the prying questions of immigration agents and police officers deputized with the authority to enforce immigration law; separately, they remain extremely vulnerable.

Every day, unauthorized immigrants like Jesús are rendered vulnerable through policies and practices that intend to illegalize them. That is, despite the fact that it is not "illegal" to reside in the United States without authorization, unauthorized immigrants are *illegalized* by mechanisms that define and systematically enforce their distinct otherness. This dissertation examines the policies and practices that structure immigrant illegality for Latina/o immigrants in the US Southeast. I analyze the US Southeast as a new *frontera*, or borderland, for Latina/o immigrants, a border that is structured by racialized discourses of difference and belongingness

between newcomer Latinas/os and long established Anglo and black populations. Experienced often by Latina/o immigrants as a space of non-belongingness, this borderland has become an important site in the modern production of immigrant illegality. In the Southeast, illegality arises from the enforcement of non-belongingness, and it is structured through new forms of immigration enforcement, such as police-ICE collaboration and state “crimmigration”⁶ laws (Stumpf 2006). These mechanisms render the threat of enforcement omnipresent, but never certain, producing illegality in everyday life and structuring the vulnerability of immigrants in the Southeast.

Yet, even as unauthorized immigrants are rendered vulnerable, so too do they resist the policies and practices that structure their illegality. Much like Jesús, who marched alongside thousands in resistance to Georgia’s state immigration laws, unauthorized immigrants across the Southeast have not remained silent in the face of threats that intend to illegalize them. Instead, their vulnerabilities have structured resistance to illegality, shaping the ways that such resistance occurs. Even so, as illustrated yet again by Jesús’ story, resistance does not always result in outcomes that render individual unauthorized immigrants any less vulnerable. In documenting the ways that immigrant illegality is structured in new Latino destinations in the US Southeast, my intent is to illuminate not only the stories of enforcement and vulnerability, but also those of resistance, as well as the ways that these stories co-occur. This, then, is a

⁶ *Crimmigration* refers to the convergence of criminal law and immigration law, such as through laws that intend to criminalize unauthorized status or the expected consequences of unauthorized status.

story of vulnerability in the midst of great resistance, but it is also a story of resistance even in times of great vulnerability. Above all, this is a story of struggle.

Borders and Belongingness: Foundations of Illegality

Illegality is the process by which unauthorized immigrants come to be categorized as “illegal,” including the legal, juridical, sociopolitical, and embodied components and consequences of this process. More than a process, however, illegality is also the conceptual space that differentiates “legal” from “illegal,” included from excluded (Coutin 2003). In this sense, then, illegality is a type of *borderland* (Anzaldúa 1987), a conceptual marker that distinguishes those who belong from those who do not.

Borders—both physical and ideological—play an important role in the creation of the nation state, the foundations of a sense of national belongingness, and, by extension, the structuring of illegality. At its core, a border is conceptualized as a literal entity, physically or geographically defining and separating what is from what is not. A literal understanding of borders, then, suggests that one cannot simultaneously exist both within and outside of that which is established by the border; thus, a nation’s border clearly demarcates the entity of the nation (the physical space that is contained within the border) and separates it from that which is not the nation (the physical space outside of the border). A border indicates—and contains within it—a bounded space.

Lakoff and Johnson (1980) argue that land areas are envisioned as bounded areas, enclosing an inside and an outside in our popular consciousness; metaphorically, land areas are

containers, and borders mark the edges of these containers. By conceptualizing land areas in this way, we can geographically locate ourselves inside or outside the contained area, thereby defining ourselves through our relationship to an imagined physical entity. The nation state is exactly defined as such, with clearly defined borders separating that which is contained within the nation state from that which is not, and which presumably is contained within other nation states. These borders may be clearly marked and visible to the eye, such as through signage that marks the crossing of state or national lines. Often, boundaries and the bounded areas that they contain are fuzzy areas distinguishable only through GPS coordinates. Just so, there is no clear line that differentiates the United States from Mexico in much of the Sonoran desert.

Although the boundaries of the United States were established long ago, they have since shifted tremendously. Over time, the nation's borders have expanded through the occupation, conquest, and acquisition of lands formerly contained within other boundaries. For example, the US invasion of Northern Mexico during the Mexican-American War, which resulted in the 1848 treaty of Guadalupe Hidalgo, reshaped the boundaries of both Mexico and the United States, drawing new borders of belongingness around and between the two countries. But boundaries are also contested spaces, and thus some Chicanos and many indigenous peoples dispute the legitimacy of the United States in its sovereignty over the Southwest—not only in terms of its dominion over the territories and people of the region, but by its very identity (Forbes 1973). Nevertheless, we continue to draw lines in the sand where our imaginary boundaries exist, and these imagined spaces are clearly defined in our globes and atlases. Regardless of the fact that these boundaries confine shifting territories and contested

spaces, today they appear firm and unmovable, historical and permanent. It seems that they have always existed, and they always will.



Figure 3: "Who's the Illegal Alien, Pilgrim?"

In this sense, borders are not just physical; they are also ideological. The physical creation of the border arises alongside the ideological demarcation and characterization of that which is contained within the border. Thus, the United States is a bounded area not only because its physical (geographical) border separates it from other nation-states; it is further separated through an ideological designation of "Americanness"—a mythical creed of liberty, egalitarianism, individualism, populism, and laissez-faire doctrine (Lipset 1996). Ideologically,

the United States is a nation bounded by American exceptionalism, and this border, in turn, shapes our understanding of what it means to be “American.”

National borders—both their physical and ideological manifestations—are a fundamental component of belongingness. The idea of the border constructs the idea of belongingness, in the sense of who belongs to the United States and who belongs as an “American.” At the same time, the border constructs non-belongingness—the sense of who does not belong, of otherness—a separation of “*us* from *them*” (Anzaldúa 1987, emphasis in original). Alongside the ideological boundaries of belongingness and non-belongingness, policies arise to define belongingness as citizenship and to bestow rights based on citizenship.⁷ Here, then, we see the foundations of illegality.

Illegalizing Moves: Enforcement Begets Illegality

Still, non-belongingness is not equivalent to illegality. The physical and ideological demarcation of the nation-state, which produces belongingness and non-belongingness for those within and outside its borders, does not inevitably result in illegality. Instead, illegality emerges through the implementation of mechanisms to enforce policies of non-belongingness. In other words, illegality derives not from the presence of the border, but from its enforcement.

⁷ The boundaries of belongingness and non-belongingness may be clearer in countries that ascribe citizenship rights on the basis of *jus sanguinis* (right of blood) rather than *jus soli* (right of soil). Under *jus sanguinis*, for example, German citizenship is primarily derived from German ethnicity, regardless of one’s place of birth. The United States, in contrast, grants *birthright citizenship*, a practice whereby all those born in the United States automatically receive citizenship as a condition of the 14th Amendment.

Although the United States has existed as a nation-state since 1776, the first federal laws restricting entry were not enacted until the Page Act of 1875, and sanctions for unauthorized entry were not codified until 1980.

Immigrant illegality comprises federal, state, and local laws that not only establish “illegal” status as non-belongingness, but also provide for the enforcement of such non-belongingness. The distinction of illegality as a preeminently *legal* matter is not insignificant; no small feat, this reconceptualization denaturalizes the status of “illegal,” a concept that has come under increasing scrutiny over the last two decades. In particular, scholars have criticized the ways in which the mainstream and many academics have reified the “illegal” immigrant as an objective conceptual category, without interrogating the origins of this category (c.f. Calavita 1998; Chavez 2007; Coutin 2000b, 2003; De Genova 2002, 2004; Willen 2007).

Many examples illustrate the naturalization of illegality and the category of the “illegal” immigrant. D. A. King, the president of the Dustin Inman Society, a Georgia-based nativist extremist group (Southern Poverty Law Center 2007), exemplifies the reification of illegality in his comment that “Despite absurd claims to the contrary, no one is deported for a broken taillight or not having a driver’s license. Violation of American immigration laws is the singular reason for removal” (King 2009). Beyond the questionable assertion that unauthorized immigrants are never deported due to a broken taillight or other minor traffic violations,⁸ King’s

⁸ To the contrary, a broken taillight may serve as a pretext for a traffic stop, particularly when the law enforcement officer is motivated by perceptions of a driver’s otherness; in turn, a simple traffic stop may set into motion a chain of events that leads to an unauthorized immigrant’s detention or removal.

comment highlights the objectification of unauthorized status: an immigrant has violated *the law* and thus is subject to removal. This simplifying rationale occurs frequently, through phrases such as “What part of illegal [sic] don’t you understand?” or “I’m not anti-immigrant, I’m anti-illegal [sic] immigrant.” The identity of unauthorized immigrant is treated as a category that exists unto itself, apparently unrelated to the origins of the category.

In response, scholars such as Calavita (1998), Chavez (2007), Coutin (2000b; 2003), De Genova (2002; 2004), and Menjívar (2011) conceptualize a theoretical understanding of illegality as a legal, and therefore political, phenomenon. De Genova (2002: 422), for example, argues that illegality is a “status that entails a social relation to the state,” suggesting that the category is fundamentally constructed in service of the nation-state as an imagined (bounded) entity. Illegality is structured legally, through the implementation and administration of law, and it occurs specifically as the byproduct of restrictionist practices. Here, immigrant illegality is treated as the result of policy and legislation: immigrants become “illegal”—so to speak—because laws make them so. This distinction is key to understanding and conceptualizing illegality. Unauthorized immigrants are not “illegal” because they cross a human-made international boundary without proper authorization or because they overstay an expired visa. Rather, they are *illegalized*—actively rendered “irregular,” or unauthorized—through policies that determine who belongs within the boundaries of the nation-state, who does not, and under what conditions.

Illegality is experienced legally, as the enforcement of non-belongingness, through policies and practices that exclude unauthorized immigrants from full participation in public life.

This includes programs that mandate or enable the collaborative enforcement of immigration law between federal immigration authorities and state and local law enforcement agencies, as well as federal and state immigration policies that establish bureaucratic relationships between the state and unauthorized immigrants. Illegality is further experienced through the juridical proceedings that sustain these practices, such as the implementation of immigration and citizenship policies and processes of immigrant detention and removal (Coutin 1993). All of these policies and practices have consequences for one's embodied experiences of "being in the world" (Willen 2007), and their impact is in creating and sustaining the borderlands of illegality, which are experienced through a sense of otherness and exclusion. Amid periods of high enforcement, unauthorized immigrants often report tension, anxiety, and apprehension, feelings that relate to a host of concerns—of being discovered, detained, deported, and separated from family (Dreby 2012; Marquardt et al 2011). Responses to these fears often manifest in constant vigilance—as unauthorized immigrants are perpetually watchful of law enforcement—and defensive maneuvers—as unauthorized immigrants attempt to avoid interactions with law enforcement, immigration agents, or others perceived to have such authority. Because of their status, many unauthorized immigrants fear law enforcement and feel as though they cannot rely on the legal system to protect their civil rights (Abrego 2011), even though unauthorized immigrants are still entitled to civil rights protections by law. Practically speaking, this translates into the fact that many unauthorized immigrants live in a perpetual state of vulnerability, rendered so by immigration law, as well as by their (real or perceived) lack of recourse if victimized.

Illegality, thus conceived and experienced, has been likened to a physical and conceptual space of “nonexistence” (Coutin 2003) for unauthorized immigrants. It is a place where unauthorized immigrants live shadowed lives as a condition of their status, engaging in practices to avoid the scrutiny of others, particularly agents of the law or other perceived authority figures. As a space of nonexistence, illegality is also a sociopolitical condition (De Genova 2002), an active eradication of the causes and consequences of international migration. Even as unauthorized immigrants are rendered vulnerable in the United States through structures of illegality, it is precisely their vulnerability that renders them unauthorized in the first place. In other words, some people are forced to migrate in unauthorized status by political or economic conditions that undermine stability in their countries of origin; these factors, too, are rendered invisible. Thus, despite (or, perhaps, because of) the reality that unauthorized immigrants are primarily labor migrants (De Genova 2002; Donato and Armenta 2011; Espenshade 1995; Hondagneu-Sotelo 2001; Massey 1999; Papadimitriou and Martin 1991), the politics of illegality obscure this fact, as well as the policies of vulnerability that impel international migration and maintain the status of “illegal.” Illegality, then, is a highly marketable way of maintaining a system that is dependent on the perpetual recreation of vulnerability.

Vulnerability Structures Resistance Structures Vulnerability

That many unauthorized immigrants experience vulnerability in everyday life is indisputable. In fact, Jesús' tale of injustice is hardly the most appalling of the injustices that many unauthorized immigrants confront on a recurring basis. Over the last few years, I have met many young people who worried daily that their parents would be picked up by *la migra* on their way to work or to the grocery store. I have heard of workers who were threatened with knives and guns and ordered to "go back to Mexico" when they sought payment for their labor. I have heard from women who were refused orders of protection from abusive partners based on their immigration status and from women who were coerced into sexual relationships by employers or law enforcement officers who threatened otherwise to reveal their status. I have heard of young girls who were sexually assaulted, whose parents were afraid to report such crimes to the police for fear that they, and not the abuser, would be taken into custody. Stories of vulnerability such as these abound in the homes, communities, and workplaces of unauthorized immigrants.

Unauthorized immigrants are often coerced into complicity with their legal and sociopolitical nonexistence as a condition of "staying out of trouble." Yet, it is precisely during such times of great vulnerability that resistance often occurs, as individual hardships are experienced as collective and widespread grievances against the status quo. Unauthorized immigrants do not quietly accept their illegalization and its consequences. Even as they find ways to negotiate their illegality (Marquardt et al 2011; Menjívar 2006), unauthorized immigrants also resist the policies and practices that structure their daily lives. Chavez (2007:

194), for example, finds that “As nation-states narrow the rights of immigrants and develop new techniques of control and surveillance, immigrant communities have responded by coming out of the shadows to engage civic debates on their presence (illegal), character (immoral; criminal), and motivations (threats to nation).”

As a rule, unauthorized immigrants (as well as noncitizens of varying authorized statuses) lack direct access to the formal political sector through electoral participation,⁹ but they may engage in political action through lobbying and participation at demonstrations (Lewis and Ramakrishnan 2007). In particular, massive protests and marches, such as that described in the prologue, are a key way that unauthorized immigrants demonstrate collective resistance to the policies and practices of illegality that structure their daily lives (Bada, Fox, and Selee 2006). Thus, unauthorized immigrants resist illegality by occupying space in public life, effectively challenging physical spaces of nonexistence, through high visibility actions ranging from marches to civil disobedience.



Figure 4: Demonstrators in Montgomery urge Latinas/os to rise up.

⁹ Some cities and towns permit noncitizen voting (including, at times, by unauthorized immigrants) in local elections. For example, Chicago allows residents to vote in school board elections regardless of their status.

Resistance also occurs in ways that are less immediately visible. In particular, unauthorized immigrants challenge conceptual spaces of nonexistence by articulating alternative understandings of illegality, counternarratives that highlight the voices of the unauthorized and render visible their invisibility. Perhaps even more fundamental to resistance than direct action, then, these alternative narratives pose a critical challenge to the social arrangement of illegality, a category that would otherwise appear both natural and meaningful (Delgado 1989). In this process of claimsmaking, unauthorized immigrants contradict taken for granted assumptions about the “problem” (Best 1987) of unauthorized immigrants and unauthorized immigration and offer competing interpretations of the problem and its solutions. In so doing, these narratives provide space for more highly visible forms of organized resistance.

Of course, even as resistance occurs during times of vulnerability, the opposite is also true: vulnerability can be reproduced amid moments of resistance. In part, the relationship between resistance and vulnerability is apparent in the prologue: moments after leaving a march of thousands, Jesús discovered the burglary of his car and was reminded of the consequences of his status. In that moment, Jesús was rendered vulnerable not only by the burglary, but by his perceived inability to report the theft to law enforcement as a condition of his ongoing illegalization. Jesús was illegalized not by his immigration status, per se, but by contemporary immigration policies and practices that make it risky for unauthorized immigrants to report their victimization to law enforcement.



Figure 5: A demonstrator implies the chilling effects of police-ICE collaboration.

Beyond this, however, the forms of resistance that immigrant rights actors engage in may, in turn, structure vulnerability for the unauthorized. As unauthorized immigrants confront the physical and conceptual spaces of nonexistence by occupying public life and articulating alternative understandings of illegality, the very design of this confrontation may produce just the opposite effect. That is, the particular individuals and stories used to challenge illegality, to render visible its conditions and consequences, may actually reinscribe the status. In resisting illegality, then, immigrant rights actors may unintentionally recreate it.

Methodological Considerations

This project comprises more than two years of ethnographic fieldwork, participant observation, and interviews with those who experience and resist immigrant illegality in the

Southeastern United States. I conducted much of this fieldwork at public hearings, organizing meetings, workshops, and demonstrations that took place in cities and rural areas across the states of Alabama, Georgia, and Tennessee. I also traveled to similar events in North Carolina, Mississippi, and Virginia to supplement my primary fieldwork. My field notes describe people, places, and events, brief field interviews, my personal observations and reflections, and reconstructed dialogue from what Wolcott (2008) refers to as “casual conversations” with dozens of individuals.

In the early days of my research, I had the great benefit of traveling with Miguel Carpizo, who at the time worked with the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). We became fast friends after attending a three-day organizing workshop in Arlington, Virginia that was hosted by the National Day Laborer Organizing Network (NDLON). The theme of the workshop, “Turning the Tide from Hate to Human Rights,” centered on strategizing responses to the increasing criminalization of immigrants, especially in the wake of Arizona’s SB 1070 law; in fact, it was at this workshop that I promised Georgia organizers that I would mobilize a protest group from Knoxville if their Arizona copycat bill became law, the outcome of which I detailed in the prologue. Miguel and I had met once or twice prior to the workshop—he was recently employed as the East Tennessee organizer of TIRRC, and I was already involved in immigrant rights work in the area—but we had not spoken much. It was at the Arlington workshop that we conspired to sneak away for a decent cup of coffee, and we’ve been meeting for coffee and strategy sessions ever since.

Although I had access to an array of potential research sites and interviewees within Tennessee, Miguel in many ways provided me entrée to the broader regional community of immigrant rights actors and events. He often invited me along whenever he traveled to immigrant rights-related events and workshops. Sometimes, given my status as a US-citizen with a driver's license, he would volunteer me to transport others—typically unauthorized immigrants—to such events; usually, I relished the opportunity. These trips were often a whirlwind, and our cars steadily accumulated thousands of miles over two-and three-day round trips across multiple states in the Southeast. At times, I would awake in a hotel room, on someone's couch, or on a floor somewhere looking for clues in the scenery and yesterday's field notes to remind me of where I was. It was exhausting—and more than a little exhilarating too.

The events that we traveled to and participated in were often convergence spaces for organizing groups from across the Southeast, and so I met immigrants and allies from rural towns in Alabama, farming communities in Georgia, cities in South Carolina, and elsewhere across the region. Many of the same people showed up to events across the Southeast. Some were professional organizers—those whose jobs enabled them to travel and participate in these events—but the vast majority were unpaid organizers and directly affected community members.¹⁰ Some of these base community members would describe themselves as activists,

¹⁰ Directly affected individuals—otherwise known to movement actors as the *base community*—are those who are, or could be, directly impacted by immigration restrictionist policies and practices. For the purpose of my research, this means individuals whose immigration status at the time of the interview was unauthorized. The unauthorized

organizers, and rabble-rousers, but most, in my experience, are less comfortable with these titles; instead, many would claim identities perceived as more central—fathers and mothers, students, children of undocumented parents—and explain that they are just the ones who are doing what needs to be done to protect their families and communities. In fact, immigrant rights events are often family-friendly spaces: parents bring young children to all-day rallies, and infants and children are a constant presence in workshops. During my time in the field, it was commonplace to see a small child crawl or toddle into the middle of an organizing circle, cooing and gurgling, a welcome distraction from the heavy work of immigrant rights organizing.



Figure 6: Infants and children are a regular presence in organizing spaces.

include individuals who may have had legal authorization at one time, as well as those who have applied for (but not yet received) deferred action status. I also include those who are authorized residents of the United States, including US citizens, but who have immediate family members—a partner, sibling, or parent, for example—who live in the liminal status of the unauthorized immigrant.

In meeting these individuals, and in hearing about their work throughout the Southeast, I developed the idea—and opportunity—to examine the ways that immigrant illegality was structured and resisted not just in Tennessee, but across the region. Interacting with these communities as both researcher and participant afforded me the opportunity to identify key individuals who were well known for their involvement in immigrant rights work. Thus, in addition to fieldwork, I conducted supporting interviews and follow-up conversations with 22 key informants. Many of these people have played significant roles in shaping the conditions and trajectories of the immigrant rights work that has occurred throughout the Southeast region. These interviews lasted anywhere between forty minutes and three hours, and generally occurred in a coffee shop, diner, or private residence. On a few occasions, I conducted interviews or follow-up conversations via telephone. All of the interviews were audio recorded with the permission of the participants, and I transcribed interviews in full in their original language. I analyzed interview transcripts and field notes following Emerson, Fretz, and Shaw's (2005) six stage process of data analysis: open coding, writing initial memos, selecting themes, focused coding, writing integrative memos, and reflecting.

I also documented public events with my digital camera and audio recorder whenever possible. Still, it was not always feasible to rely on such technology, and thus some of the conversations that appear in this text are reconstructed, in whole or in part, from field notes. Although these interactions may have lost some richness in their detail or ownership of the voice of participants, I believe that they play an important role in augmenting the direct quotes that are presented throughout this work. To differentiate paraphrased conversations and

stories from those that I quote directly, reconstructed conversations appear in italicized text. Of course, all direct quotes appear in quotation marks.

Some of the individuals revealed in this work are identified pseudonymously, though most are not. In general, those who participated directly in my research requested that I use their name—first name or full name—when quoting them. At first, this surprised me. After all, despite the fact that all of those who participated in this work are actively involved in immigrant rights movements, not all were equally outspoken about their own status (though some became increasingly public over the course of my research). Moreover, there are often strict consequences for those who are known to be residing in the United States without authorization. An individual known by the Department of Homeland Security to be in violation of civil immigration law may be subject to penalties that include detention, removal, and bars on future authorized entry.

Thus, before I began, I carefully considered how I would protect the confidentiality of those who spoke with me, particularly those who might experience adverse legal effects from having their names and stories openly documented. I also wanted to ensure that others who were involved in the work would not be able to identify participants who did not want to be identified. This was no small undertaking: in a movement that is heavily dominated by the sharing of personal stories, and where many of the same people show up to events throughout the region, I thought it would be relatively easy for those who participate regularly in such events to recognize my interviewees. I resolved that I would need to omit many of the rich

details that could potentially identify a participant. In all this preparation, I did not consider that the vast majority would, in fact, want to be identified by name and story.

When considered in the context of immigrant rights organizing, however, it is unsurprising that so many would insist that I use their names. In fact, most of those who are directly affected by restrictionist policies and practices, and who are actively involved in resisting such policies and practices, have long been outspoken about their status. As I learned during my time in the field, “coming out” about one’s status is a crucial form of resistance and therefore an important aspect of immigrant rights organizing (a point I return to in chapter five). For many, revealing one’s name and status, or one’s family status, has become commonplace. Thus, Alysa Medina, a US-born citizen, explains that she and her husband Luis, who is undocumented, have grown accustomed to revealing their family’s situation:

We’ve been going through this issue, ‘cause one of the things individually that our family has been trying to decide on is what... how much we wanted to, sort of, “come out.” But, you know, throughout the summer, we’ve had various opportunities. We did the interview with Volunteer TV [a local news program]... We had that experience, and then straight after that [a TIRRC organizer] wanted me to do something on the Family Waiver.¹¹ They were putting together a

¹¹ The Family Waiver, implemented in March 2013, is a provisional waiver of unauthorized presence, whereby US citizens can apply to adjust the status of certain eligible family members who currently reside in the United States in unauthorized status. Many unauthorized residents, such as the spouses and children of US citizens, are eligible to regularize their status as long as they are not otherwise inadmissible (usually due to criminal charges). Until recently, eligible unauthorized residents would have been required to depart the United States and return to their countries of origin in order to apply for legal residency; however, their departure and application would have

national storybook for Family Waiver. And so I had to come over this whole... this whole issue all over again. And so I finally have gotten to the point where I feel pretty comfortable.

For others, the use of real names is not just about claiming or sharing their identity as an unauthorized immigrant, but pride in a family heritage. I realized this one cold and rainy night in October, sitting in a dimly lit coffee shop in Alpharetta, Georgia with Yovany, a twenty-one year old undocumented immigrant. As our conversation drew to a lull, Yovany reached across the table to grab my notebook and pen. “You don’t know my full name. I want you to use my full name,” he said. Carefully, he printed his name in my notebook, repeating it aloud as he wrote each word: Yovany Diaz Tolentino. If I was going to quote him, he insisted, I had to use his full name, including his mother’s name. In Latin American cultures, it is common for people to have two last names, the first from their father, the second from their mother. In daily use and common introductions, however, the second name (the mother’s name) is frequently omitted; before that evening, I had known Yovany only by his father’s last name—Diaz. However, Yovany wanted to honor his mother’s name—Tolentino—because, as he explained, it was she who had raised him. It was her name that was linked to the history of his family’s struggle; thus, Yovany’s request—to be identified as Yovany Diaz Tolentino—was a way to

triggered an inadmissibility bar of three to ten years based on their previous unlawful presence. Under the family waiver, US citizens may apply to regularize the status of immediate family members while those individuals continue to live in the United States. Although unauthorized residents must still depart the US in order for their application to be processed, the waiver reduces the total time that US citizens and qualifying relatives must spend apart.

honor his mother, who had sacrificed much for her children's benefit. For him, this was about situating himself, and his identity as an unauthorized immigrant, within his mother's biography.

My interviews with key informants such as Alysa and Yovany have shaped the process and outcome of this work as much as my fieldwork. I used information gained from these interviews to triangulate the insights I absorbed from the field, to assess the accuracy of my understanding of events as they occurred and my theories about what was happening, and to generate new lines of inquiry and exploration. In many cases, particularly for interviews with members of directly affected communities, I also used key informant interviews to explore more deeply the stories of certain individuals who were actively involved in immigrant rights organizing as well as directly affected by restrictionist policies and practices. Importantly, key informant interviews enabled me to engage more deeply with many of those who participate in movement work; these interviews both mirrored, and expanded upon, the practice of story sharing that is pervasive in immigrant rights movements.

Fieldworkers—particularly those involved in social movements research—document the importance of “showing up” (Pollner and Emerson 1983; Thorne 1979), and my experience was no different. Thus, my interest and involvement in the rights of the unauthorized began long before I conceived of this project; my prior and ongoing involvement with immigrant rights organizing in the Southeast strengthened my credibility with others in the movement, shaping my access (McCall and Simmons 1969). As I showed up, again and again, to different events, meetings, and actions across the region, I started recognizing faces, and others started recognizing me: the organizer-academic, that person doing the research. Everywhere I went,

people wanted to hear about my research and findings: Had I finished yet? Was I still doing interviews? Would I like to interview them?

In my fieldwork, then, I was both participant and researcher, trying desperately to maintain a delicate balance between being what Thorne (1979: 73) refers to as “an insider, a participant in the world one studies, and an outsider, observing and reporting on that world.” Of course, throughout my fieldwork, I felt myself to be an outsider in more than one sense: not only did I feel conspicuous as a researcher in a world of organizers and activists, but my status as a white (and decidedly non-Latina) US-born citizen also marked me as an outsider in a time when many of those involved in this work are Latina/o noncitizens of varying immigration statuses. I struggled with my position regardless of whether I was “on stage” (as an active participant) or “off stage” (as a passive, though engaged, onlooker). As a participant, I felt envious of those who seemed to be fully absorbed in the moment of planning and organizing events or participating in actions. I, on the other hand, was mentally taking field notes—How does the room feel right now? Who are the key participants in this moment?—and constantly fretting over my role—Should I be speaking right now from my direct experience or from my academic background? Should I be speaking at all?

When I succeeded at temporarily suspending my researcher self and engaged fully with the process—for example, by hanging out and joking with others during downtime instead of sneaking away to jot notes—I always felt guilty afterward and vowed to be stricter in my future note taking. For a time, I was envious of other researchers, friends who were conducting projects that did not involve fieldwork, who, seemingly, could quietly contemplate the

meanings of their data and only then carefully arrange plans for their research. But then, when it came my time to withdraw from the field, I missed the exhilaration of planning and implementing actions and events.

My withdrawal from the field—in the capacity of researcher, at least—has brought some consolation. I was incessantly self-conscious about my work throughout my time in the field, a well-documented anxiety among ethnographers and participant observers (Gans 1982; Snow 1980). I worried that at any moment I would be exposed as an interloper—a *researcher*, rather than an activist. Although this fear seemingly had more to do with my own internal struggles than with the responses of my participants, I was ever on the alert for signs that my researcher self was unwelcome. Thus, I found myself particularly discomfited when, during a celebratory festival hailing the recent success of a particular action, an undocumented poet joked onstage that US citizens “steal everything” from immigrants. I thought, is that me? Am I stealing the stories of these peoples’ experiences with illegality? Am I stealing their stories of resistance?

I found myself constantly assuring those with whom I interacted that my research stemmed from a deep commitment to immigrant justice work, and that I had been involved in immigrant rights organizing long before the start of my project. This hurried assurance came at lightning speed, without pause, following any question or explanation of my research. In general, however, most were excited by my work and thrilled that a *US citizen* was committed to the rights of unauthorized immigrants. Still, their excitement did little to ease my

discomfort; to the contrary, it made me even more anxious, as I experienced this response as their othering of themselves.

More often, it was the undocumented youth who pressed me on my work. *But is your research going to help the movement?* they asked. As a researcher deeply committed to feminist methods and as a participant in immigrant rights work, I agonized over this question. I wanted to “give back” to the movement, but I had only the vague idea that my work would, in some way, contribute “analysis.” After all, that is what I had heard, over and over again, at workshops and trainings: *We need more analysis. We need a deeper understanding.* But the people who said this were often as vague in their meanings as I was in mine. What more analysis did we need? What understanding did we lack? In fact, all of the trainings and meetings I had attended seemed deeply embedded in analysis and understanding—organizers and other presenters spoke of the connections between immigrant rights and racial justice, of the relationship between restrictionist legislation and lobbyists for private prisons, of the parallels between the modern immigrant rights movement and the gay and lesbian liberation movement. For a while, then, it seemed that there was little I could contribute to this work as an academic, and I wondered if I could better serve the movement as an organizer.

At the same time, I assumed more responsibility as a campaign coordinator in my own community, where our newly founded group—Allies of Knoxville’s Immigrant Neighbors

(AKIN)—had launched a campaign against the county Sheriff’s impending 287(g) policy.¹² I also supported the work of TIRRC and the local grassroots *comité* (committee) of unauthorized immigrants in their initiatives. Intermittently, I consulted with a group of local undocumented youth as they strategized around storytelling methods and data collection options in support of their incipient campaign for tuition equality. Eventually I was appointed to the steering committee of the Southeast Immigrant Rights Network (SEIRN). Although I felt that I was “giving back” through all of these venues, I was not satisfied that these contributions fulfilled the promises I had made.

Originally, I intended my research to focus more directly on the work of organized resistance, in terms of how immigrant rights groups in the Southeast were structuring their organizations against restrictionist policies and practices, to document the commonplace and routine aspects of collective organizing. Over the course of my involvement as both a researcher and a participant in immigrant rights work, however, I found myself obsessing over the ways that these policies and practices functioned to structure life for unauthorized immigrants in the Southeast. I also became increasingly aware of how the narratives that immigrant rights groups engage in to resist illegality, at times, unintentionally support these structures, reinscribing the very essence of illegality. Even today, although I will eagerly engage in discussions of the structures and consequences of illegality, I confess that I am not entirely comfortable critiquing a movement that I care so deeply about. Still, I believe that this analysis

¹² The 287(g) program is a form of police-ICE collaboration that deputizes local law enforcement agents to enforce certain aspects of immigration law. This program is discussed in greater detail in chapter three.

is, for now, the most important way that I can give back to the individuals, groups, and movements that have come to mean so much to me, in so many ways, over the last few years. In the end, I hope that those who read this work will take the analysis I offer in the spirit that it is intended—lovingly, respectfully, and with a great deal of admiration for the immigrant rights actors who appear in this project, whether named or unnamed, and for all those who struggle against the structures and consequences of illegality.

Organization of the Dissertation

The US Southeast is a type of borderland for Latina/o immigrants, separated regionally, culturally, and demographically from the traditional settlement spaces of this population. Chapter two, “New Destination Borderlands,” contextualizes the dispersal in Latina/o immigrant settlement patterns to new destinations in the Southeast, places such as Alabama, Georgia, and Tennessee. In this chapter, I outline the responses of receiving communities to Latina/o settlement, particularly in terms of how these responses are often structured by racialized discourses of difference and belongingness between newcomer Latinas/os and long established Anglo and black populations.

Even as the influx of Latina/o immigrants to the US Southeast has challenged notions of belongingness in these places, transitions in the federal immigration enforcement system have structured the experiences of these immigrants through the lens of illegality. In chapter three, “Multiplying Forces,” I examine the shift in the nation’s overall approach to immigration

enforcement from one focused primarily on unauthorized entrants and border security to the interior enforcement of unauthorized immigrants in collaboration with state and local law enforcement agencies. The interoperability of federal immigration authorities and local law enforcement, through programs such as 287(g) and Secure Communities, renders the threat of immigration enforcement omnipresent but never certain. This process, which I refer to as the *enforcement lottery*, relentlessly threatens unauthorized immigrants with the consequences of detection, discretion, detention, and deportation. Thus, immigrant illegality is structured by the ubiquity—and uncertainty—of immigration enforcement in everyday life.

In the Southeast, unauthorized immigrants do not experience their illegality solely through the enforcement lottery. State level immigration policies, such as Alabama’s “Beason-Hammon Taxpayer and Citizen Protection Act,” structure illegality as a bureaucratic process, illegalizing unauthorized immigrants through their everyday interactions with those who lack the authority to enforce federal immigration law, such as employers and service providers. Chapter four, “Welcome to Alabama,” explores bureaucratic enforcement through the implementation of state policies that dictate how unauthorized immigrants may interact with state and local governments, public institutions, and private citizens. This chapter examines “self deportation” as a foundation of state immigration policies and the impact of bureaucratic enforcement on the everyday illegality of unauthorized immigrants in the Southeast, particularly in terms of how illegality renders such immigrants eminently vulnerable.

The programs and policies that organize the interior enforcement of unauthorized immigration, including police-ICE collaboration programs and state-level immigration policies,

emerge from an ideological framing of unauthorized immigrants and unauthorized immigration as problematic. To organize in resistance to immigrant illegality and its consequences, immigrant rights actors must first offer counternarratives that reinterpret the “problem” of unauthorized immigration and offer new solutions. In chapter five, “Framing Immigration,” I examine how immigrant illegality is framed or resisted in accordance with these narratives, and I outline a typology of narratives that structure resistance to illegality. In building resistance, unauthorized immigrants and their advocates draw upon narratives of existence, deservingness, and (il)legitimacy to articulate alternative interpretations of unauthorized immigration and illegality. However, these narratives often structure resistance in unintended ways, inadvertently legitimizing illegality and reproducing the vulnerability of unauthorized immigrants.

Rooted in the policies and practices of illegality is the expectation that the increasing ubiquity of enforcement in everyday life will encourage the removal or “self-deportation” of unauthorized immigrants from the United States. Despite this expectation, the United States has not experienced a substantial decrease in its unauthorized population. Moreover, the constant threat of enforcement has contributed to an escalation in immigrant rights activism, as unauthorized immigrants and their advocates resist illegality through the creation of alternative narratives about unauthorized immigration and unauthorized immigrants. These narratives, in turn, themselves reinforce illegality in unintended ways. Chapter six, “Undoing Illegality,” reflects on the unintended consequences of how illegality is structured and resisted. I argue that the United States is systematically organized around vulnerability, and hence

illegality—as an expedient way of reproducing such vulnerability—is structured into the foundations of society. Solutions that propose to resolve the “problem” of unauthorized immigrants and/or unauthorized immigration will only intensify immigration enforcement, and forms of resistance that do not address the fundamental causes of illegality will continue to reproduce illegality in unintended ways, recreating the vulnerability of unauthorized immigrants.

Chapter II

New Destination Borderlands

I moved to Tennessee in the summer of 2006, just months after immigrants across the nation had taken to the streets in protest against the threat of increasingly harsh and punitive federal immigration policy. Toward the close of the previous year's legislative session, the US House of Representatives passed the "Border Protection, Anti-Terrorism and Illegal Immigration Control Act" (HR 4437), a crimmigration law that proposed to curb unauthorized immigration through the increased enforcement and criminalization of the resident unauthorized population.¹³ Also known as the Sensenbrenner bill for its primary sponsor, Wisconsin Republican Jim Sensenbrenner, HR 4437 would impose severe criminal penalties upon immigrants whose presence in the United States was not authorized by the Department of Homeland Security. These unauthorized individuals—including, among others, immigrants who entered the United States "without inspection,"¹⁴ those who at one time possessed valid

¹³ At the time of the Sensenbrenner bill's introduction, as well as today, unauthorized status is largely treated as a violation of civil immigration law, rather than criminal law. This means that unauthorized immigrants often face civil penalties (in the form of removal and restrictions or exclusion on future lawful entry) for their unauthorized presence in the United States. Unauthorized entrants (EWIs) may face additional criminal penalties if they are apprehended by the Border Patrol while crossing the border without inspection, and the penalties increase with multiple violations. Of course, unauthorized immigrants may also face criminal charges and penalties if they are convicted of a crime (such as operating a vehicle without a valid driver's license), but the sheer fact of their unauthorized presence in the United States is not in itself treated as a violation of criminal law, and thus it is not subject to criminal penalties.

¹⁴ With few exceptions, foreign-born persons who travel or immigrate to the United States are required to obtain prior approval from U.S. Citizenship and Immigration Services (USCIS) or US Customs and Border Protection (CBP), both divisions of the Department of Homeland Security (DHS). Upon crossing the border or port of entry into US

documents but overstayed the expiration date of their visa, or those who otherwise violated the terms of their authorized presence—would be subjected to a hefty fine, criminal penalties including prison time, and eventual removal (deportation). In addition, the Sensenbrenner bill would also authorize the construction of an additional seven hundred miles of fence along the US-Mexico border and levy fines and strict criminal penalties for individuals, organizations, or businesses that knowingly employed or aided unauthorized immigrants.

By the close of the 2005 legislative session, the Senate had failed to pass a parallel bill corresponding to HR 4437, officially ending the bill’s short tenure in the legislature. Yet, even though no provisions of the Sensenbrenner bill were enacted into law, the ideas behind the bill had not lost momentum. In the early months of 2006, Bill Frist, the Senate Majority Leader and Republican from Tennessee, introduced a similar bill, the “Securing America's Borders Act” (SB 2454). Much like HR 4437, Frist’s bill emphasized enforcement-only measures and the criminalization, or illegalization, of unlawful presence in the United States.

The ongoing political focus on the illegalization and removal of the nation’s estimated eleven million unauthorized immigrants sparked a wave of protests that reverberated across the nation in the spring of 2006. Provoked by these harsh approaches, groups spanning

territory, visitors and migrants must present their documents (i.e., visa) for inspection by an officer of the Border Patrol; upon approval, these individuals are “authorized” to remain in the United States for a specified duration of time, as long as they comply with the terms of their visa (which may include restrictions on work and travel, in addition to more general requirements related to individual conduct). Those who enter the United States without engaging in the interview process are said to have entered “without inspection” and are therefore immediately qualified as unauthorized migrants. Entering without inspection, or EWI as it is commonly referred to by immigration authorities, is only one of many actions that can result in a foreign-born person’s unauthorized status.

religious institutions, civil and immigrant rights groups, unions, and humanitarian organizations responded by mobilizing immigrants and their allies into massive demonstrations. Many of the protestors were incensed by the enforcement-only approach to immigration policy reform, as the proposals introduced by Sensenbrenner and Frist offered no opportunities for unauthorized immigrants to “adjust their status” and become authorized. Others, including churches, humanitarian groups, and social service organizations, were frustrated by their potential culpability under the proposed laws, as the broad wording of these bills made it possible for aid institutions to be held criminally liable for providing assistance to unauthorized immigrants (O'Rourke 2006).

Between February and May, thousands of protests erupted in hundreds of cities across the nation, as millions of protestors marched in the streets.¹⁵ The majority of demonstrators were Latinas/os—reflecting the perceived targets of the legislation—and many were immigrants of Mexican origin. By all accounts, the scale and duration of these protests were unprecedented in the history of immigrant rights demonstrations in the United States (Johnson and Hing 2007). As US- and foreign-born Latinas/os flooded the streets, chanting the slogan “*Hoy marchamos, mañana votamos*” (“Today we march, tomorrow we vote”), political commentators, organizers, and academics took note of the burgeoning political strength of the

¹⁵ For a report and analysis of the marches, see Bada, Fox, and Selee (2006), *Invisible No More: Mexican Migrant Civic Participation in the United States*, especially Table 8.1: “Selected Immigrant Rights Marches, 2006.” For a visual map of the scale of the 2006 immigrant rights protests across the United States, see Wang and Winn (2006), *Groundswell Meets Groundwork: Preliminary Recommendations for Building on Immigrant Mobilizations*.

nation's largest minority group, a "sleeping giant" that had largely remained silent in the face of previous threats.¹⁶

Though protesters initially targeted the punitive enforcement mechanisms of the Sensenbrenner bill and similar legislation, demonstrators also decried Congress for its failure to effect proactive and humanitarian immigration reform. The most recent legalization reforms in immigration policy had occurred two decades prior, in 1986, when Congress enacted the Immigration Reform and Control Act (IRCA), a policy that regularized the status of three million previously unauthorized immigrants. Twenty years later, immigrant rights advocates were ready for Congress to once again reform US immigration policy. As evidenced by the 2006 mass mobilizations, however, enforcement-centered legislation that offered only provisions for the criminalization of unauthorized immigrants was not acceptable. Moreover, according to many advocates, the proposed legislation did not sufficiently address the fact that businesses benefited greatly from the vulnerability of the unauthorized immigrants that they employed. Thus, in an open letter to then President George W. Bush, Cardinal Roger Mahoney (2006), the Archbishop of Los Angeles, condemned the strict enforcement provisions of Sensenbrenner-style legislation and criticized the United States for turning a "blind eye" to the suffering of unauthorized immigrant workers who were often exploited by their employers.

¹⁶ A notable exception is the Cuban population in Miami, Florida, which has a great degree of political strength and cohesion (Garcia 1996), and which has consistently and effectively wielded its social, political, and economic capital to influence local and state politics (see, for example: Portes and Stepick 1993).

The Sensenbrenner bill also failed to address what many advocates viewed as the failure of legislative policy to address systemic inequalities in the functioning of the immigration system. Decades of racialized preference systems, class biases, and national origin quotas, combined with contemporary “colorblind” immigration policies and an inadequate number of both diversity and labor visas, have produced relatively few opportunities for migrants in high immigrant-sending countries like Mexico and the Philippines to obtain residency visas (Ogletree 2000). Thus, in a statement issued in early 2006, the Leadership Conference on Civil Rights (LCCR) articulated, “The entire history of the civil rights movement has been based on the recognition that there can be no such thing as second-class Americans... Yet for too long, our immigration laws have created a two-tiered society and have perpetuated racial and ethnic discrimination.” The LCCR, a coalition composed of more than 200 national organizations focused on civil rights, immigrant rights, and labor rights, called on Congress to enact reforms that focused on five specific criteria: 1) a path to permanent residency for current unauthorized residents; 2) firm and fair enforcement of immigration law; 3) the restoration of due process for those currently in detention or facing removal proceedings; 4) family reunification; and 5) an effective and reasonable way to address the flow of immigrant workers (Leadership Conference on Civil Rights 2006). In short, advocates marched in demand of comprehensive immigration reform that recognized the conditions and consequences of unauthorized status.

The largest marches—*las mega marchas*—occurred in places such as Chicago, Los Angeles, and New York (Bada, Fox and Selee 2006). In Chicago, between 100,000 and 300,000 marchers emerged on March 10, 2006 to protest the criminalization of unauthorized

immigrants and the absence of comprehensive reform. The streets of Los Angeles witnessed half a million protestors on March 29. These cities sustained several large marches throughout the spring, culminating in a nationwide May Day protest on May 1. On that day, between 400,000 and 750,000 people marched in the streets of Chicago, and another 650,000 to 700,000 marched in Los Angeles.¹⁷ Alternately referred to by protestors and the Spanish-language media as “*Un Día Sin Inmigrantes*” [“A Day Without Immigrants”], “*El Gran Paro Estadounidense*” [“The Great United States Strike”], or simply “*El Gran Paro*” [“The Great Strike”], protestors—predominantly Latina/o immigrants—closed their stores for the day, skipped work and school, boycotted businesses, and rallied at vigils, marches, and demonstrations to show their frustration at the nation’s focus on criminalization.

Aside from the fact that cities such as Chicago, Los Angeles, and New York experienced some of the largest and most sustained protests against HB 4437 and similar bills during the spring of 2006, these places also share in common the fact that they are all large metropolitan areas with long histories of Latina/o settlement and large immigrant populations. Known as *established destinations* for US-born and foreign-born Latinas/os, Los Angeles, New York, and Chicago are the top three metropolitan areas in the United States with the largest Latina/o populations (Suro and Singer 2002). In addition, these places are among the major contemporary immigrant-receiving gateways, meaning that they are primary entry and

¹⁷ For a complete listing of the upper and lower estimates for the turnout of all documented marches during the spring 2006 immigrant rights protests, see Bada, Fox, and Selee (2006), *Invisible No More: Mexican Migrant Civic Participation in the United States*.

settlement points for all migrants to the United States, including immigrants from Latin American (Singer 2004). As a consequence, it is not particularly astonishing that these metropolitan areas witnessed some of the largest and most sustained marches during the spring protests of 2006.

What is more surprising, perhaps, is that large-scale protests with significant Latina/o turnout occurred even in places that are not traditionally thought of as having sizeable Latina/o or immigrant populations. Although the largest and most sustained marches occurred in established immigrant destinations, smaller marches occurred in cities throughout the Southeast and Midwest, places that have comparatively smaller Latina/o populations or more recent patterns of immigrant settlement. In Charlotte, North Carolina, between 3,000 and 7,000 protestors demonstrated against harsh immigration laws on March 25, 2006. On March 29, between 9,000 and 15,000 people marched in Nashville, Tennessee. On April 9, 4,000 people marched in Birmingham, Alabama, while 30,000 to 40,000 marched in St Paul, Minnesota. In Omaha, Nebraska, 8,000 to 10,000 demonstrators marched in the streets on April 10. Incredibly, an estimated 80,000 protestors marched in Atlanta, Georgia on March 24.¹⁸ The sleeping giant, it seemed, had awoken, and not just in traditional immigrant destinations: the nation's policymakers were on notice.

|||||||

¹⁸ See Bada, Fox, and Selee (2006), *Invisible No More: Mexican Migrant Civic Participation in the United States*.

The Rise of New Immigrant Destinations

It is not insignificant that massive protests erupted even in unexpected places like the Southeast. In fact, the largely Latina/o and immigrant turnout in protest against the illegalization of unauthorized status, even in destinations not known for their immigrant populations, reveals an important shift in immigrant settlement patterns over the last few decades. To understand this shift, and its implications for both the structure of immigrant illegality and its resistance, we must first understand the history of immigrant settlement patterns in the United States.

The settlement patterns of recent immigrants are not random; rather, these patterns are highly influenced by preexisting networks of established immigrants. Recent immigrants tend to group in areas that have a large and well-defined co-ethnic population (Massey 1987; Portes and Rumbaut 1996; Zhou 1992). These network-driven settlement patterns have many practical foundations, including the provision of various tangible and intangible forms of support. By settling among an established group of co-ethnics, recently arrived immigrants often benefit from access to the accumulated knowledge and social capital of the established ethnic community (Hernández-León and Zúñiga 2003; Portes and Rumbaut 1996; Portes and Stepick 1993; Zhou 1992; see also Conley and Bohon 2010 and Hagan 1998 for the impact of an immigrant's gender on access to social networks). Moreover, the presence of a large or well established co-ethnic community may help to generate the ability for immigrant groups to respond to potential threats during politically opportune moments, enabling grassroots mobilization for political protest and social change (c.f. Fujiwara 2005; Horton 1995; Mooney

and Majka 1995; Jenkins and Perrow 1977; Martinez 2008; Pardo 1995, 1990; Portes and Stepick 1993; Wong 2007; Zolniski 2006).

The benefits of settling among an established co-ethnic population may help to explain why, in 2000, over two-thirds of all US immigrants resided in just six states—California, Florida, Illinois, New Jersey, New York, and Texas. Even more remarkably, in the 1990s more than half of all immigrants in the United States resided in just five metropolitan areas—Chicago, Los Angeles, Miami, New York City, and Orange County (Singer 2004). Moreover, prior to the 1980s, ninety percent of all Mexican immigrants—currently the largest population of immigrants in the United States—resided in just five states (Durand, Massey, and Charvet 2000).

Over the last three decades, however, migration streams have changed significantly, and the settlement patterns of immigrants—particularly those of Latin American origin—have diversified. Since the 1980s, Latina/o immigrants have dispersed throughout the United States to *new destinations*, particularly in the Southeast and Midwest regions. Based on Census data of the absolute size and growth levels of immigrant populations across multiple destinations in the United States, Singer (2004) has documented the rise of six different types of new immigrant gateways throughout the nation: former, continuous, post-World War II, emerging, re-emerging, and pre-emerging.¹⁹ In this typology, those destinations broadly considered to be

¹⁹ Singer (2004) identifies gateways based on a compilation of the following data: the absolute numbers of immigrants in the given metropolitan area, the percentage growth rate of foreign-born in the given particular

established gateways (including the former, continuous, and post-World War II gateways) have historically higher than average rates of immigrant population growth and an overall large immigrant population in absolute numbers. The metropolitan areas in such established gateways include places like Detroit and Philadelphia (former), Chicago, New York, and San Francisco (continuous), and Houston, Los Angeles, and Miami (post-World War II).

Emerging gateways, or what are now referred to in the academic literature as *new destinations* for immigrants, are those places that have a low percentage of foreign born persons until 1970 as well as a relatively small foreign born population in absolute numbers, followed by an exponential increase in both the percentage and absolute numbers of the immigrant population after 1980. Examples of emerging gateways include Atlanta, Las Vegas, and Washington, DC. Pre-emerging gateways are those destinations that have experienced a relatively small percentage increase in the immigrant population and that maintain a small overall immigrant population in absolute numbers. Such gateways include places like Charlotte, Raleigh-Durham, and Greensboro / Winston-Salem.²⁰

metropolitan area compared to the national average, and a calculation of contemporary growth rates of the foreign-born in the given metropolitan area in comparison to its historical trends.

²⁰ Although Singer's (2004) typology is only one method of distinguishing new and established destinations (see, for example: Kritz and Gurak 2008), it is the most commonly used in the literature.

Patterns of Dispersal: The Push and Pull of Immigrants to New Destinations

The literature on established immigrant gateways and destinations documents that immigrants settle in particular areas for practical reasons, not the least of which is the presence of established (and primarily co-ethnic) kinship or friendship networks (Hagan 1998; Portes 1998; Portes and Rumbaut 1996; Portes and Stepick 1993; Zhou, 1992). True to these considerations, established destinations in the United States continue to receive the bulk of recent immigrants and to maintain high overall immigrant populations in absolute numbers, as a large percentage of immigrants continue to settle in these areas (Singer 2004). Additionally, Latinas/os (both US-born and foreign-born) continue to reside overwhelmingly in established destinations such as Los Angeles, Chicago, Miami, and New York (Suro and Singer 2002).

However, over the last two decades, the United States has witnessed the dispersal of immigrants, as well as US-born Latinas/os, to destinations that have historically maintained small populations of these groups. By definition, these new destinations lack a well-established co-ethnic community, a factor that should make these destinations less attractive for settlement compared to established destinations. Some research suggests that the absence of established networks in new destinations correlates to a host of challenges for recent immigrants, including issues related to integration, a hostile reception by the broader community, and a lack of network support (Bohon, Massengale, and Jordan 2009; Gouveia, Carranza, and Jasney-Cogua 2004; Marrow 2005; Millard and Chapa 2004; Singer 2004; Stamps and Bohon 2006; Suro and Singer 2002). Moreover, compared to immigrant mobilizations that have occurred in established destinations like Los Angeles (Horton 1995) and Miami (Portes and

Stepick 1993), it is worthwhile to note that new destinations seem unprepared for immigrant-led political activity in response to many of these challenges, if for no other reason than their relative lack of established organizational infrastructures.

Despite these challenges, immigrants are increasingly dispersing to new destinations, and these recent changes can be accounted for by several interrelated factors, some of which have pushed immigrants out of their countries of origin and established destinations and gateway cities, and some of which have pulled them to new destinations throughout the United States. International migration is influenced by complex factors including globalization, the economic and political contexts of sending and receiving countries, labor markets and wage differentials, the elaboration of transnational migrant social networks, the social capital and funds of knowledge of individual migrants and their networks, and cultural and community expectations of migration as a rite of passage (Goss and Lindquist 1995; Massey 1999, 1987, 1986; Massey et al 1987; Pessar 1999; Piore 1979; Portes and Bach 1985; Reichert 1982). Massey (1999), therefore, posits that international migration results from a synthesis of these factors, as any individual element is insufficient to explain the push and pull of migrants between countries.

The decision (or “draw”) of immigrants to settle in particular locations—whether established or new—is similarly influenced by multiple elements (Ansley and Shefner 2009; Donato, Stainbeck, and Bankston 2005; Griffith 2005; Gouveia and Saenz 2000; Hernández León and Zúñiga 2005; Kandel and Parrado 2004; Light and Johnston 2009). Local, state, and international factors, and their impacts on the push and pull of immigrants to particular

destinations, are interrelated, rather than competing, in their explanatory power. Push factors include IRCA's legalization of unauthorized immigrants, the saturation of the low-wage labor markets in high-density immigrant destinations, the militarization of the border, and the increasing and vocal opposition and legislative targeting of unauthorized immigrants in established destinations. Pull factors include the creation of new employment opportunities in new destinations—particularly in the Midwest and South; the perceived safety, aesthetics, and affordability of these regions in comparison to more costly and often dilapidated central cities in established destinations; and the rapid creation of sister cities and new network migration patterns linking particular cities in Latin America to new destinations in the United States.

The Immigration Reform and Control Act (IRCA), established in 1986, addressed a burgeoning population of unauthorized immigrants—estimated at the time to comprise between three and five million people—by providing pathways for legalization and by adjusting the status of those who could prove that they had lived and worked in the United States for at least five consecutive years. IRCA also created new opportunities for temporary immigration to fill industry labor shortages and required employers to obtain official work documentation for all employees (Durand, Massey, and Capoferro 2005; Newton 2008). In consequence, IRCA provided both the impetus and possibility for many newly authorized immigrants to leave agricultural and other jobs in established destinations in search of better economic opportunities elsewhere in the United States (Durand, Massey, and Capoferro 2005; Gouveia and Saenz 2000; Marrow 2005).

The sudden legalization of an estimated 2.3 million unauthorized Mexican migrant agricultural workers saturated local labor markets in California with newly upwardly mobile immigrant workers; this, combined with the threat of increased employer sanctions for hiring undocumented workers, put downward pressure on wages as low-wage work was subcontracted to avoid economic penalties (Durand, Massey, and Charvet 2000; Phillips and Massey 1999). The Seasonal Agricultural Worker (SAW) program, a provision of IRCA, legalized agricultural workers who could prove continuous employment in agricultural work; this enabled newly legalized workers to seek better compensated work in the interior of the United States (Gouveia and Saenz 2000; Smith-Nonini 2009). Moreover, IRCA's revision and expansion of the guestworker program into H2A and H2B visas pulled immigrants to new destinations to serve in seasonal or temporary positions with high labor shortages, such as tree planting and agricultural work (McDaniel and Casanova 2003).

In addition to its legalization provisions, IRCA also increased funding for border security, instigating the militarization of the US-Mexico border. In fact, since 1986, Congress' major emphasis on immigration policy has focused primarily on increasing funding for border security and immigration enforcement and imposing restrictions on access to entitlement programs (Zolberg 2006). During the 1990s, the US Border Patrol shifted to a strategy of entry prevention, marked by the dual tactics of "prevention through deterrence" and "targeted enforcement." Evidenced by programs like Operation Hold-the-Line (originally known as Operation Blockade) in 1993 and Operation Gatekeeper in 1994, these strategies deployed high concentrations of border patrol agents along the heavily trafficked migrant corridors of El Paso

and San Diego, respectively. In theory, the Border Patrol presumed that the presence of a robust and concentrated population of visible agents along these entry points would deter unauthorized entry and better enable agents to apprehend those who did attempt to cross the border.²¹

Paradoxically, empirical evidence suggests that the militarization of the border, through IRCA and subsequent policies, has actually contributed to an increase in the size of the resident unauthorized population even as these policies have made it increasingly difficult for future unauthorized migrants to enter without inspection (Cornelius 2001; Massey 2005b). Prior to IRCA, unauthorized Latina/o immigrants (particularly those from Mexico) commonly crossed the US-Mexico border multiple times over the course of a lifetime, traveling without legal authorization to the United States to work and live for a short period of time, then returning to the country of origin once they had met a personal financial goal (Massey 1987). The militarization and enforcement of the US-Mexico border disrupted these cyclical migration patterns by intensifying the personal risks and costs associated with unauthorized entry (Furuseh and Smith 2006; Massey et al. 2002). As a result, unauthorized entrants have had to undertake longer and more dangerous journeys through the deserts of New Mexico and Arizona (Hellman 2008; Massey 2008; Massey et al. 2002; for narrative accounts of the impact

²¹ Critics, including Cornelius (2001) and Nevins (2010) and the humanitarian group No More Deaths, argue that this strategy has contributed to an escalation in the number of migrant deaths along the US-Mexico border, as unauthorized entrants subsequently avoided crossing the border in these areas, which were heavily monitored by border patrol agents, in favor of crossing in increasingly remote and dangerous areas (such as Arizona's Sonoran Desert) that were not as heavily monitored.

of border militarization and its impact on unauthorized entrants, see: Regan 2010 and Urrea 2005). Additionally, Massey and his colleagues (2002) note that immigrants increasingly rely on professional *coyotes* as a result of the increased personal risk and danger associated with border crossings; unsurprisingly, the price of border crossing with a *coyote* has increased dramatically since the passage of IRCA and the resulting escalation of border militarization. The expenses associated with hiring a *coyote* now total easily into the thousands of dollars. Thus, after the passage of IRCA, immigrants have continued to migrate to the United States without authorization; instead of circular migration, however, they are now more likely to remain in the United States for longer periods of time, regularly settling with their families in neighborhoods and communities (Massey 2005b; Massey, Durand and Malone 2002).

Over time, as a result of border militarization and few pathways to legal entry and residency (Massey and Riosmena 2010), the size of the resident unauthorized population in the United State has increased significantly, particularly in established destination states (Massey, Durand and Malone 2002; Riosmena 2004). Since the 1980s, the size of the unauthorized population has soared to more than eleven million, the vast majority of whom originate from countries in Latin America, primarily Mexico (Passel and Cohn 2009). Although IRCA provided the opportunity for nearly three million unauthorized residents to regularize their status, it also set in motion a precedent for border militarization that has indirectly contributed to a dramatic increase in the size and dispersal of the resident unauthorized population over the next few decades. IRCA's increased funding for border security and the attendant border militarization practices later expanded by the 1996 Illegal Immigration Reform and Immigrant Responsibility

Act (IIRIRA) and Border Patrol operations influenced the outmigration of immigrants from heavily patrolled border states, which were perceived as increasingly risky to unauthorized residents (Durand, Massey, and Charvet 2000; Massey 2003; Newton 2008).

Rising hostility against immigrants in some established immigrant receiving areas, perhaps resulting from the significant increase in the resident unauthorized population in these places, also pushed immigrants out of those states (Durand, Massey, and Capoferro 2005; Jacobson 2008; Marrow 2005). California, which experienced increased anti-immigrant sentiment during the economic downturn of the eighties and nineties, is one such example. Responding to the perceptions that immigrants take jobs from natives and abuse taxpayer entitlements, fear in the wake of its own recent and highly publicized public demonstrations over immigrant rights, and public outrage over IRCA's "amnesty" provisions, the California legislature passed several bills oriented at unauthorized immigrants and immigration (Barkan 2003; Jacobson 2008; Mariscal 2005; Newton 2008). California's Proposition 187 denied state-funded education and health programs to the children of unauthorized immigrants, while Proposition 227 undermined bilingual education in the school system. Although this legislation was not explicitly anti-Mexican in name, Latina/o immigrants (particularly those from Mexico) perceived that the implicit message was anti-Latina/o and anti-Mexican, given the large numbers of Latinas/os and Mexican immigrants residing in California.

Among the narratives that mobilized anti-immigrant sentiment, Jacobson (2008) finds that immigrants—racialized as Latinas/os—were framed as a criminal element, violating not just immigration laws but other basic civil laws that protect the safety of natives. To exemplify

this portrayal of immigrants as criminals, Jacobson quotes Pete Wilson, California's governor at the time, who stated that undocumented immigrants were "endangering... the safety of too many California neighborhoods" (Wilson, quoted in Jacobson 2008: 55). Barkan (2003) and Newton (2008) similarly find that immigrants were portrayed as law-breakers, criminal, and undeserving of social welfare practices and favorable immigrant legislation. This framing provided an incentive for native-born Latinos to disassociate themselves from foreign-born Latinas/os, lest they be compared unfavorably and portrayed as similarly "un-American" (Bedolla 2003). Thus, increasingly restrictionist legislation, combined with a climate of perceived hostility against Latina/o immigrants from US-born Latinas/os and non-Latinas/os alike, has made established destinations much less attractive to recent immigrants, particularly those who lack authorized status (Durand, Massey, and Capoferro 2005).

If IRCA provided the possibility for newly authorized immigrants to migrate freely throughout the US, the expansion of economic opportunities in the Midwest and the Southeast provided the incentive for immigrants to migrate to these new destinations. The de-industrialization of the Northeast, combined with the influx of factories into places in the Midwest and the South, produced high rates of unemployment in some established destinations in contrast to the expanding job opportunities in new destinations (Kandel and Parrado 2005; Zúñiga and Hernández León 2005). The Southeast and Midwest were particularly attractive to large industries such as meat and poultry processing because these regions had a long history of practices favorable to business, including lower property taxes, lower rates of unionization, and relatively stagnant and depressed wages for so-called "low-skill" workers,

compared especially with the more unionized Northeast (Fink 2003; Griffith 2005; Guthey 2001; Kandel and Parrado 2005, 2004; Striffler 2005). Moreover, the overall economic expansion of the nineties allowed many US-born workers to leave less desirable low-paying jobs in search of opportunities in the service sector, thereby creating key labor shortages in carpet and poultry factories and the agricultural industry in the Southeast (Hernández León and Zúñiga 2003; Atilés and Bohon 2003)

As industry was pulled to these regions, immigrants seeking new and expanded job opportunities were pulled as well (Johnson-Webb 2002; Kandel and Parrado 2004). Immigrants already living in the United States were pulled to these new destinations by increasing economic opportunities, and immigrants in sending countries were pulled both by other immigrants who had already established themselves within the new destination as well as by employers. New destination employers used active and passive (or formal and informal) means of recruitment, including posting want ads in sending communities and using the pre-existing network ties of current immigrant employees (to their origin communities and to other immigrants throughout the United States) to access potential new immigrant employees (Donato, Stainbeck, and Bankston 2005; Grey 1999; Griffith 2005; Johnson-Webb 2002; Naples 2007; Striffler 2009).

Just as factories targeted the South and Midwest for the relatively low costs to business, immigrants were attracted to these regions for their comparatively lower costs of living and perceived better quality of life (Marrow 2005). Research by Light and Johnston (2009) suggests that immigrants were pushed out of established destinations not solely as a result of falling

wages (as Massey has suggested), but due to the declining rent-to-wage ratios; as immigrants saturated not only the labor market but also the low-cost housing market, the decreasing affordability and acceptability of housing in established destinations encouraged immigrants to explore other options in the interior of the United States. Although research indicates that immigrants are drawn to new destinations for the comparatively low cost of housing (Skop and Buentello 2008; Datel and Dingemans 2008; Furuseth and Smith 2006; Price and Singer 2008), it is increasingly evident that new destinations, as well, lack a sufficient amount of affordable housing options to accommodate the influx of a low-wage immigrant population (Atilés and Bohon 2002; Naples 2007). Still, new destinations appeared to offer other attractive features compared to established destinations, including the promise of better schools and safer communities (Atilés and Bohon 2002).

Immigrants are also pulled to new destinations for reasons related to their perceived safety and security. Although some evidence indicates that immigrants in emerging destinations such as Georgia and North Carolina often feel singled out and targeted for discrimination as a result of their ethnic origins (Atilés and Bohon 2002; Torres, Popke, and Hapke 2006)—and this is increasingly true in new destinations that have implemented harsh restrictionist state-level immigration policies—unauthorized immigrants often perceive destinations with smaller immigrant populations to be less risky than border states for those who lack legal immigration documents (Conley 2009). In broad terms, unauthorized migrants have perceived new destinations to be less risky compared to Southwestern states, where the stricter border enforcement practices resulting from IRCA, IIRIRA, and Border Patrol operations

continue to present problems for those who lack legal authorization (Durand, Massey, and Capoferro 2005; Marrow 2005). This threat varies across geographic areas, since Immigration and Customs Enforcement (ICE) agents, as well as civilian patrol organization such as the Minutemen, tend to operate more actively in states like California than in new destination states, where unauthorized immigration has largely been viewed as a minor issue until recently (Dove 2010; Durand, Massey, and Capoferro 2005; Mariscal 2005). Increasingly, however, we see that immigration enforcement is active even in places with small immigrant populations (a point I return to in chapter three).

As immigrants have increasingly dispersed to new destinations throughout the United States, we have seen the creation of new network migration chains linking “sister cities” abroad to particular destinations within the United States. Documented cases of single-stream migration between sending communities abroad and receiving communities in the United States, such as Marshalltown, Iowa (Grey and Woodrick 2002), indicate that recent immigrants are being pulled to new destinations in similar ways as they were pulled to established destinations. Once a link between transnational communities is established, practical migration strategies such as network-facilitated migration and network hiring practices ensure that new destinations will rapidly acquire new immigrants (Zúñiga and Hernández León 2005). Network ties between immigrants in sending and receiving communities facilitate the availability of resources for recent arrivals, thereby decreasing the costs associated with migration (Massey 1999); as such, established networks in new destinations—even though they may be quite small—may facilitate network migration through the provision of social and tangible supports

such as housing, startup capital, and funds of knowledge (Donato, Stainbeck, and Bankston 2005).

Latina/o immigrants have increasingly dispersed to new destinations across the United States, despite the fact that these new immigrant destinations may lack the larger co-ethnic networks that are characteristic of established destinations. Push factors related to immigrant policies like IRCA, the SAW program, and IIRIRA, combined with the saturation of the low wage labor market, high housing prices, and increasing anti-immigrant sentiment and hostility, as expressed through increasingly restrictive local legislation and border militarization, have encouraged immigrants to explore new options outside established destinations. At the same time, pull factors in new destinations, such as increasing job opportunities, a more affordable cost of living, the perceived security of new destinations, and chain migration streams, have steadily encouraged immigrants to settle in these places, thereby increasing the size of their immigrant populations. As a result, when massive immigrant rights protests erupted across the nation in response to the Sensenbrenner bill, new destinations in the Southeast were not left out: the Southeast, too, now had a stake in the impending threat of illegality.



The Southeast as Borderland

The Southeast is not just a new destination for Latina/o immigrants; it is also a new borderland—a *frontera* within a *frontera*, as it were. Separated regionally, culturally, and

demographically from the traditional settlement spaces of this population, the Southeast is a new site of exclusion in the creation of immigrant illegality. Thus, Latina/o immigrants are perceived as distinct *others* from the long-established resident population of the Southeast by a number of differences, not the least of which are their racial and ethnic markers. In an area of the United States long characterized by a color line that has been drawn along a white and black binary (Marrow 2009), Latinas/os complicate the traditional and racialized understandings of belongingness in these places. Latina/o immigrants experience this “*Nuevo New South*” (Mohl 2003) through the responses of their receiving communities, which have been heavily structured by racialized discourses of difference and belongingness between newcomer Latinas/os and long established Anglo and black populations (Furusetth and Smith 2006).

The Southeast is not foreign to overt racial tensions, and white politicians have long fostered the hostilities of primarily white Southerners against racial and ethnic minorities as an institutional political strategy (Bass and De Vries 1995; Black and Black 2003). Just so, when I arrived in Tennessee, shortly after the 2006 immigrant rights protests swept the nation, the state was in the middle of a contentious US Senate race that exemplified this strategy. Republican nominee Bob Corker and Democratic challenger Harold Ford, Jr. squared off against one another through political advertisements as they vied for the seat soon to be vacated by Senator Frist. Described by political pundits as one of the “most competitive and nasty US Senate races in the nation” (Associated Press 2009), Tennessee’s Senate race gained widespread notoriety for its racially charged political propaganda. If elected, Harold Ford, Jr. would have become the first African American voted into the US Senate from the South since

the Reconstruction era. It was clear that Ford's race was an issue, not only for the electorate but also for those who conceived the campaign season's political ads.

In what has been referred to as the "Southern Strategy" (Boyd 1970), the Republican Party has historically used racially coded messaging in an attempt to win over white Southern voters in the backlash against the Civil Rights movement (Lamis 1999).²² Such messages may be covert, as with Reagan's oblique references to "welfare queens," "states' rights," and the "War on Drugs." Messages may also be more overt, depicting African Americans as untrustworthy, suspicious, or threatening, as with the infamous Willie Horton political ads in George H. W. Bush's 1988 presidential campaign against Michael Dukakis. Black men, in particular, are portrayed as dangerous, especially to white women and families (Mayer 2002).

In the Tennessee election, it was clear that the Republican National Committee (RNC) and partisan political action committees (PACs) relied on this strategy in their political ads. In one such pro-Corker ad, paid for by the RNC, a blonde-haired ivory-skinned woman with bare shoulders wiggled and cooed, "I met Harold at the Playboy Party!" Later in the ad, the flirty blonde winked into the screen as she whispered, "Harold, call me." On the surface, the ad appeared to underscore Ford's apparent untrustworthiness, to identify him as a man with dubious ethical practices, undeserving of the Tennessee Senate seat. However, the reference

²² For a thorough discussion of the role of race in politics in the South, see Roemer, Lee, and Van der Straeten (2007), *Racism, Xenophobia, and Distribution: Multi-Issue Politics in Advanced Democracies*; Black and Black (2003), *The Rise of Southern Republicans*; Bass and De Vries (1995), *The Transformation of Southern Politics: Social Change and Political Consequence Since 1945*.

to interracial sexuality (and the perceived threat that this implied), combined with the added danger posed by the light-skinned Ford's potential to "pass" as white, was unambiguous. In response, the RNC's ad was broadly condemned as "race baiting," and even Corker, in an attempt to distance his campaign from the national Republican organization, criticized the ad as "over the top."

Still, racialized political messages continued throughout the Tennessee Senate race. Another pro-Corker ad, paid for by "Tennesseans for Truth," contended that Ford "represents the interests of black people above all others." Yet another, paid for by "Corker for Senate" and endorsed by Corker himself, obliquely highlighted Ford's apparent racial otherness through a musical soundtrack of what was broadly interpreted as African "jungle drums" each time the ad mentioned Ford; in contrast, mentions of Corker were accompanied by a soaring patriotic orchestra.

It is true that the national press was not kind in its response to these ads, prompting Corker and national Republicans to shy away from ads such as these. Yet, at the same time, other political ads with equally racialized messages—albeit targeting a different racialized group—received little national attention. In particular, ads sponsored by both campaigns proclaimed each candidate as tough on the border, relying on threatening messages of Latino "invasion" to convey a sense of panic and urgency (Chavez 2008). One such ad, paid for by the Ford campaign, presented itself as an exposé of Corker's inclination to hire "illegals [sic]" to work at his construction sites. In this ad, Ford accused Corker of being soft on "illegal [sic] immigration," while in the background viewers were presented with a photo of dark-skinned,

steely-faced Latino-looking men, clad in dark jeans and jackets, who were shown stepping over wire fencing with ambiguous terrain in the background.



Figure 7: Pro-Ford political advertisement

Complicating the historic racial tensions of the black-white color line, then, was the newly emerging—though, for much of the Southeast, still very small in absolute numbers—Latina/o population (Lee and Bean 2007; Marrow 2009; McClain et al 2006; McConnell 2011; Singer 2002; Suro and Singer 2004). As someone newly transposed to the cultural South from a state more heavily populated by immigrants (and Latinas/os in general), I wondered whether Southerners were really concerned about border enforcement or Latina/o in-migration more generally. In fact, research has documented or suggested that the reception context of new receiving destinations is largely ambivalent to incoming immigrant populations (De Jong and Tran 2001; Johnson, Johnson-Webb, and Farrell 1999; Mohl 2003; Neal and Bohon 2003;

Studstill and Nieto-Studstill 2001). On the one hand, immigrants in new destinations may be portrayed by media as beneficial to the community in terms of their perceived strong families, moral values, and work ethic (Marrow 2009; Padin 2005). US-born residents in new destinations may also value the multicultural diversity, or the cultural novelty, that immigrants bring, as new communities celebrate cultural festivities such as *Cinco de Mayo* (Shutika 2008). This reception context has implications for the willingness of communities to reach out to new immigrant arrivals, as well as the ability for recent arrivals to access important community resources. Inasmuch as immigrants appear to “fit in” or contribute to the community, they are welcomed in new destinations (Naples 2007; Padin 2005)

On the other hand, sentiment toward immigrants may vary largely depending on the region or rurality of the new destination: some research has indicated that new destinations in the Midwest are more receptive to immigrants than new destinations in the Southeast, and that metropolitan areas are more receptive than rural areas (De Jong and Tran 2001; Marrow 2005). The large influx of immigrants (particularly those who are low-income and easily distinguished from US-born residents by phenotypic features and language) may be perceived as a threat to the perceived “normalcy” of life in a new destination (Neal and Bohon 2003). The racialized ads in the 2006 Tennessee senate campaign, both highly marketable and easily exploitable, may have reflected a new anxiety felt by many in the Southeast related to the changing demographic composition of the local population. US-born residents in new destinations may perceive that immigrants challenge the foundations of their communities, either in terms of the racial composition (an influx of brown immigrants in a destination that

previously was thought of as black and non-Latino white) or in terms of their definitions of who they are as a community (Lippard and Gallagher 2011; Mohl 2003; Naples 2007; Neal and Bohon 2003). Additionally, immigrants may be negatively portrayed as a criminal element or as a burden on taxpayer resources (Jacobson 2008; Padin 2005). Since new destinations are typically unaccustomed to immigrants and are therefore largely unprepared to meet the needs of a rapid population surge, immigrants' use of, or demand for, any resources may be perceived negatively by others in the community (Atilas and Bohon 2002; Bohon, Massengale and Jordan 2009; Gouveia, Carranza and Cogua 2005; Marrow 2005; Millard and Chapa 2004; Singer 2004; Stamps and Bohon 2006).

Perhaps the racially coded messages of these political ads provided a response to the wave of protests that had erupted even in the South, a new Southern Strategy intended to exploit the changing demographic composition of Tennessee and the southern states more generally. In the Southeast, Latinas/os are characterized as a political scapegoat for systemic problems, not the least because these individuals—who are largely perceived as both foreign-born and unauthorized (Bohon and Macpherson Parrot 2011)—can be portrayed as threatening to white and black Southerners alike (Mindiola, Niemann and Rodriguez 2002), even as such policies ultimately sustain white institutional power (Jackson 2011). In this sense, these political ads were not solely about protecting the US-Mexico border from an influx of unauthorized entrants, but a metaphor for protecting the US Southeast—a new type of border within the interior of the United States—from the Latina/o immigrant. Structured by racialized discourses of otherness, this border establishes the US Southeast as a space of non-

belongingness for Latina/o immigrants. In the following chapters, I demonstrate how the Southeast as borderland, coupled with newly emerging immigration enforcement practices, has become an important site in the production of immigrant illegality.

Chapter III

Multiplying Forces: The Homeland Security State and Everyday Illegality

A television advertisement for John McCain opens upon a bare stretch of dusty road in the US border town of Nogales. Zooming in, we see McCain, Senator of Arizona, and Paul Babeu, Sheriff of Pinal County, Arizona, walking together along the skeleton of a border fence. As they walk the dusty road, we seem to eavesdrop on their conversation:

McCain: Drug and human smuggling, home invasions, murder.

Babeu: We're outmanned. Of all the illegals [sic] in America, more than half come through Arizona.

McCain: Have we got the right plan?

Babeu: [The] plan's perfect. You bring troops, state, county, and local law enforcement together...

McCain: ...and complete the danged fence.

Babeu: It'll work this time. Senator, you're one of us.²³

The US-Mexico border has long been imagined as the epicenter in the struggle against unauthorized immigration, and this political advertisement—created for McCain's 2010 Senate re-election campaign and paid for by his Political Action Committee, Friends of John McCain—presents no exception. That the commercial highlights the threat of unauthorized immigrants (“drug and human smuggling, home invasions, murder”) and the need for greater security

²³ See: “Complete the Danged Fence.” (<http://www.youtube.com/watch?v=r0lwusMxiHc>).

measures to protect US citizens (“complete the danged fence”) is also no surprise. Broadly inscribed in our nation’s rhetoric and imagery, immigrants in general and unauthorized immigrants in particular have long been constructed as a distinct threat to national security;²⁴ more precisely, contemporary portrayals of unauthorized immigration focus heavily on the “Latino threat” (Chavez 2008, 2001; Huntington 2004, 2005; Lugo-Lugo and Bloodsworth-Lugo 2010; Mariscal 2006). Chavez’s (2001) examination of magazine imagery and accompanying articles through the eighties and nineties, for example, finds that Latino immigration in particular is often portrayed through visual imagery reminiscent of floodwaters or invasion, and that discourse surrounding the US-Mexico border suggests crisis and anarchy.

Unsurprisingly, then, and until relatively recently, immigration enforcement in modern times has concentrated at the nation’s Southern border,²⁵ articulating a combination of both real and imagined perceptions of unauthorized immigration. Border security measures have intensified in recent years in response to these apparent threats. Today, more than 18,000 of the country’s 21,000 Border Patrol agents monitor the nearly 2,000-mile border region between the United States and Mexico. The border has also become increasingly militarized over the last decades, as immigration enforcement has progressed far beyond romanticized

²⁴ Newton (2008) argues that national rhetoric surrounding immigration alternates periodically between advocacy for tougher restrictions and greater openness.

²⁵ Skerry (1995) notes that in the nineteenth century, prior to modern immigration controls, immigration enforcement rested with states and colonies which had the authority to regulate admission and settlement within their localities through their borders and ports of entry.

visions of Border Patrol agents driving the border fence and signcutting²⁶ through the desert on foot in search of unauthorized entrants. As the size and budget of the Border Patrol have skyrocketed, the “danged fence” is only one tool of many intended to “secure the border” and deter unauthorized immigration. Today, the Border Patrol employs highly sophisticated and invasive surveillance technology—including infrared night-vision scopes, remotely controlled video cameras and aircraft, ground sensors, and even a “crowd-sourcing” system²⁷—to aid in the detection and apprehension of unauthorized entrants (Koslowski 2011).

Still, the nation’s overall approach to immigration enforcement has been revolutionized beyond the considerable expansion of the Border Patrol and the militarization of the Southern border. Over the last decade, immigration enforcement has shifted from a focus on federal enforcement of immigration law toward a collaborative approach between federal, state, and local law enforcement agencies (Coleman 2012; Mittelstadt et al 2011; Waslin 2010). The new plan, articulated by Sheriff Babeu in the McCain political advertisement, is to “bring troops, state, county, and local law enforcement together,” creating a united and formidable immigration enforcement system. Although the sheriff’s proposal may seem rather

²⁶ “Signcutting” is the highly specialized set of tracking skills used by Border Patrol agent to identify signs of human activity and track unauthorized entrants. The signs monitored by agents include footprints, clothing fibers, depressions in the soil, and disturbances in plants and wildlife.

²⁷ “Crowd-sourcing” is the process of outsourcing a specific task or function usually performed by employees of an institution to a large and undefined network of individuals, often in the form of an online open call. In 2008, the state of Texas launched a virtual surveillance plan, the Texas Virtual Border Watch Program, which utilizes existing border surveillance to enable volunteers to monitor the US-Mexico border from their own computers. With this program, users can watch real-time streaming video of the border and report sightings of unauthorized entrants directly to the Texas Border Sheriff’s Coalition, which may then report the activity to the US Border Patrol (Burnett 2009; Mackey 2009; Koskela 2011)

commonplace today, in a time when immigration enforcement is pervasive throughout the country, this framing of the solution to unauthorized immigration signifies a dramatic shift in the ways that immigration law is administered in the United States. No longer is the enforcement strategy mainly one of “prevention through deterrence,” as articulated by the US Border Patrol of the nineties (Nevins 2002), but one of everyday illegality and “attrition through enforcement.”²⁸ Importantly, this strategy links not only the law enforcement agencies of border states with the Border Patrol, but also the agencies of interior states with Immigration and Customs Enforcement. Thus, in the aftermath of the 2001 attacks on the US World Trade Center, immigration enforcement has become a major growth industry, expanding beyond the federal enforcement of the border to the state and local enforcement of the interior. These shifts have led to changes in mechanisms of immigration enforcement and the places where immigration policy is enforced, fundamentally altering the very ways that illegality is structured. Today, unauthorized immigrants may be illegalized almost any day and anywhere in the United States.

Immigration Enforcement Meets Homeland Security

Many of the most drastic changes in immigration enforcement strategy in the last decade have occurred not at the border, but within the country’s interior. In fact, the total

²⁸ “Attrition through enforcement,” often referred to as “self deportation,” is an extremist strategy whose explicit intention is to so greatly complicate the lives of unauthorized residents that they will voluntarily return to their countries of origin. This strategy is discussed further in chapter four.

number of migrant apprehensions along the border has dropped precipitously since the 1990s and mid-2000s, when border patrol agents apprehended on average more than one million unauthorized entrants per year. Since 2007, the number of border apprehensions has decreased steadily, dwindling to a low of approximately 340,000 in 2011, the smallest total number spanning four decades (Sapp 2011).²⁹ ³⁰ At the same time, the number of interior apprehensions and removals by immigration enforcement agents and other ICE operatives has reached an unprecedented high. As the resident population of unauthorized immigrants has increased significantly over the last few decades, in large part due to changes in border security and immigration policies, we have seen an emergent focus on immigration enforcement in the interior of the country (Capps et al 2011; Coleman 2008; Golash-Boza 2013; Waslin 2010; Wong 2012), resulting in an average of just under 400,000 removals³¹ of unauthorized immigrants per year since 2008 (Department of Homeland Security 2012).

Although border security continues to be a major focus of the Department of Homeland Security, the rising emphasis on interior immigration enforcement marks an equally important transition from enforcement at the federal level to enforcement at the state and local level, in coordination with the rise of the homeland security state and the era of interoperable law enforcement (Coleman and Kocher 2011). In the aftermath of two national disasters—the 2001

²⁹ See also US Customs and Border Protection (2011), *United States Border Patrol Nationwide Illegal Alien Apprehensions, Fiscal Years 1925 – 2011*.

³⁰ The precipitous drop in the total number of migrant apprehensions at the border reflects, in no small part, the decrease in unauthorized migrant crossings (Passel, Cohn, and Gonzalez-Barrera 2012).

³¹ This number does not include unauthorized immigrants who are apprehended by Immigration and Customs Enforcement who agree to a voluntary departure.

attacks on the World Trade Center in New York and the massive flooding of New Orleans caused by Hurricane Katrina in 2004—the US Congress and the White House, under the presidency of George W. Bush, commissioned a series of reports to examine the weaknesses and failures of US institutions to prevent and respond to future catastrophes.³² Among other findings, the reviews indicated that both the intelligence community and emergency responders were hindered by a lack of effective communication and coordination across federal, state, and local agencies. Reports acknowledged the lack of shared radio frequencies and access to medical records between state and local agencies, as well as the lack of intelligence sharing across government agencies at all levels, as examples of the breakdown of government to respond to a new era of risk. Reasoning that the nature of threats had changed and the dangers to the nation’s security had broadened, the reviewers argued that the nation’s inter-agency coordination procedures and communications infrastructure must also adapt.

The reports also recommended that the United States spearhead an “information sharing revolution” across governmental agencies as a primary form of emergency prevention and preparedness. It was thought that better information sharing would improve the efficacy and efficiency of public safety organizations in the event of another widespread emergency. Theoretically, this would also strengthen the capacity of federal agencies to identify, assess, and

³² See, for example: National Commission on Terrorist Attacks upon the United States (2004), *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* and Executive Office of the President (2006), *The Federal Response To Hurricane Katrina: Lessons Learned*.

target potential threats to national security, enabling the government to prevent catastrophes before they happen.

In practice, information sharing functions as *interoperability*, the term used by the federal government to articulate cooperative partnerships between federal agencies and state and local public health and safety departments through the implementation and use of extensive information sharing networks and effective inter-agency communication. This practice is generally viewed as logical and beneficial, especially among community-based first responders such as law enforcement, fire fighters, and emergency medical providers. When local agencies are interoperable, or able to collaborate with one another, they are better equipped to organize and deploy services in a strategic manner. Ideally, interoperability promotes a rapid and effective response to community safety concerns.

The origins of interoperability are instructive for understanding the contemporary manifestation of immigration enforcement in the United States. By 2003, the investigative functions of the now defunct Immigration and Naturalization Service (INS)—the federal agency then tasked with the administration of immigration policy—and the investigative law enforcement arm of the now defunct US Customs Service—the federal agency tasked with processing goods and people at ports of entry—had been dissolved and largely reorganized as Immigration and Customs Enforcement (ICE) under the Department of Homeland Security

(DHS),³³ a massive institution dedicated to preventing terrorist attacks and other threats to the United States by reducing the nation’s vulnerabilities, especially in terms of immigration-related security. The momentum for interoperability arose in coordination with these federal departmental changes, and the now-pervasive element of police-ICE collaboration—a relatively new phenomenon—was inspired by the repercussions of the 2001 attacks on the World Trade Center.

Empowered to address national security threats, ICE appeared to take seriously the “importance of intelligence analysis that can draw on all relevant sources of information,” as articulated in the *9/11 Commission Report* (National Commission on Terrorist Attacks upon the United States 2004: 416). Previously untapped sources of information included state and local law enforcement agencies (LEAs). Thus, by institutionalizing cooperative partnerships across federal, state, and local LEAs, it was thought that government at all levels would be better prepared to identify and assess potential threats to national security. According to ICE:

Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal, state and local resources, skills and expertise. State and local law enforcement

³³ Note, however, that the Department of Homeland Security as it is currently organized includes several departments that address immigration-related issues, including Immigration and Customs Enforcement (ICE), US Customs and Border Protection (CBP), US Citizenship and Immigration Services (USCIS), and the Office of Immigration Statistics. While the customs law enforcement responsibilities formerly performed by the US Customs Service are now organized under ICE, the duties of inspections at borders and ports of entry fall under the purview of the CBP. Similarly, while the investigative and law enforcement arm of the INS has been reorganized under ICE, other functions are fulfilled by the CBP (e.g., inspection) and USCIS (e.g., adjudication and benefits). See Department of Homeland Security (2003), “Creation of the Department of Homeland Security.”

play a critical role in protecting our homeland because they are often the first responders on the scene when there is an incident or attack against the United States. *During the course of daily duties, they will often encounter foreign-born criminals and immigration violators who pose a threat to national security or public safety* [emphasis added].³⁴

These fundamental changes—the restructuring of immigration matters under the Department of Homeland Security and the institutionalization of police-ICE collaboration—are motivated in part by two assumptions. First, local law enforcement officers are more likely than ICE agents to have routine interactions with immigrants, including unauthorized immigrants. This assumption is quite reasonable, given the sheer quantity of police officers, their often-conspicuous presence in communities, and the responsibilities of their position. The involvement of state and local LEAs in certain aspects of immigration enforcement increases the overall efficiency of the Department of Homeland Security, when efficiency is measured by the capacity to identify and apprehend unauthorized immigrants.

In this sense, local law enforcement serves as a *force multiplier* for the Department of Homeland Security. Derived from military terminology, force multiplication is the process of increasing the capabilities of a given force—through the additional use of technology or tactics, for example—to increase the effectiveness of the original force in the completion of its mission. As in McCain’s political advertisement, state and local law enforcement agencies—even non-immigration related federal agencies such as the National Guard—are force multipliers aiding

³⁴ See: “ICE ACCESS: A Partnership Approach,” in Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act. (<http://www.ice.gov/news/library/factsheets/287g.htm>).

the Border Patrol and Immigration and Customs Enforcement in the enforcement of federal immigration law for the protection of the homeland. The involvement of members of these agencies, through their numbers and regular interactions in communities, makes it more likely that federal authorities can accomplish their mission of identifying and apprehending unauthorized immigrants.

Perhaps more important, however, is the second assumption that immigrants, particularly those who are unauthorized, pose a distinct risk to national security (De Genova 2006; Hing 2006; Mariscal 2005; Medina 2006; Lugo-Lugo and Bloodsworth-Lugo; 2010; Tumlin 2004). Grounded in the conflation of unauthorized immigration with “terrorism”—or “criminal” activity more generally—this assumption underlies the restructuring of immigration matters to the Department of Homeland Security and inspires the apparent need for the involvement of multiple levels of law enforcement in matters of immigration enforcement. In this rationale, seemingly touted as “common sense” by ICE, individuals who violate civil immigration law will inevitably violate criminal law, justifying the role of state and local law enforcement in immigration enforcement as a way to prevent and resolve community harms.

This logic is validated through the implementation of laws that criminalize the expected consequences of unauthorized status. Thus, although it is illegal to drive without a license, state implementation of federal standards invoked in the 2005 REAL ID Act prohibits those who cannot prove lawful residence from obtaining a driver’s license; unauthorized immigrants can therefore be criminalized when they are stopped while driving, because their civil immigration status makes it impossible for them avoid this criminalized action. Similarly, unauthorized

immigrants are exposed to charges of “identity theft” when they solicit employment with false documents; yet, unauthorized immigrants often rely on false documents because they are prohibited from legally entering the formal labor economy. Essentially, then, unauthorized immigrants must engage in illicit practices in order to survive (Coutin 2003). Although these activities are seemingly unrelated to the violation of civil immigration law, they are unavoidable for unauthorized immigrants; it is therefore inevitable—or, in the words of ICE, “common sense”—to involve state and local police in the identification of unauthorized immigrants, who must necessarily become criminal aliens.³⁵ The criminalization of the expected consequences of unauthorized immigration naturalizes the involvement of state and local law enforcement agencies in easing the detection, apprehension, and removal of unauthorized immigrants.

As “homeland security” has become tantamount to not just border security but also interior immigration enforcement, the collaboration (or interoperability) of law enforcement agencies and federal immigration authorities has been naturalized as a reasonable solution to the carefully crafted threat of unauthorized immigrants. Thus, in matters related to immigration, interoperability refers to cooperative mechanisms between the Department of Homeland Security, Immigration and Customs Enforcement, and federal, state, and local law enforcement agencies. These new forms of cross-agency cooperation present in various ways, from the delegation of immigration authority to the routine and institutionalized sharing of biometric data across local, state and federal agencies. Two ICE programs in particular—287(g)

³⁵ See, for example: Dowling and Inda (2013), *Governing Immigration through Crime*.

and Secure Communities—play starring roles in collaborative immigration enforcement across federal, state, and local law enforcement agencies.

287(g) Delegation of Immigration Authority: Juana’s Story

On July 3, 2008, Juana Villegas was driving home from an appointment with her doctor when she was stopped by a police officer for “careless driving.” According to the officer, Juana had failed to come to a complete stop at a designated stop sign before continuing through the intersection. The officer soon discovered that Juana lacked a valid driver’s license, registration, and automobile insurance, and further suspected that she was an unauthorized immigrant. Juana, who was nine months pregnant at the time of the stop, was arrested and taken to jail. Because she had been stopped in Davidson County, Tennessee, a jurisdiction that at the time participated in the 287(g) program—which deputizes trained police officers to function as immigration agents—the jail was able to ascertain that Juana was, indeed, undocumented, and moreover that she had a prior order of removal from 1996; Juana was held in custody and processed for ICE.

“I was in jail when my water broke,” Juana later shares in a video interview published by a global human rights organizations focusing on the rights of women. “They took me in an ambulance and cuffed my hands and feet. When we got to the hospital, they moved me to the

bed and cuffed this hand and foot to the bed.”³⁶ Juana remained cuffed to the hospital bed throughout her labor, though her handcuffs were temporarily removed while she gave birth. Three days later, her newborn son was taken from her, and Juana was transported back to the county jail to await immigration officials; she was given no information on the whereabouts of her infant.

Delegation of authority under 287(g) enables the collaboration of federal immigration authorities and state and local law enforcement agencies in the enforcement of federal immigration law. Named after its section number in the Immigration and Nationality Act (INA), 287(g) was enacted as an amendment to the INA in 1996, through the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Under 287(g), state and local law enforcement agencies may enter into memoranda of understanding with Immigration and Customs Enforcement to receive delegated authority in the enforcement of certain provisions of federal immigration law. The 287(g) program deputizes specially trained local law enforcement officers to perform immigration enforcement duties such as identifying unauthorized immigrants or “criminal aliens” and processing them for removal. Though deputized officers are employed and salaried by the local jurisdiction, they are trained and supervised by ICE.

Originally 287(g) was designed to operate as three different models: (1) the task force model, (2) the jail enforcement model, and (3) the hybrid model. In the task force model,

³⁶ Excerpted from: “Juana Villegas: A Pregnant Woman Detained.” (<http://breakthrough.tv/video/juana-villegas-a-pregnant-woman-detained/>).

designated officers are permitted to verify the immigration status of individuals during the course of their regular law enforcement duties; in other words, officers are legally entitled to interrogate individuals regarding their immigration status regardless of why they were stopped—including minor traffic violations. In the jail enforcement model, designated officers who work in state and local jails are authorized to verify the immigration status or legal presence of individuals who have been arrested and booked; these officers are also authorized to begin the work of processing jailed unauthorized immigrants for removal. The hybrid model is a combination of these models, and permits designated officers to perform both functions. When Juana Villegas was arrested, the Davidson County Sheriff's Office (DCSO) operated under the 287(g) jail enforcement model.

To date, few agencies have implemented the 287(g) program, possibly as a result of limited local resources and the potentially high fiscal cost to local jurisdictions. In Prince William County, Virginia, for example, start-up costs for the county's 287(g) program were estimated at more than one million dollars, with a 26 million dollar cost to the county over the next five years (Singer, Wilson, and DeRenzis 2009). In Davidson County, a court case stemming from Juana's treatment by the DCSO resulted in a judgment of \$200,000 against the county in damages awarded to Villegas. Thus, as of 2012, the 287(g) program was implemented in just 57 agencies across 21 states. By the end of 2012, ICE had begun to reduce the number of 287(g) task force partnerships with local and state law enforcement agencies. In a statement released in December 2012, ICE Director John Morton announced that the agency would not renew or implement task force partnerships with state and local law enforcement agencies, stating that

“ICE has concluded that other enforcement programs—namely, Secure Communities—are a more efficient use of resources for focusing on *priority* cases [emphasis added]” (Immigration and Customs Enforcement 2012).

Secure Communities: Alejandro’s Story

It’s true that Alejandro Guizar Lozano had been drinking.

Just eighteen years old, Alejandro had spent the evening with friends celebrating their recent graduation from high school. His life had changed considerably in the last few years, and he had much to celebrate. Eight years earlier, Alejandro had arrived in the United States speaking no English whatsoever; by graduation, he had mastered the language, developed a love for writing, and aspired to higher education. Even though enrollment at a four-year university was out of reach for the moment—both financially and as a result of his immigration status—Alejandro intended to sustain his commitment to learning by attending a local community college.

That night, barely a month after his high school graduation, Alejandro found himself separated from his friends and in an unfamiliar part of town when he was stopped by a police officer. Slightly drunk, his footing was uncertain in the dark, unknown streets. Yet, it wasn’t just his intoxication that had prevented him from driving. As an undocumented immigrant, Alejandro was unable to obtain a driver’s license from the state of Tennessee, which—like many states—prohibits access to state-issued identification cards for foreign-born persons who

cannot prove lawful residence.³⁷ And so, as he stumbled in the street in the wee hours of the morning, Alejandro probably seemed quite suspicious. “So I got arrested,” he explains, and continues:

And this didn’t... this didn’t red flag in my head while it was happening, but looking back at it, it red flags now. But while I was getting arrested, the police officers were actually asking me about my status. And looking back on it, I don’t know if it was because of my intoxication, or if this really happened, but I don’t even remember them reading my Miranda rights to me. And, uh, I was talking to them, and I thought that if I answered everything that they asked me, that they would eventually just let me go. And that was not what happened. They arrested me. And I went down to the county jail.

With little ceremony, Alejandro was cuffed and ushered into the police cruiser. The officers transported him to the county jail, nicknamed “Maloneyville” after its street address, where he was booked and his fingerprints were taken. Alejandro continues:

It all went by very fast because I was sleeping the whole time. But once I woke up and was sobered up, I was just... it just hit me, and I was like,

³⁷ The 2005 Real ID Act establishes federal standards for state-issued driver’s licenses and non-driver identification. Among other provisions, this act requires that state agencies verify an applicant’s immigration and citizenship status prior to issuing a federally approved driver’s license or other identification. Washington State and New Mexico are among a handful of states that continue to issue driver’s licenses to unauthorized immigrants, though these licenses are specially marked as invalid for federal identification purposes (such as for voting, obtaining public benefits, or boarding a plane).

“Oh wow, I’m in here.” And I don’t know what was going through my head, but I honestly did not think about my status, that factor of it, until somebody actually told me that I was gonna get picked up by ICE... I don’t know how I did such a great job at ignoring that part of my life, to the point where I was in jail and I didn’t even think about that. And when I found out about it, it was mind crippling.

In a matter of hours, Alejandro transitioned from celebrating his high school graduation to painfully confronting his immigration status, something he had worried about before only in terms of how it would negatively impact his ability to attend college. After more than a decade of living in the United States without legal documentation, Alejandro had been illegalized in a single moment.

Like many undocumented immigrants, Alejandro had never heard of Secure Communities, a federal program that enables local jails to share arrest information with the Department of Homeland Security. Debuting in 2008, the Secure Communities program has emerged as one of the nation’s preeminent tools of interior immigration enforcement. It has proliferated rapidly since its inception. Starting with just fourteen activated jurisdictions in 2008, by 2012 Secure Communities functioned in more than 3000 jurisdictions, approximately 97 percent of all law enforcement jurisdictions across the United States. Essentially, Secure Communities facilitates the interoperability of two national fingerprint databases, one operated by the Federal Bureau of Investigation, the other by the Department of Homeland Security.

When Alejandro was arrested and booked at Maloneyville, his fingerprints and booking information were submitted to IAFIS—the Integrated Automated Fingerprint Identification System—a national database operated by Criminal Justice Information Services (CJIS), which is a division of the FBI. IAFIS is renowned as the largest biometric database in the world; it compiles criminal and civil service fingerprints, criminal histories, mug shots, aliases, and information related to outstanding warrants to aid in the apprehension of criminal offenders. Ordinarily, since Alejandro had no outstanding warrants—in truth, this was the first time he had ever gotten into trouble of this nature—he likely would have sobered up in jail overnight and been released from Maloneyville the next morning with little more than a court date and an admonition of the legal drinking age.

However, Knox County—Alejandro’s home for more than ten years—had activated the Secure Communities program in the summer of 2010. By January 2011, just a few months prior to Alejandro’s encounter with the police, the Secure Communities program functioned in every law enforcement jurisdiction in the state of Tennessee. Accordingly, Alejandro’s fingerprints were automatically transmitted from IAFIS to IDENT—the Automated Biometric Identification System—an immigration database maintained by the Department of Homeland Security through the US-VISIT—United States Visitor and Immigrant Status Indicator Technology—program. Exactly as intended by the Secure Communities program, his fingerprints were transmitted to the Department of Homeland Security as soon as he was booked into jail. By the time Alejandro was flagged as an unauthorized immigrant, he had neither seen nor spoken to a lawyer; he had not been convicted of any crime whatsoever. The entire process—from his

arrest, to the point of booking, to the revelation of his immigration status—took only a matter of hours.

The process of connecting the DHS's immigration database with the FBI's criminal database is referred to as IDENT/IAFIS interoperability. Its basic purpose is to streamline the ways that law enforcement agencies identify the immigration and criminal status of arrestees. However, this system of database interoperability enabled through Secure Communities does far more than promote information sharing between federal, state, and local law enforcement agencies. In many cases—as in Alejandro's—IDENT/IAFIS interoperability prompts additional involvement from immigration authorities. When the IDENT database identifies an arrestee as an immigrant—whether authorized or unauthorized—the Department of Homeland Security automatically notifies Immigration and Customs Enforcement (ICE), the immigration enforcement arm of the DHS. ICE then determines whether the arrestee is removable due to unlawful presence or criminal status. To accomplish their investigative work and enforcement efforts, ICE may issue an immigration *detainer*—a request that the local jail detain the arrestee for forty-eighty hours until ICE can assume custody. It took far less time for ICE to determine Alejandro's fate. Alejandro explains:

They called my name. And they said, "You're leaving." And so I thought that I was *really* leaving. Like, I thought that I was gonna get to go home. And, you know, I got my box of stuff, and I walked down the aisle all the way up to the office where they gave me my clothes back. So I was like, "Okay, I'm going home. This is cool." And I'm sitting there with

my regular clothes, and I'm just like, "Okay, what's going on? I'm ready to go." And I wait for, like, five minutes, and this guy just shows up. And he's talking to a lady, and she says, "We've only got one for you today." And I was just... [shrugs and shakes his head] not knowing what was happening. And then he started talking to me, and then he put me in cuffs from hands and feet, and I was just like, wow. Because I had honestly, just five minutes ago, I honestly thought that I was going home [emphasis in original].

To my surprise, Alejandro's eyes glisten with tears as he recounts the details of his story. More than a year had passed since he was arrested for public intoxication and subsequently detained by ICE, yet it was evident that the shock was still fresh in his mind. I offer Alejandro a tissue, and he gently dabs at his eyes. His voice cracks, heavy with memories, as he continues:

He was taking me to his office [which] was very close to [my parent's house]. I don't know what was going on, but... [long pause] for some reason I kept getting hopes, like [smiles] oh, he's gonna do something, and I'm just gonna... I'm gonna get to walk home. Cause I can [walk home] from here.

Alejandro shakes his head, seemingly incredulous at his own naiveté, as he coils the tissue into a dense spiral. In the end, he was not released that day, and it would be weeks before he would next see his parents. That day, Alejandro boarded a bus and was transported to a federal immigration detention center in Louisiana.



Secure Communities, even more so than 287(g), is portrayed as a “simple and common sense”³⁸ method of immigration enforcement. It requires no additional investigative work regarding the arrestee’s immigration status on the part of the arresting officer or local jail, and it serves to aid state and local law enforcement agencies in removing “threats” to their communities. According to Philip T. Miller, the ICE Enforcement and Removal Operations (ERO) Field Office Director who oversees operations in several southern states, including Tennessee:

We want to make sure that our local law enforcement partners know as much as possible about the people in their custody... By using sophisticated biometrics, the Secure Communities initiative allows us to quickly and accurately identify aliens who pose the greatest threat to our communities. And the program requires no additional costs to the local law enforcement agency.³⁹

It is hard to imagine Alejandro as any such threat. With his open demeanor and easygoing smile, Alejandro seems like a far cry from the individual who poses the “greatest threat” to his East Tennessee community. Yet, people like Alejandro—non-violent offenders who are arrested, though not necessarily convicted, of minor misdemeanors—are persistently identified and detained through the indiscriminate Secure Communities program. Since 2008, the

³⁸ See Immigration and Customs Enforcement, “Secure Communities” (http://www.ice.gov/secure_communities/)

³⁹ See Immigration and Customs Enforcement (2010), “Knox County First in Tennessee to Benefit from ICE Strategy.”

program has processed more than nineteen million submissions, resulting in more than one million matches in the IDENT database. Of those, more than 220,000 individuals were subsequently removed or returned to their countries of origin; less than a third of the 220,000 had been convicted of high priority criminal offenses.⁴⁰



Figure 8: Alejandro poses for a photo during a public hearing in Birmingham.

⁴⁰ ICE defines the level of criminal offenses accordingly: “Level 1 offenses include... national security violations, homicide, kidnapping, sexual assault, robbery, aggravated assault, threats of bodily harm, extortion or threat to injure a person, sex offenses, cruelty toward child or spouse, resisting an officer, weapons violations, hit and run involving injury or death, and drug offenses involving a sentencing to a term of imprisonment greater than one year. Level 2 offenses are primarily property crimes and Level 3 offenses are other crimes, primarily misdemeanors.” See: *Immigration and Customs Enforcement Secure Communities Standard Operating Procedures* (<http://epic.org/privacy/secure.../securecommunitiesops93009.pdf>). For a statistical breakdown on the numbers and offense levels of unauthorized immigrants identified through Secure Communities, see: Immigration and Customs Enforcement, *IDENT/IAFIS Interoperability Statistics* (http://www.ice.gov/doclib/foia/sc-stats/nationwide_interop_stats-fy2012-to-date.pdf).

The Enforcement Lottery: Structuring Illegality through the Everyday Threat of Removal

As state and local law enforcement agencies have been refashioned into force multipliers for ICE through programs like 287(g) and Secure Communities, immigration enforcement has become ubiquitous in everyday life. The once narrow emphasis on unauthorized entrants and border security has broadened to include the interior enforcement of unauthorized residents, in collaboration with state and local law enforcement agencies, at traffic safety stops, churches, flea markets, schools, neighborhoods, day laborer pickup sites, worksites, courts of law, and jails (see, for example: Bauer 2009; Coleman and Kucher 2011; Menjívar and Abrego 2012; Weissman and Headen 2009). This shift has led to a rearticulation of the ways that illegality is structured. Thus, even though the 2006 Sensenbrenner bill was never passed into law, thereby failing to criminalize unauthorized status, the consequences of unauthorized status have been steadily criminalized and rendered enforceable through these new mechanisms of immigration enforcement. Thus, unauthorized immigrants can be illegalized not only when they are apprehended by the Border Patrol or processed by Immigration and Customs Enforcement; rather, the ubiquity of enforcement through collaborative mechanisms of immigration control illegalizes unauthorized immigrants in everyday life.

The involvement of state and local law enforcement agencies in the enforcement of immigration law renders the threat of immigration enforcement omnipresent, but never certain. Any interaction with a member of law enforcement could reasonably—though not necessarily—result in an unauthorized immigrant’s detention and eventual removal (De Genova

2002). Thus, upon inspection, the enforcement of immigration law appears analogous to a lottery system, a seemingly random process whose outcome is determined by the arbitrariness of chance or luck. Those obligated to enter the lottery by virtue of their immigration status compete not for money or prizes, but for consequences that include detection, discretion, detention, or deportation. In this system, which I refer to as the *enforcement lottery*, each of these consequences present opportunities for unauthorized immigrants to be illegalized.

Detection

Unauthorized immigrants may reside in the United States for years without detection. Cultivating a series of resources and strategies designed to facilitate their ability to function without authorized documentation, unauthorized immigrants anonymize themselves by integrating into US society (particularly in the case of unauthorized youth) or by avoiding broader society and embracing co-ethnic communities. In fact, nearly two-thirds of the unauthorized adult population has resided in the United States for more than a decade, and 35 percent of those have lived in the United States for longer than fifteen years (Passel and Cohn 2009), suggesting that unauthorized immigrants as a population are quite adept at avoiding the direct consequences of enforcement. Though their status may be known to friends, neighbors, teachers, and employers, a sizeable proportion of unauthorized immigrants largely avoid detection by anyone who is sanctioned to engage in matters of immigration enforcement.

Unauthorized immigrants may go to extreme lengths to avoid interacting with law enforcement, even as victims or witnesses of crime, for fear that any contact could result in the

exposure of their status and subsequent enforcement consequences (Alonso et al 2011; Delgado and Mass 2011; Menjívar and Abrego 2012; Shahani and Greene 2009; Waslin 2010). It was for just this reason that Jesús, introduced in the prologue, decided not to report the theft of five hundred dollars from his car. His worry—that police would be more concerned with his immigration status than with the crime in question—is not unusual. Thus, in a poll of Latinas/os living in Chicago, Houston, Los Angeles, and Phoenix, Theodore (2013) found that the increasing involvement of state and local law enforcement in immigration matters has had significant effects on the unwillingness to report crime of both US-born and foreign-born Latinas/os. Of those surveyed, 44 percent reported that they were less likely to contact law enforcement if they were the victim of a crime, and 45 percent were less likely to volunteer information about a crime that they had witnessed, because they worried that police would ask about their immigration status or the status of people they knew. Crucially, of those surveyed who were unauthorized, 70 percent reported that they were less likely to contact police to report a crime. The fear that an encounter with the police could result in immigration consequences is not entirely unfounded. In fact, the American Immigration Lawyer’s Association (AILA), a national association of more than 11,000 attorneys and law professors who practice and teach immigration law, report that “any contact with the police, no matter how innocent or trivial, can result in immigration enforcement and removal.” (Alonso et al 2011: 3).

Precisely for this reason, several high-ranking law enforcement officials have publicly condemned 287(g) and Secure Communities, stating that interoperability jeopardizes the ability of local officers to adequately police their communities and contradicts the trust-based model

of contemporary community policing. In particular, officers worry that these programs undermine a population's confidence in the police, thereby deterring groups and individuals from reporting their own victimization or other crimes that they have witnessed. Thus, Chris Burbank, the Police Chief of Salt Lake City, Utah, has stated that Secure Communities has "driven a wedge between the police and the public" (National Community Advisory Commission, 2011: 7). Robert Morgenthau, the former District Attorney of New York County, has also condemned police-ICE collaboration, arguing that, "When immigrants perceive the local police force as merely an arm of the federal immigration authority, they become reluctant to report criminal activity for fear of being turned over to federal officials" (ibid: 9). Similarly, both the International Association of Chiefs of Police (2007) and the Police Foundation (Khashu 2009) have expressed concerns about their involvement in immigration enforcement and its impact on the communities they police, specifically in terms of diverting officers and resources from pressing public safety issues.

Advocacy reports detail the myriad ways that encounters between unauthorized immigrants and police result in the immigrant's removal proceedings, from calling the police to report an incident of intimate partner violence to being approached by police while changing a tire on the side of the road.⁴¹ Rumors of abusive policing practices—some more grounded in

⁴¹ See, for example: Weissman and Headen (2009), *The Policies and Politics of Local Immigration Enforcement Laws: 287(g) Program in North Carolina*; National Community Advisory Commission (2011), *Restoring Community: A National Community Advisory Report on ICE's Failed 'Secure Communities' Program*; Alonso et al. (2011), *Immigration Enforcement Off Target: Minor Offenses with Major Consequences*. American Immigration Lawyer's Association.

reality than others—are recounted in immigrant communities across the United States. According to Azadeh Shahshahani, Director of the National Security and Immigrants’ Rights Project of the American Civil Liberties Union (ACLU) of Georgia and President of the National Lawyer’s Guild, collaborative police-ICE enforcement programs such as 287(g), in combination with abusive policing practices, have led to “an atmosphere of terror for [immigrant] communities, who are afraid to contact the police for any reason, because they are afraid of ending up in deportation.” Isabel Rubio, the director of the Hispanic Interest Coalition of Alabama (HICA), relates just such an example:

We have had several cases of young women—and I say young women like teenagers—who have been raped. And in one case, the mom just refused to make a police report because of her fear that the police would be more interested in their immigration status than in the crime that had been committed.

As immigration enforcement has become seemingly ubiquitous in everyday life, the pervasive threat of detection and its consequences may be perceived as too detrimental to risk interaction with the police. Thus, grave offenses—such as that described above—as well as more common violations—including those related to workplace protections, harassment, and civil infractions—may go largely unreported when unauthorized immigrants are those who experience or witness the transgression. In the words of Alma Martinez, a Sunday school teacher who testified on the community impact of police-ICE collaboration programs in

Alabama, “The people... are afraid to come forward, afraid to report abuse, because... to complain is to admit you are undocumented.”⁴²

Discretion

Detection is only the first stage in the enforcement lottery. Once detected, unauthorized immigrants are subject to a seemingly endless variety of discretionary enforcement policies, which further determine whether they will be exposed to a series of discretionary consequences. The use of discretion is particularly relevant for immigration enforcement outcomes at the state and local level, as decisions made by state and local law enforcement agencies may extend the enforcement lottery or temporarily suspend the process for individual cases. In general, police officers exercise a great deal of discretion in the course of their regular duties; their choices, though seemingly random to those who experience their consequences, may produce disproportionate impacts for particular socio-demographic groups, a pattern that has been well documented for low-income and African American populations (Alexander 2012; Warren et al. 2006). Moreover, this apparent randomness may be highly patterned, as individual officers and law enforcement agencies are often highly consistent in the communities and populations they target for policing (Russell-Brown 1998; Varano et al. 2009). Thus, law enforcement agencies and their officers may choose which communities to police more heavily and where and when to establish routine traffic checkpoints, thereby

⁴² Statement presented at Ad-Hoc Congressional Hearing on the Impact of HB 56, November 21, 2011.

influencing the demographic characteristics of those most likely to be monitored, stopped, and arrested.

It is precisely this standard use of discretion that has substantiated allegations of racial profiling in the local enforcement of immigration law, resulting in the disproportionate arrest of both US-born Latinas/os and foreign-born Latinas/os of varying immigration statuses. In North Carolina, Coleman and Kocher (2011) found that law enforcement agencies with 287(g) agreements were more likely to establish traffic checkpoints in neighborhoods with higher concentrations of Latinas/os, resulting in a disproportionate number of traffic enforcement stops and arrests for the Latina/o population. Similar findings have emerged in communities in Georgia,⁴³ Tennessee,⁴⁴ and other states with collaborative policing agreements between police and ICE. Moreover, multi-year investigations of Maricopa County, Arizona (Department of Justice 2011) and Alamance County, North Carolina (Department of Justice 2012b) by the Department of Justice found that officers in these jurisdictions disregarded constitutional policing practices by targeting Latina/o communities for increased enforcement. In 2011, the Department of Homeland Security terminated Maricopa County's 287(g) agreement, citing reasonable suspicion that the Maricopa County Sheriff's Office had engaged in discriminatory policing practices against Latinas/os, including unlawful stops, detentions, and arrests of

⁴³ See, for example: Shahshahani (2010), *The Persistence of Racial Profiling in Gwinnett: Time for Accountability, Transparency, and an End to 287(g)*; Shahshahani (2009), *Terror and Isolation in Cobb: How Unchecked Police Power under 287(g) has Torn Families Apart and Threatened Public Safety*.

⁴⁴ See, for example: Kee (2012) *Consequences & Costs: Lessons Learned from Davidson County, Tennessee's Jail Model 287(g) Program*.

Latinas/os, as well as the differential treatment of Latina/o inmates. The following year, the DHS terminated a 287(g) agreement between Alamance County and ICE, citing a pattern of biased policing that included differential treatment for Latinos during traffic stops and checkpoints.

In addition to discretionary procedures that impact the disproportionate policing of some communities, officers may also use their discretion to decide whom to arrest and whom to release. These decisions often result in severe immigration consequences for unauthorized immigrants, including detention and deportation, even when the initial stop or arrest is unrelated to an immigration violation. Accordingly, Juana Villegas was detained by ICE after she was stopped for driving without a license, and Alejandro Guizar Lozano wound up in removal proceedings after he was arrested for his first offense of public intoxication, even though—as one chief Tennessee law enforcement official told me—neither of these offenses require an arrest.

In point of fact, the vast majority of interactions between unauthorized immigrants and police officers likely result in outcomes other than arrest. An officer's use of discretion, and the disproportionate impact this has on unauthorized immigrants as a result of police-ICE collaboration, is particularly salient in the case of César Sánchez, a young undocumented immigrant from Mexico:

The police officers that I have dealt with have actually been, like, just nice to me as they can possibly be. Only one asked me why don't I have a license. And I told him why, and he just gave me a ticket and let me

go. And he said specifically, “I’m gonna go this way.” And he said, “Don't tell me where you're gonna go, just go. Just take care of the ticket and you’ll be fine.” And that's what I've done. And I've been pretty lucky, I guess, that I have met cops like that.

Originally from Mexico City, César spent most of his childhood in Nashville, Tennessee. He graduated high school in the United States and even completed a nine-month technical degree as a medical assistant, though his status makes it difficult for him to pursue employment in this profession. Today, he is well known in his community, outspoken about his immigration status, and relatively unconcerned about police. His parents, on the other hand, are more fearful—reflecting, perhaps, a generational divide in wariness of law enforcement (Abrego 2011). Echoing a sentiment familiar to many unauthorized immigrant youth, César explains:

Parents... they fear... for their children to be okay, that they’re always safe, that, you know, drive carefully... But for an undocumented parent, they worry even more, because if your kid gets deported or something, what are they going to do? They’re over here, they already have a life over here, and they will have to pretty much give up everything just to go save them. So they tend to watch them more, to be careful, “Don't do this, don’t do that.” You know, “Drive carefully.” Maybe, you know, “Don't hang around with the wrong crowd, that will get you in trouble, get us in trouble.” Because one thing could lead to another thing, and maybe a whole family could get in trouble, and the whole family could get deported. And, so, that's why my mom, my parents, they worry.

Heeding the pleas of his parents, then, César has strenuously avoided many activities that might cause him to be noticed, as his detection would invite the discretionary power of law enforcement. Yet, César has had the occasional interaction with law enforcement officers, each time as the result of a minor traffic violation—such as speeding—as in the situation described above.

Still, César sees himself as lucky—and he is. After all, César was not labeled a “criminal offender” when he was stopped and ticketed for exceeding the legal speed limit and driving without a license; thus far, he has never been arrested or detained as a result of his interactions with law enforcement, even though the officer in the situation described above could have used his discretionary power to arrest César, legitimately arguing that he could not issue a citation without legal verification of César’s identity and place of residence. In this situation, though, the police officer’s use of discretion benefited César. However, it is precisely César’s “luck”—and that of many other unauthorized immigrants—that structures his illegality within the enforcement lottery; the dangling possibility of discretion reinforces the pervasive threat of potential immigration-related consequences, including deportation.

The persistent threat posed to César, and all unauthorized immigrants, would mean very little if it were not actualized in some circumstances. Thus, not all unauthorized immigrants are as lucky in their interactions with law enforcement, and not all police officers are equally willing to use their discretionary power to overlook criminalized activities that directly result from an apparent immigration violation. As an active member of JUMP— *Jóvenes Unidos por un Mejor Presente* (Youth United for a Better Present), a group of undocumented youth who organize

against the deportation of youth under the sponsorship of the Tennessee Immigrant and Refugee Rights Coalition (TIRRC)—César is very familiar with the story of Mercedes González, another undocumented youth from Mexico who grew up in Nashville. Likewise a member of JUMP, Mercedes was also stopped by a police officer for speeding; however, as César explains, Mercedes received very different treatment:

[Mercedes] got pulled over for going seven miles over the speed limit. No license, no ID. And the cops just arrest her. They didn't give her no phone call to call her parents or somebody. She didn't sign no, uh, immigration documentation to be deported, so she was let go within three days.⁴⁵ The cops told her that “You're going to get deported.” She was only one week away from graduating high school. She got out [of jail]. [The police] didn't offer her a ride home. She actually had to walk home. She was in deportation status.

The patterned nature of the enforcement lottery becomes increasingly apparent through the highly disparate interactions that unauthorized immigrants have with law enforcement agents, based on the discretionary choices of police officers. Whereas César's illegality and progression through the enforcement lottery was temporarily suspended when the officer used his discretionary power to issue a citation, Mercedes was illegalized at the

⁴⁵ Current immigration detainer policy enables state and local jails to detain unauthorized immigrants, per ICE request, for up to 48 hours beyond the time they would ordinarily be released based on their state or local criminal charges or convictions, excluding weekends and holidays. ICE may also request that the jail notify ICE when an unauthorized immigrant is released.

moment that she was arrested. However, when I ask César to consider the disparity in outcomes between his situation and that of Mercedes, he remarks that he has never before thought about the difference. He pauses for a moment, reflecting, then conjectures:

I been, just, I really say lucky. I don't believe in luck, but I think... *blessed*. Because... if it wouldn't come out that way, maybe I would've gotten deported or something. I wouldn't help Mercedes, I wouldn't be helping other students. So I think that God had a good plan for me, and that's for me to help out more people out there, so that's why he's still keeping me here. Same thing with Mercedes. Maybe that happened to her so that people can open their eyes to a student that was just pulled over just for a ticket, and a big old mess was made out of this. Now everybody in the country—or maybe just in Tennessee state—knows about this. I mean, she even got to meet President Obama face-to-face and she gave him her cap and gown after her graduation from high school. And she told him that, is he going to do something about it? He said that they are still working on it, but you know how that goes. I think that the difference between me and her is because we just have different purposes in life. Mine was probably just to keep it easy, so that way I can do something big and the stuff I'm doing right now. And for her it was probably just to start rough and get out of there and... make herself somebody great so everybody can be, like, “Well, she went through this, I don't want to go through it.” Maybe other people can learn from that. Maybe they can be prepared, always carry some sort of ID. Everything is always connected. So I think this is God working on behalf of us, really [emphasis in original].

In César's conjecture, the difference between his experience and that of Mercedes can be explained as part of a divine plan, intended to bolster the capacity for unauthorized immigrants to support one another and prepare themselves for enforcement consequences.

However, the seemingly random and arbitrary implementation of discretion (which, again, may be highly patterned for each police officer and agency) is also an important means of structuring illegality and sustaining the pervasive threat of immigration enforcement. Since an unauthorized immigrant can never be sure whether any individual interaction with any particular police officer will result in indifference or enforcement (even if individual officers are highly patterned in their behaviors), any contact whatsoever with law enforcement is deemed suspect and highly undesirable. Unauthorized immigrants are therefore illegalized not only through their interactions with police, but through the very possibility of interaction, which is perceived as deeply threatening.

The relationship between the discretionary choices of law enforcement officers and the procedures of the enforcement lottery, and thus the structuring of illegality, applies even for officers who are not authorized to enforce federal immigration laws. Because of programs that enable cooperative information sharing partnerships between local law enforcement and ICE, police officers may use their discretionary power of arrest to activate additional immigration enforcement mechanisms, even when the arresting officer him- or herself cannot directly apply enforcement consequences. Thus, even though the officers who arrested both Juana and Alejandro were not legally authorized to enforce immigration law, their willingness to act on suspicions of unauthorized status, combined with established collaborative partnerships—the

287(g) jail enforcement model in Juana’s case, and the Secure Communities program in Alejandro’s case—enabled them to instigate enforcement consequences indirectly through their arrest. Conversely, officers may use their discretionary power to circumvent an arrest, thereby enabling unauthorized immigrants to avoid—at least temporarily—the potential consequences associated with their violation of civil immigration law. In the case of misdemeanor traffic violations, such as driving without a license and insurance or exceeding the legal speed limit, a police officer’s decision to issue a citation (as in César’s case) or make an arrest (as in Mercedes’ case) will have a significant impact on the outcomes at this stage of the enforcement lottery.

Of course, discretion in immigration enforcement does not occur solely at the micro-level, in terms of an individual officer’s decisions. Discretion also occurs at the macro-level, involving systemic choices surrounding the articulation of enforcement priorities and broader immigration policy (Motomura 2011). Thus, in 2010, ICE Director John Morton issued a memo identifying agency-wide priorities for the apprehension, detention, and removal of noncitizens. Claiming that ICE possesses sufficient funds to remove only 400,000 noncitizens per year—approximately less than four percent of the total resident unauthorized population—the guidelines outlined in the Morton memo prioritize ICE’s limited resources for those individuals considered to be serious offenders. Specifically, Morton identifies as priorities those unauthorized immigrants who present a risk to national security and public safety, including those suspected of terrorism, gang involvement, and criminal activity. Unauthorized immigrants identified as “criminal offenders” are further prioritized based on the severity of the

crime they have committed, with top priority (“level one”) reserved for unauthorized immigrants who have been convicted of an aggravated felony, and low priority (“level three”) given to those convicted of a misdemeanor crime. Finally, Morton’s memo prioritizes those who impede border security and other immigration controls, including recent unauthorized entrants, those who reenter the country after a prior removal, or those who fail to depart after ordered removed.

Despite this relatively straightforward list of priorities, ICE’s designation of “criminal offenders” deserves more careful consideration. ICE has consistently resisted the public release of detailed records that would enable a thorough analysis of their interpretation of “criminal,” though they indicate that this term includes any “alien convicted for one or more crimes... [including] individuals who... also may have been immigration fugitives, border removals, or were previously removed or returned.”⁴⁶ Through data obtained by requests under the Freedom of Information Act (FOIA), the Transactional Records Access Clearinghouse (TRAC)—a project of Syracuse University—found that unauthorized immigrants charged with level one offenses include those convicted of top priority offenses as well as those convicted of traffic violations, disorderly conduct, obstruction of justice, possession of marijuana, and possession of liquor (TRAC 2012). It is apparent, then, that ICE’s priorities are not as straightforward as they first appear.

⁴⁶ See: Immigration and Customs Enforcement, “Removal Statistics: Methodology.” (<http://www.ice.gov/removal-statistics/>).

In 2011, Morton issued a second memo reaffirming its enforcement priorities and identifying guidelines for the application of *prosecutorial discretion*, or the ability to selectively enforce immigration policies for certain unauthorized immigrants in accordance with the priorities outlined in the first memo. This memo advocates the use of prosecutorial discretion in cases involving unauthorized immigrants who have, in ICE’s terminology, certain *equities*, or factors that bear positively upon a case and therefore merit special consideration. Special cases, according to Morton, include, among others, those where the unauthorized individual is a minor child or elderly person, individuals who have served the United States in the armed forces, those who have been present in the United States since childhood, those with mental or physical disabilities or serious health conditions, and victims of crime.

Importantly, prosecutorial discretion does not confer any authorized status or benefit—whether permanent or temporary—upon unauthorized immigrants. Discretion does not provide access to legal work permits, driver’s licenses, or entitlement benefits, and those who receive discretion in one situation are not automatically considered non-deportable in future circumstances. Rather, this form of discretion merely signifies that ICE has temporarily declined to pursue administrative action against an individual for his or her violation of civil immigration law. Although this policy supposedly highlights macro-level determinations of ICE enforcement priorities, Morton’s memo clearly states that the implementation of prosecutorial discretion must occur on an individualized (micro) level; unauthorized immigrants—even those who meet most of the equities outlined in the memo—are in no way entitled to “the favorable exercise of

prosecutorial discretion” (Morton 2011: 6). In this way, then, the collective hardships induced by illegality are treated on a case-by-case basis.

By the close of 2012, Morton issued yet another memo on the use of discretion, this time in relation to the use of immigration detainers. The ICE Director wrote that unauthorized immigrants who are apprehended by state and local law enforcement on misdemeanor offenses, such as minor traffic violations like driving without a license or registration, should not be detained for detention and removal. Though it is yet unclear as to whether this recent memo has effected any change in ICE’s daily operations, recent data compiled by the Transactional Records Access Clearinghouse indicate that ICE has largely not complied with its other discretionary enforcement policies. In an analysis of the total number of ICE-issued detainers between 2008 and 2012, TRAC finds that more than two-thirds of unauthorized immigrants who were ordered detained had no criminal record whatsoever, including before and after the detainer was issued. Of the 22 percent of those detained who were convicted of a crime, only 8.6 percent had been convicted of level one offenses, including aggravated felonies. Moreover, given the flawed and inconsistent nature of ICE’s “criminal offender” determinations, TRAC (2013) suggests that “far fewer than even this small proportion... actually would meet the more objective standards of having been convicted of crimes that pose a serious threat to national security or public safety.”

Detention

The power of discretion intersects heavily with the third stage of the enforcement lottery, detention. Once a law enforcement officer uses her or his discretionary power to arrest a person who happens to be unauthorized, police-ICE collaboration programs like 287(g) and Secure Communities make it likely that the individual will ultimately be reported to ICE for further attention. Mandatory police-ICE collaboration programs such as Secure Communities ensure very little discretion for local jails in reporting immigration offenders (Motomura 2011), and some research indicates that 287(g) deputized officers who do have the discretionary power to report a person for an immigration violation after an arrest often feel as though they have little choice in the matter (Armenta 2012). Once the jailed individual has been reported to federal immigration authorities, ICE may or may not heed its own discretionary priorities and request that the local jail detain the individual for further ICE attention.⁴⁷ Here, again, jails may exert discretion by deciding whether or not to comply with an ICE detainer, as this practice is technically voluntary. In fact, based on increasing concern over Secure Communities, localities such as Washington, DC and law enforcement agencies such as the Los Angeles Police

⁴⁷ In December 2012, ICE Director John Morton asserted that federal agents would issue ICE detainers for locally jailed unauthorized immigrants only under certain conditions: when the unauthorized immigrant has three or more misdemeanor convictions; when the individual has a “serious” misdemeanor conviction (such as driving under the influence), or when the individual has been convicted or charged with a felony. As of yet, there is insufficient data to determine whether ICE has complied with this new directive.

Department have implemented policies that prohibit cooperation with ICE detainer requests except under certain circumstances.⁴⁸

Once detained by ICE, unauthorized immigrants are remanded to custodial supervision in one of the nation's more than 250 public and privately contracted federal, state, and local immigration detention facilities while they await an administrative decision on their immigration case. Since a breach of immigration law is considered a civil violation, rather than a criminal infraction, immigration detention is often part of a broader administrative process to determine whether an unauthorized immigrant will be permitted to remain in the United States, or whether they have certain equities that render her or him a potential candidate for asylum or prosecutorial discretion. Since the implementation of the Homeland Security state post-9/11, the number of detention facilities across the nation have proliferated rapidly (Mittelstadt et al 2011). So, too, has the number of immigrants in detention: in 2012, an average of more than 30,000 unauthorized immigrants were detained daily in immigration detention facilities across the nation, and a total of more than 360,000 unauthorized immigrants were detained in 2010 (Siskin 2012).

Detention centers for civil immigration violators resemble penal carceral institutions in their appearance and daily operations (Schriro 2009).⁴⁹ Thus, immigration detention facilities

⁴⁸ Most such policies allow law enforcement agencies to comply with ICE detainer requests only when the arrested individual has an extensive or violent criminal history.

⁴⁹ In fact, until 2009, approximately fifty percent of unauthorized immigrants in civil immigration custody were held in state and local facilities designed for penal detention and not operated by ICE (Schriro 2009). In 2009, under intense scrutiny for its detention practices, ICE proposed a set of guidelines for immigration detention reform to ensure greater accountability and transparency in the detention system. Since then, ICE has begun to centralize

typically exist in remote locations and present with hardened boundaries that are accomplished through the use of guards, gates, bars, and barbed wire fences. Those who are incarcerated in such facilities are constantly surveilled and supervised, their routines are strictly managed, and they have little autonomy. Alejandro, the young undocumented immigrant whose arrest I chronicled earlier in this chapter, recalls his first experiences with detention:

I knew we were going to some kind of detention center where I was going to be with a bunch of people... I didn't know what to expect, if it was going to be a cell... It just looked like a big building with barbed wire fences. We all got out. The first person that talked to us was a nurse, trying to figure out if we have any medical conditions. What was the worst was the constant lingering. It took forever to get booked at every place we stopped at, and every holding cell was just terribly cold... so it was, like, hours and hours later of trying to sleep in this cold room. And it actually turned into morning. We got there at like... 11 [pm], something like that, and it actually turned into daytime before we got our inmate clothes and shoes and we finally got booked. And afterwards we get put where we're going to be at, and it's just a pod with a hundred bunk beds in it. And that was where I lived for two weeks. And then, after that, I got moved to this federal place, where it was, like, two people to a cell. In the first place, you stayed in that room all day, and you never go outside. [In the second place] you went outside all day. So, like, when it was time to go back to your room, you

detention facility contracts under ICE supervision and has constructed a number of federal civil detention facilities. Still, many unauthorized immigrants continue to be housed in penal carceral institutions.

didn't want to do anything. You just wanted to go to bed. Days went fast like that. You woke up, go to breakfast, then it was time to go outside. You were forced to go outside.

Despite the large number of unauthorized immigrants who are regularly detained, ICE controls a tremendous amount of discretion in terms of whether or not to house unauthorized immigrants in these detention facilities. Although some unauthorized immigrants are subject to mandatory detention, including those who are suspected of terrorist acts and those who are arrested on some criminal charges,⁵⁰ many others may be immediately paroled, released on bond, or released on their own personal recognizance before they are detained.⁵¹ Still, some research (Finnie, Guzik and Pinales 2013) indicates that there is little consistency and transparency in the discretionary process, and that ICE regularly detains so-called “low-risk” and non-violent immigration offenders who should be prime candidates for alternative supervision programs. In fact, of those detainees held in custody in January 2009, 58 percent did not have criminal records and were not subject to mandatory detention (Kerwin and Lin 2009). Additionally, of those with criminal records, nearly twenty percent were held on traffic violations or civil immigration violations (ibid 2009); neither offense constitutes a serious

⁵⁰ In 1996, Congress expanded the categories of individuals who are subject to compulsory detention through the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA). In 2002, Attorney General John Ashcroft issued a decision whereby unauthorized immigrants and other foreign nationals may be detained under suspicion of criminal activity even in the absence of sufficient evidence to hold them on criminal charges (Eggen 2003; Mittelstadt et al 2011).

⁵¹ For details on the role of discretion in alternatives to detention (ATD), see Finnie, Guzik and Pinales (2013), *Freed But Not Free*.

criminal infraction. Alejandro, an undocumented youth who had spent much of his childhood in the United States, and who was arrested for public intoxication, is just one of many “low-risk” and nonviolent immigration offenders who are transferred to immigration detention after being flagged as unauthorized through programs like 287(g) or Secure Communities. Weeks later, he was finally released from detention on bond when his parents were able to collect enough money to hire a lawyer, post bail, and pay for his trip home.

Deportation

Unauthorized immigrants have few choices from within the enforcement lottery, and the choices they do have are heavily structured by their illegality and the decisions of those who enforce immigration law. Thus, unauthorized immigrants may attempt to avoid detection (the first stage) by avoiding any interaction with immigration officials, law enforcement, or other authorities. Once detected, however, the choices of unauthorized immigrants are dependent on the discretionary choices of law enforcement officials (the second stage) and/or jailers and immigration authorities (the third stage).

The final stage in the enforcement lottery is deportation, formally referred to by the Department of Homeland Security as *removal*. It is during this fourth and final stage of the enforcement lottery that many unauthorized immigrants may again exercise their own discretion to guide the outcomes of the lottery. In this stage, unauthorized immigrants who are charged with civil immigration violations or misdemeanor criminal violations may be allowed to

choose between returning to their countries of origin (through either a *stipulated order of removal* or a *voluntary departure*) or fighting their deportation.

In general, the swiftest way to end one's time in an immigration detention center is to agree to a stipulated order of removal or to sign a petition for voluntary departure. In both circumstances, unauthorized immigrants may waive their right to an administrative hearing by an immigration judge on their civil immigration case; as a result, their removal or return may be processed much more quickly than otherwise.⁵² A stipulated removal is, in effect, the same as a formal removal, and carries with it the same legal penalties and future prohibitions associated with a removal ordered by an immigration judge. That is, an unauthorized immigrant who receives an order of removal is prohibited from applying to reenter the United States for a period of three to ten years (depending on the length of their unauthorized residency), a policy established under IIRIRA that is often referred to as the "three- and ten-year bar."⁵³ In addition, unauthorized immigrants who, once removed, reenter the United States without legal

⁵² Generally, the amount of time it takes to receive voluntary departure depends on when the unauthorized immigrant initiates the request. Unauthorized immigrants can request voluntary departure at three different stages of the administrative process: 1) before a court hearing; 2) during initial court proceedings; and 3) at the completion of court proceedings. During the first stage, the individual's request is processed by the Department of Homeland Security; if the request is accepted by the DHS, the applicant will likely depart without ever having an administrative hearing with an immigration judge. During the second stage, the individual may request voluntary departure through either the DHS or the immigration judge. During the third stage, the individual may request voluntary departure only from the immigration judge. Thus, those who request voluntary departure during the later two stages have generally spent a longer period of time in detention or administrative processing; moreover, these individuals must often submit to additional penalties (e.g., bond payments) or fulfill additional requirements (e.g., a record of good moral character) as determined by the DHS or the immigration judge (Florence Project 2011).

⁵³ Under certain circumstances, bars on admissibility may be permanent, depending on the conditions of the removal and whether or not the individual has been removed in the past.

authorization—regardless of whether the removal was stipulated by the unauthorized immigrant or ordered by an immigration judge—face additional civil and criminal penalties if they are later apprehended.

In contrast, the voluntary departure, or return, is attractive to many unauthorized immigrants, particularly Mexican nationals, because it may not negatively mark an unauthorized immigrant's record. Thus, under certain circumstances, an unauthorized immigrant who agrees to voluntary departure may not be restricted in future visa applications.⁵⁴ Moreover, unauthorized immigrants who return to their countries of origin through voluntary departure are not subjected to heightened criminal penalties on future unauthorized entry, as in the case of removal (Koh, Srikantia, and Tumlin 2011).⁵⁵

Despite the relative attractiveness of voluntary departure compared to removal, the total number of voluntary departures has decreased to just over 300,000 in 2011 from an average of more than one million per year between 1986 and 2006 (Department of Homeland Security 2012). In the same period, the number of deportations, or orders of removal—including stipulated orders of removal—has skyrocketed, reaching an average of just under 400,000 per year since 2008, with a record high of nearly 410,000 in 2012 (Department of

⁵⁴ An unauthorized immigrant who has lived in the United States for more than 180 days but less than one year and who receives voluntary departure will not be affected by the three-year bar under a few conditions: 1) the individual receives “advanced consent” from the DHS; 2) their departure is granted by an immigration judge; and/or 3) they qualify for a hardship waiver (Florence Project 2011).

⁵⁵ Note that unauthorized immigrants who return without authorization after a voluntary departure may still face civil penalties (including a time bar on future entry), but criminal penalties are not heightened as in the case of someone who returns without authorization after a removal (Florence Project 2011).

Homeland Security 2012).⁵⁶ Thus, in spite of the discretionary enforcement policies enacted under the Obama administration, the staggering number of deportations since 2008—amounting to more than 1.9 million in four years—has earned President Obama the nickname “Deporter in Chief.”

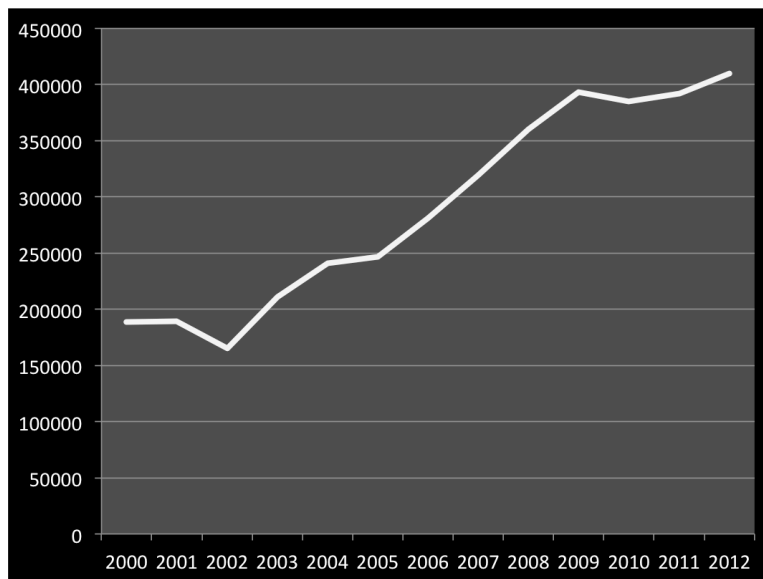


Figure 9: Removals of Unauthorized Immigrants, F/Y 2000-2012.⁵⁷

These data coincide with the revelation of an ICE removal quota—what ICE itself refers to as “annual performance goals.” In recent years, according to memos obtained through FOIA

⁵⁶ According to Lopez, Gonzalez-Barrera, and Motel (2011), a portion of the increase in the total number of ICE removals may be attributable not only to an increase in interior enforcement actions, but also to administrative changes in the processing of unauthorized entrants at the border, as EWIs are increasingly ordered removed rather than returned.

⁵⁷ 2000-2011 data obtained from Department of Homeland Security (2012) *Yearbook of Immigration Statistics: 2011*; 2012 data obtained from Immigration and Customs Enforcement (2012), “ICE announces Year-End Removal Numbers.”

requests, ICE has strategized to meet this target through the implementation of enforcement mechanisms and procedures that seem to violate its own discretionary goals, including by mining records from the Department of Motor Vehicles (DMV) for information about foreign-born applicants, sending ICE agents to traffic safety checkpoints, and pursuing unauthorized immigrants booked at local jails for low-level offenses (Heath 2013). One study, conducted by researchers from the Western University College of Law, the Stanford Law School Immigrant Rights Clinic, and the National Immigration Law Center, found that the increase in removals (and the subsequent decrease in voluntary departures) can be partly accounted for by the rise in stipulated orders of removal, which count toward overall ICE removal statistics (Koh, Srikantiah and Tumlin 2011). Although many of these individuals may have been eligible for voluntary departure, the researchers found that immigration officials often did not explain the differences or consequences associated with these choices.

Overall, the attractiveness of the stipulated order of removal or voluntary departure is their ability to provide a degree of certainty to unauthorized immigrants in a time that is otherwise fraught with ambiguity. The entire enforcement lottery, no less the final stage of deportation, is premised on this ambiguity, as enforcement is always possible but never certain. Thus, in many cases, as for unauthorized immigrants who are the primary wage earners for their families, a lengthy detention stay while fighting one's deportation or awaiting an immigration hearing is untenable. A stipulated removal or voluntary departure means less overall time wasted in immigration detention, meaning more time to provide for one's family.

Still, not all unauthorized immigrants in detention are willing to agree to a stipulated order of removal or a voluntary departure. Many, like Alejandro, opt to fight their deportation.

As Alejandro recalls:

[The ICE officer] said, “You don’t have to answer this right now, but you will have to eventually. You have to make a decision if you want to sign this voluntary deportation, or if you want to fight your case.” And immediately I was like, “I want to fight my case.”

Those who do not agree to stipulated removal or voluntary departure must await an administrative decision on their removal, which may or may not result in administrative removal. During that time, unauthorized immigrants may languish in detention facilities for weeks, months, or even years (American Civil Liberties Union 2009; Heath 2009; Roberts 2009). Some unauthorized immigrants may be released on bond and required to report for their immigration hearing at a later date to receive an administrative decision on their removal. Just so, Alejandro spent nearly two years on bond awaiting a final decision on his immigration hearing and possible removal before his case was administratively closed; although he remains today in the United States, his ongoing status as unauthorized continues to render him vulnerable to the enforcement lottery. Importantly, then, even though deportation may be the final stage of the enforcement lottery, the lottery itself is cyclical. Thus, the cycle may begin anew even if the unauthorized immigrant is granted some form of discretionary relief from immediate deportation, such as through a temporary deferral or closure of their immigration

case, as these administrative actions do not confer legal status. Likewise, an unauthorized immigrant will reengage the enforcement lottery by reentering the United States without legal authorization after a prior removal or voluntary departure.

It is exactly this degree of unpredictability that leads De Genova (2002) to speak of “deportability,” rather than actual deportation, as the primary threat facing unauthorized immigrants. In De Genova’s account, then, the vague possibility of deportation is both constant and eminent, regardless of whether an individual is ever actually entered into removal proceedings or deported. I argue, however, that even though the final stage of the enforcement lottery ensures the ultimate threat of deportability, the various stages throughout this lottery are equally important in reinforcing the ubiquity of enforcement and the consequences of everyday illegality. Thus, the enforcement lottery structures illegality in everyday processes, forcing unauthorized immigrants to question their security and stability. Even if individual unauthorized immigrants are able to avoid particular aspects of the enforcement lottery, the overall structure of the system remains. In short, then, the lottery is a system of control, and it serves to perpetuate the vulnerability of the unauthorized through the everyday threat of illegality.

Transitions in the federal immigration enforcement system have structured the experiences of unauthorized immigrants such as Alejandro, Juana, and César through the lens of illegality. As the nation’s overall approach to immigration enforcement has shifted from an emphasis on unauthorized entrants and border security to encompass a focus on the interior enforcement of unauthorized residents, the interoperability of federal immigration authorities

and local law enforcement, through programs such as 287(g) and Secure Communities, has rendered the threat of immigration enforcement omnipresent, but never certain. This enforcement lottery relentlessly threatens unauthorized immigrants with the consequences of detection, discretion, detention, and deportation. Immigrant illegality is therefore structured by the ubiquity—and uncertainty—of immigration enforcement in everyday life. For the most part, these policies and practices have been initiated at the federal level and enacted in collaboration with state and local law enforcement agencies. However, as I detail in the next chapter, states, too, have recently elected to generate their own policies on immigration enforcement, further reinforcing the ever-present threat of immigration controls and the illegalization of unauthorized immigrants in daily life.

Chapter IV

Welcome to Alabama: State Crimmigration Laws and Bureaucratic Enforcement

Luís Escoto was crossing the border into Alabama.

“I got chills,” he later recalls, over dinner at a Laotian restaurant in Nashville, Tennessee. “I felt like there was a noose around my neck, in a sense. I was very... not wanting to show my face out of the window. So I was, like, slightly down.”

Luís hunches over in his chair, his thin frame almost disappearing behind a large bowl of curry as he demonstrates how he hid in the backseat of the car as it barreled down the interstate. At twenty, Luís was crossing a border that seemed every bit as significant as the border he had crossed seventeen years earlier, when his uncle carried him across the Río Bravo (known in the United States as the Río Grande). In fact, he had every reason to seize up with terror as the car zipped past the sign marking the Alabama border. Born in Mexico and raised in Nashville, Luís is one of an estimated 2.9 million undocumented young people⁵⁸ currently living in the United States (Hoefer, Rytina and Baker 2012). On that day, counting the miles in minutes, he was traveling deeper and deeper into a state that had just passed the most punitive immigration law in the country.

“It's a very intense feeling,” he continues, straightening in his chair. “I wouldn't want someone to ever have to feel that feeling... to go to a place where they're... not wanted. It's

⁵⁸ According to estimates from the Department of Homeland Security, those aged 24 and under comprise 26 percent of the unauthorized population residing in the United States. This includes approximately 1,350,000 under the age of 18 and 1,610,000 aged 18 to 24 (Hoefer, Rytina and Baker 2012).

one thing to have a group of people tell you that you're not wanted, and it's a whole different thing where it's a law that says that you're not wanted. It's... it's a bit more serious, and it just goes straight to home.”

|||||||

When crossing the border into Alabama, the first thing you will see is a giant roadside sign that towers over the interstate. “Welcome to Alabama the Beautiful,” it reads, the letters rounded and graceful. And, undeniably, the view from Interstate 59 traveling southbound into Alabama is stunning. Northern Alabama boasts the southern reaches of the Appalachian Mountains, and there are few signs or buildings to distract from the evergreens that frame the mountain range’s blue ridges. Against this backdrop, the welcome sign seems indisputable.



Figure 10: Interstate sign at the Georgia-Alabama border.

Beneath the inviting script of Alabama's border sign appears the name of the current governor, Robert Bentley, the man responsible for signing into law the now infamous "Beason-Hammon Alabama Taxpayer and Citizen Protection Act," otherwise known as HB 56. Enacted in the summer of 2011, Alabama's law is the harshest and most comprehensive state-level immigration law that the United States has ever seen. Among other provisions, HB 56 expands the roles and responsibilities of state and local law enforcement agencies, as well as public and private sector organizations, in determining the citizenship and immigration status of Alabama residents. Together with similar laws enacted in other states across the nation, HB 56 is a prime manifestation of illegality in the contemporary United States; that is, HB 56 structures the everyday illegality of unauthorized immigrants not only through mechanisms of police-ICE collaboration, but by the bureaucratic enforcement of immigration policy.

Arizona SB 1070 and the Origins of State-Level Criminalization Policies

Alabama was not the first state to enact legislation centered on the comprehensive criminalization of unauthorized immigrants. Rather, that designation is maintained by Arizona, which captivated national and international media attention in 2010 when its state legislature passed the "Support Our Law Enforcement and Safe Neighborhoods Act," more commonly known as SB 1070. On that date, unauthorized immigrants and their advocates across the nation shuddered in horror at this new iteration of the once-failed Sensenbrenner bill.

The federal government treats unauthorized status as a violation of civil immigration law, rather than criminal law.⁵⁹ As such, unauthorized immigrants may face civil penalties for their presence in the United States, including removal and restrictions on future entry, but their presence in itself is not treated as a violation of criminal law, and is therefore not subject to criminal penalties. In the past, federal legislation like the Sensenbrenner bill, which proposed to criminalize unauthorized immigrants for their presence and establish penalties for those who aid the unauthorized, has largely failed.⁶⁰ Moreover, in modern history, the authority to enforce immigration law has fallen to the federal government. Thus, collaboration programs between federal immigration agents and state and local law enforcement officers, such as 287(g) and Secure Communities, are designed to aid enforcement of federal law.

In contrast, Arizona SB 1070 initiated a state-sponsored expansion in the role of state and local law enforcement agencies in matters of criminal immigration enforcement. One feature of the law, known informally as the “show me your papers” provision, requires that law enforcement officers make a “reasonable attempt” to determine a person’s citizenship or immigration status during the course of their regular patrolling duties—such as during traffic

⁵⁹ An exception is the increasing criminalization of unauthorized entry, otherwise known as Entry Without Inspection (EWI). Operation Streamline, initiated in 2005, mandates the criminal prosecution of unauthorized border crossers, including first-time entrants. Thus, unauthorized entrants (EWIs) face criminal penalties if they are apprehended by the Border Patrol while crossing the border without inspection; penalties increase with reentry after a prior removal. First-time offenders are prosecuted for misdemeanor illegal entry, while repeat offenders (those who have been removed and are re-apprehended, including those apprehended in the interior of the country) can be charged with a felony (Lydgate 2010).

⁶⁰ However, legislation such as the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) has succeeded in implementing civil penalties (such as admissibility bars) against unauthorized residents as well as criminal penalties against those who reenter the United States without inspection after a previous removal.

stops or arrests—whenever officers have a “reasonable suspicion” that the individual is unlawfully present in the United States. Additionally, and under certain circumstances, SB 1070 enables officers to make warrantless arrests of unauthorized immigrants. The state law also requires that officers ascertain the immigration status of anyone who is booked into custody, jailed, or convicted of a crime, regardless of the severity of the crime for which they are arrested or convicted. Unlike the 287(g) program, which delegates immigration authority to state and local law enforcement agencies under the direction of the federal government, the provisions of SB 1070 are intended to be managed at the state level.

In addition to outlining new responsibilities for state and local law enforcement officials in identifying and apprehending immigration violators, SB 1070 also criminalizes a multitude of other activities related to the violation of civil immigration law. The law criminalizes those who hire unauthorized immigrants as day laborers as well as those who “harbor” or transport unauthorized immigrants. SB 1070 also criminalizes immigrants who fail to carry their immigration documents and unauthorized immigrants who solicit or perform work in the state of Arizona. These provisions signify a fundamental shift toward the attempted comprehensive criminalization of unauthorized immigrants by an individual state (Fan 2012).⁶¹

⁶¹ The last decade has witnessed an increase in state-initiated immigration laws and policies across the nation, but Arizona SB 1070 and its copycats have extended much further than others. In 2006, for example, Colorado passed SB 90, a law requiring state and local law enforcement to notify federal immigration officials of individuals who were suspected of being unauthorized; however, Colorado’s law did not give state and local law enforcement agencies the authority to determine an individual’s immigration status, nor did it authorize them to enforce immigration law or immigration consequences against unauthorized immigrants.

Response to the Arizona law was mixed. In this border state, where approximately six percent of the total population is estimated to be unauthorized (Passel and Cohn 2011),⁶² a poll conducted by the *Arizona Republic* (2010) found that approximately 55 percent of Arizona residents favored the law. Paradoxically, the same poll found that 62 percent of Arizona residents approved of allowing unauthorized immigrants to remain in the country, as long as they were employed and had no criminal record. Nationally, a study conducted by the Pew Research Center for the People & the Press (2010) found that approximately 59 percent of those polled approved of SB 1070, while a slight majority disapproved of the federal government's handling of immigration policy. Disaggregated by political affiliation, the same poll found that 82 percent of Republicans and 64 percent of independents approved of SB 1070, while just 45 percent of Democrats approved of the law. Other national polls reflected similar findings: based on one's political ideology, SB 1070 was considered to be either an egregious violation of the civil and human rights of Arizona residents, particularly immigrants and people of color who would be presumed foreign-born, or a rational and justified response to the failure of the federal government to "secure the nation's borders."

The Obama administration strongly objected to Arizona's new immigration law. In remarks during a naturalization ceremony of active-duty service members just days after SB 1070 was signed into law, President Obama suggested that the law was "misguided" and

⁶² Estimated at six percent of the state's population, Arizona has the third highest per capita population of unauthorized immigrants in the United States, behind Texas (6.7 percent) and Nevada (7.2 percent). Arizona's share of unauthorized immigrants is nearly double the national proportion of unauthorized immigrants, which stands at 3.7 percent of the total US population (Passel and Cohn 2011).

“threatened to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe.”⁶³ Shortly thereafter, the federal government filed suit against the state of Arizona, charging that the law could not be enforced because its provisions were *preempted* by federal law. Thus, the federal government argued not that the Arizona law was unconstitutional, but that it was in conflict with existing federal statutes that governed immigration law. The district and federal appeals courts agreed, respectively issuing and upholding an injunction against SB 1070. In response, the State of Arizona filed an appeal with the Supreme Court, which agreed to review their petition in December 2011, more than a year and a half after the law had passed.

Uncertainty regarding the legitimacy of Arizona’s law did not prevent other states from introducing and enacting similar legislation. To the contrary, representatives in more than half of the state legislatures in the nation introduced similar bills in 2010 and 2011; the state of Tennessee even passed a legislative resolution commending the Arizona law.⁶⁴ In the spring of 2011, Utah, Indiana, and Georgia passed comparable legislation with provisions similar to those

⁶³ See: The White House Office of the Press Secretary, (2010), “Remarks by the President at Naturalization Ceremony for Active-Duty Service Members.” (<http://www.whitehouse.gov/the-press-office/remarks-president-naturalization-ceremony-active-duty-service-members>).

⁶⁴ Proposed by Representative Carr and passed on June 19, 2010, Tennessee House Joint Resolution 1253 stated in part that the Tennessee House of Representatives “honors and commends the State of Arizona and its government officials on the upcoming commemoration of Arizona's Centennial and that this body also salutes the initiative and the courage of the Arizona State Legislature and Governor Jan Brewer in their actions to protect their citizens and the borders of our great nation.”

outlined in SB 1070; South Carolina and Alabama passed copycat bills that same year in the early summer.⁶⁵

HB 56: The Alabama Twist

On June 9, 2011, Governor Robert Bentley signed into law HB 56, Alabama’s version of the Arizona legislation, even as many of the provisions of the Arizona law and its copycats in other states were enjoined or facing impending injunctions. Despite its newcomer status, the Alabama law was swiftly acknowledged as unparalleled by previous state-level immigration laws. Enacted barely a month after a series of tornadoes had devastated much of the Southeast—killing more than fifty people in the state of Alabama alone and leaving many of its communities destroyed and struggling to rebuild—Representative Micky Hammon, a co-sponsor of HB 56, claimed that the legislation was “an Arizona bill with an *Alabama twist* [emphasis added]” (Associated Press 2011).

Alabama’s immigration law contained many of the same provisions as Arizona’s law, maintaining Arizona’s emphasis on empowering state and local law enforcement to engage in immigration enforcement duties. Thus, HB 56 boasted the “show me your papers” provision, which enabled state and local law enforcement officers to check an individual’s immigration status during the course of a lawful stop or arrest and also required that officers check the

⁶⁵ For a more detailed overview of the differences between these state laws, see: Immigration Policy Center (2012), *Q & A Guide to State Immigration Laws: What You Need to Know if Your State is Considering Anti-Immigrant Legislation*, Appendix: “Provisions of State Immigration Enforcement Laws.”

immigration status of individuals who were booked, jailed, or convicted of a crime; however, the Alabama law did not allow for the warrantless arrest of unauthorized immigrants. HB 56 preserved other provisions of the Arizona law, though, including criminalizing those who “harbor” or transport unauthorized immigrants, immigrants who failed to carry their immigration documents, and unauthorized immigrants who solicit or perform work. Finally, the Alabama law mandated that employers use the federal E-Verify program, an electronic employment eligibility verification system intended to determine the legal status of newly hired employees.⁶⁶

However, HB 56 went much further than the comprehensive legislation enacted in Arizona or other copycat states and extended far beyond outlining responsibilities for law enforcement. The “Alabama twist” revolved around the bureaucratic enforcement of federal immigration law at the state level, essentially structuring illegality as a bureaucratic process. Years earlier, other states and localities had passed or attempted to pass bureaucratic enforcement measures intended to curb the settlement of unauthorized immigrants by denying access to public services, limiting language access programs, and restricting housing and employment options. Two of the best-known examples are the 1994 Proposition 187 in California, which barred unauthorized immigrants from many social welfare and entitlement programs, and the 2006 Illegal Immigration Relief Act ordinance in Hazleton, Pennsylvania, which would have fined landlords for renting to unauthorized residents and penalized

⁶⁶ E-Verify was not a component of Arizona SB 1070 because it had been implemented in the state of Arizona years earlier, in 2007.

employers that hired unauthorized immigrants. Neither of these policies was as extensive or elaborate as that implemented in Alabama.

In crafting HB 56, Alabama’s legislators sought to target the routine aspects of living and working in Alabama. Thus, the law required that individuals provide proof of citizenship or lawful immigration status prior to entering into a “business transaction” with the state of Alabama, and it rendered unenforceable any existing or future public and private sector contracts with unauthorized immigrants. HB 56 also mandated that school administrators determine the citizenship or immigration status of newly enrolling students. Taken together—and taken to extreme—these provisions, on top of the newly expanded role for law enforcement agencies, intended to make everyday life exceedingly difficult for unauthorized immigrants in the state of Alabama.



Figure 11: Everything’s illegal in Alabama.

Those who try to understand the origins of HB 56 puzzle over the fact that the nation's most draconian immigration law was enacted in a state that is not known for having a large population of immigrants, unauthorized or otherwise. Certainly, when compared to Arizona and several other states that passed copycat legislation—as well as a multitude of states that either rejected or failed to pass similar legislation—Alabama has a relatively small population of unauthorized immigrants. Estimated at just 2.5 percent of the state's total population in 2010, or approximately 120,000 people—the majority of whom are Latinas/os of Mexican origin (Passel and Cohn 2011)—Alabama has fewer unauthorized immigrants per capita than half the states in the nation, and its share is more than a percentage point below the national average. Yet, Alabama's share of unauthorized immigrant residents has increased dramatically, by more than 2300 percent since 1990 (ibid 2011), reflecting a similar pattern of Latina/o immigration and in-migration throughout the Southeastern United States (Singer 2004; Suro and Singer 2002).

Perhaps it was the dramatic and visible increase of Latina/os who were presumed to be unauthorized—rather than their actual status or numbers in the population—that led Alabama lawmakers to target unauthorized immigrants during the 2011 legislative session. Since there is no way to identify an unauthorized immigrant by sight alone, members of our communities—teachers, legislators, doctors, neighbors, law enforcement officers—make assumptions about a person's immigration and citizenship status based on a variety of biases about what it means to be or to look “American.” These biases, in turn, impact the political and social landscapes at the local, state, regional, and national level. Certainly, immigrant rights advocates in Alabama

and other Southeastern states acknowledge a generalized and widespread hostility toward those perceived as different and “foreign,” and many argue that the region’s changing demographic profiles, combined with a history of racialized oppression and systemic economic problems endemic to the Southeast, provide ample opportunity for legislative scapegoating. Many simply shrug off the question of why policymakers in the Southeast have openly embraced harsh immigration enforcement policies, including one long-time grassroots community organizer who declared simply, “You just need to review the history of the state and you'll find your answer.”

Unquestionably, the United States in general and the US Southeast in particular have a long and complex history of racial hierarchies and racialized caste systems intended to exclude racial minorities from full participation in both private and public life (Alexander 2012; McConnell 2011). This hierarchy has been further complicated by the influx of Latinas/os into the Southeast region (Marrow 2009). Thus, Jerry Gonzales, the Executive Director of GALEO—the Georgia Association of Latino Elected Officials—suggests: “There is hostility in politics against immigration, against Latinos. And [Arizona-style legislation] is a cheap political trick for politicians to take advantage of that.” Like Alabama, the state of Georgia, too, passed Arizona copycat legislation after decades of settlement by foreign-born Latinas/os and other immigrants of color had substantially altered the demographic characteristics of the state. Reflecting on the rationale behind such legislation, Gonzales continues, “Georgia is a hostile state to foreign-born people... and to anyone that looks foreign-born. It’s not a friendly state.

There's a lot of open hostility. There's open discrimination. It is not a welcoming state." When asked to elaborate, he responds immediately with a wealth of examples:

[There are] people talking to their children in the grocery store in Spanish—US citizens—and then others coming up to them and saying, "This is America. Speak English." Children playing in the playground, Latino children, Puerto Rican children, playing in the playground, being approached by other teenagers, being slapped, being told they should "Speak English because this is America." At a Starbucks, Korean Americans were—instead of their name being written on their cups, they drew what's called "chink eyes" instead... to determine who the coffee belonged to. Puerto Ricans are being asked for immigration documentation at DMV offices across the state. And their citizenship is being questioned. They are asking for their visas to be in this country. Things like that are very prevalent across the state. And again, I'll mention that these are just the things that we know about. So there's many, many more examples, and again these are just the things we have heard of. Just yesterday, a staff person came up to me and said that one of her close relatives was trying to get pain medication at a local drug store, and the local drug store was telling them they couldn't use their *Matrícula Consular*⁶⁷ ID card to get their medication because

⁶⁷ The *Matrícula Consular* is an identification card issued by the Mexican Embassy to Mexican nationals who reside outside of Mexico. Unauthorized immigrants of Mexican nationality who reside in the United States often obtain the *Matrícula* because they are unable to otherwise obtain a state-issued identification card. In the United States, the *Matrícula* is generally accepted as legal proof of identification, though it is not legally recognized as proof (or absence) of lawful residency.

it was outlawed with the HB 87 that was recently passed. So there is a hostile climate in Georgia against foreign-born immigrants.

Although the receiving populations in many new destinations are often deeply ambivalent in the face of rapid demographic changes (Fennelly 2006; Marrow 2009; Naples 2007; Padin 2005; Shutika 2008), antagonisms and microaggressions similar to those described by Gonzales have been well documented in many places, particularly those places that have experienced steady growth in the Latina/o and immigrant population (Gouveia 2006; Lippard and Gallagher 2011; Mohl 2003; Naples 2007; Neal and Bohon 2003). This hostility often manifests at the legislative level, as policymakers respond to and propagate immigrant scapegoating, especially in relation to economic woes. In fact, concerns over the state's economy occupied a substantial part of the explanation when Alabama legislators expressed their support for the bill. Senator Scott Beason, the bill's co-sponsor, argued, "[HB 56] is a jobs bill. We have a problem with an illegal [sic] workforce that displaces Alabama workers. We need to put those people back to work. That's the number one priority" (White 2011).

Certainly, the Alabama economy, like much of the nation, had been in a deep recession for some time. When HB 56 was approved by the state legislature and signed into law by Governor Bentley, the state's unemployment rate stood at 9.9 percent (Alabama Department of Industrial Relations 2011), slightly higher than the national unemployment average of 9.1

percent.⁶⁸ At the time, unauthorized immigrants—who, again, comprised only 2.5 percent of the state population—accounted for roughly 4.2 percent of the state’s labor force (Passel and Cohn 2011). How is it, then, that such a small population warrants such a strong reaction? Isabel Rubio, director of HICA, explains, “Alabama has more poor whites than it does poor people of color.” She continues:

And so politicians were running on this platform... There was a lot of embedded racism here... Often times these poor white people end up voting against their own self-interest in lots of things. So I think that what really happened is that... the politicians who were running for election used fear as a tactic. And, of course, the economy has been bad, but the reality is that immigrants aren’t taking jobs away from Alabama citizens who want them. The population in Alabama of immigrants, generally speaking, is very small. Very small.

Undeniably, politicians were using fear as a tactic, but it was a fear largely felt by the Latina/o immigrant population. Thus, Representative Mo Brooks, a staunch ally of the bill, went even further in his advocacy of HB 56 when he claimed, “As your congressman on the House floor, I will do anything short of shooting them... Anything that is lawful, it needs to be done because illegal aliens [sic] need to quit taking jobs from American citizens” (Camia 2011).

⁶⁸ Based on archival data extracted from the Bureau of Labor Statistics (Labor Force Statistics from the Current Population Survey).

Complementing this imagery, Beason called on fellow Republicans in the Alabama state legislature to "empty the clip, and do what has to be done" (Rolley 2011).

As time passed, the state's unemployment rate dropped, leading Beason to claim that the law had succeeded:

Since the anti-illegal [sic] immigration law went into effect, Alabama has seen a tremendous drop in unemployment. A drop that far outpaces the other states in the region... I promised that the anti-illegal [sic] immigration law would open up thousands of jobs for Alabamians, and it has done that. People are going back to work... The critics may whine, but many of our neighbors have jobs again. I know those folks are thankful for the opportunity to work and support their families, and that opportunity was opened up by HB 56."⁶⁹

It is true that the state's unemployment rate dropped slightly after the passage and implementation of HB 56. However, despite Beason's assertion, little evidence links the decline in the state's unemployment rate to the new law. To some extent, the state's official unemployment rate dropped concomitantly with a sizeable contraction in the formally recognized labor force, as Alabama residents who were not actively seeking employment were no longer counted in official unemployment statistics. In the course of the year following the passage of HB 56, the officially acknowledged labor force decreased by more than 50,000 people, while the total number of employed Alabamans fluctuated marginally but remained

⁶⁹ Excerpted from Beason (2012), "Beason Statement on the Impact of HB 56 on Alabama Unemployment Rate."

relatively static over time, thereby accounting for an overall decrease in the unemployment rate.⁷⁰ Further, data from the US Department of Labor's Bureau of Labor Statistics indicate that employment rates in Alabama have actually *fallen* in the areas of agriculture, construction, hospitality, and food preparation (Alabama Department of Labor 2013), four sectors that have traditionally employed a larger than average percentage of unauthorized immigrant workers (Passel and Cohn 2009). At the same time, employers in some of these sectors report a shortage of workers who are willing and able to fulfill the tasks associated with these jobs.

This should come as no surprise to the state of Alabama, since the neighboring state of Georgia experienced immediate labor shortages in similar sectors following the passage of HB 87, Georgia's own copycat version of SB 1070. In Georgia, farmers reported record losses as crops were left rotting when immigrant workers—including those with employment authorization—largely abandoned the fields after the passage of HB 87, fearing the direct or indirect consequences of increased enforcement. Georgia farmers claimed that they could not employ enough US-born residents to fill these vacancies (despite the insistence to the contrary of the Georgia governor, who suggested that former prison inmates should work the fields if they were unemployed⁷¹), resulting in an overall loss of agricultural products. Research conducted in collaboration with the state Department of Agriculture, the Georgia Fruit and Vegetable Grower's Association, the Georgia Farm Bureau, and the Georgia Agribusiness

⁷⁰ Based on archival data extracted from the Bureau of Labor Statistics, Statewide Alabama Statistics on Labor Force Participation, Employment and Unemployment Numbers, and Unemployment Rate.

⁷¹ Similarly, John McMillan, the commissioner of the Alabama Department of Agriculture and Industries, suggested that Alabama farmers should utilize inmates of correctional facilities to remedy Alabama's labor shortage.

Council (McKissick and Kane 2011) confirm that these anecdotal reports are part of a broader pattern of labor shortages across the agricultural sector in the state of Georgia.

When similar labor shortages emerged in Alabama after the passage of HB 56, farmers recruited Haitian and Eritrean refugees from other states to fill the vacancies of jobs formerly occupied by unauthorized immigrants, who supposedly had taken those same jobs from native Alabamans. In learning this, the reaction among unauthorized immigrants was unequivocal. “It’s nonsense,” exclaimed one undocumented woman, as she testified before a delegation of Washington officials on the impact of the Alabama law. She continued,

Hundreds and hundreds of people were laid off... that had been working there for twenty years. They were laid off who have, like, US citizens [children]... They were laid off. And, for a while, they bring people from Thailand, taking poor people from Thailand to take the place of the undocumented people who have US citizens... uh, children, who need the job. And I don’t know what the point of... you don’t want... You import people, and you take away the jobs of the people that [are] already here, and have attachments, and have all this... uh, have US citizen children, and take away their job so they can go on food stamps. Doesn’t make any sense.

If jobs such as these are being abandoned by unauthorized immigrant workers as a result of HB 56—as the anecdotal evidence suggests—the recent vacancies have not been filled by eager US-born workers (Addy 2012).

HB 56 in Practice: Expanding State Involvement in Bureaucratic Enforcement

On November 21, 2011, I stood among hundreds crowded into the third floor Council Chambers of Birmingham’s City Hall. The simple room, with its long wooden benches and dim lighting, looked as though it might ordinarily be quite spacious; on that day, it was cramped with media, grassroots leaders, advocates, civil rights activists, and eleven Democratic members of Congress. The Ad-Hoc Congressional Delegation, led by Representative Luis Gutiérrez, had traveled to Birmingham, Alabama to hear testimony on the impact of HB 56 in the lives of Alabamans.

According to Representative Hammon, the bill’s co-sponsor, HB 56 was designed to “attack every aspect of an illegal alien’s [sic] life.” But just how successful had the law been in accomplishing this task? In her testimony before the delegation, Mary Bauer, Legal Director of the Southern Poverty Law Center, summarized:

HB 56 has devastated the immigrant community in Alabama. It would be hard for me to overstate the human tragedy that has been unleashed upon Alabama by HB 56. Under the provisions of this law that are currently in effect, undocumented persons are unable to interact with the government—in any way and for any purpose. It has turned a significant class of people, effectively, into legal non-persons, subjecting them to a kind of legal exile. It has destroyed lives, ripped

apart families, devastated communities, and left our economy in shatters.⁷²

Bauer's testimony that unauthorized immigrants are unable to "interact with the government in any way and for any purpose" in the wake of HB 56 is hardly an exaggeration. HB 56, whose wording claims that "illegal [sic] immigration is encouraged when public agencies within this state provide public benefits without verifying immigration status,"⁷³ compels state and local governmental employees to ascertain the citizenship and immigration status of anyone who applies for state services and, in some cases, to make decisions about how or whether services are rendered based on an applicant's status. Correspondingly, this provision in the law prohibits Alabama's state and local governments from entering into "business transactions" with unauthorized immigrants. However, the law does not specify the scope of this provision.

In practice, this means that some employees of state-operated services, including employees at utility companies, public libraries, and even the Department of Human Services, have required clients and patrons to provide proof of citizenship even when proof is not technically required by law. In the days and months immediately following the bill's implementation, as institutions scrambled to interpret the law's ambiguity, public sector employees often erred on the side of caution by denying services. Accordingly, in Blount County, Alabama, an area with a larger than average population of both Latina/o and foreign-

⁷² Quoted from testimony by Mary Bauer, Legal Director of the Southern Poverty Law Center, to the Congressional Ad Hoc Delegation to Alabama, November 21, 2011.

⁷³ Excerpted from Section 2 of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act.

born residents compared to the rest of the state, the Allgood Alabama Water Works Company displayed the following notice:

Attention **ALL** water customers: to be compliant with new laws concerning immigration you must have an Alabama driver's license or an Alabama picture ID card on file at this office... or you may lose water service [emphasis in original].

From the stories told in countless organizing and advocacy workshops and chronicled by several media outlets, Alabama residents have been denied access to utilities (including water and electricity), child welfare assistance (even for US-born children), library cards, public school-sponsored after-school programs, and business licenses (Bauer 2011; Fleischauer 2011; Kennedy 2011; Pilkington 2011; Southern Poverty Law Center 2012). Immediately following passage of the law, unauthorized immigrants also worried about whether they would be able to pay property taxes and the required fees to register their automobiles and mobile homes.

HB 56 also prohibits Alabama courts from enforcing existing contracts between unauthorized immigrants and private entities, causing lawyers and immigrant rights advocates to wonder whether child support payments, work contracts, and loan and rental agreements for cars, trailers, and houses would be enforceable under the new law. Even though unauthorized immigrants are technically entitled to workplace protections, unscrupulous employers invoked this section of the law to prey upon unauthorized workers, often refusing to pay for services rendered by day laborers and other contract employees, and threatening to call

police or immigration authorities if unauthorized workers asserted their rights to compensation or safe working conditions. Private business owners, too, took advantage of HB 56. In at least one case, a used car dealership in Northern Alabama repossessed a family's vehicle—even though the car's new owners were current on their loan and had made more than \$3000 in payments on the car; the dealership manager explained simply that "He could no longer sell to 'illegals' [sic] because he might lose his business license" (Southern Poverty Law Center 2012: 27-28).

Finally, HB 56 requires public elementary and secondary schools to collect and report data on the immigration status of newly enrolling children.⁷⁴ Mayra Rangel, a resident of Alabama, testified about the days immediately following the implementation of this portion of the law at a field hearing held by the United States Commission on Civil Rights (USCCR):

The [school] bus was empty, none of the kids want to go to school, because they were scared that their parents won't—when they come back, their parents won't be there. I saw this, like, twelve-year-old running to the bus because she got a test that day. And the mother went running after her, crying, saying, "You cannot go to school." She was scared. And I was at the window looking at this—this scene. And I couldn't—They start crying. [The girl] said, "I want to go to school, Mom," and [the mom] said, "No, you can't... They can take you." And they start crying, and I start crying too. And at that point I was like, this

⁷⁴ This portion of the law, among others, was permanently enjoined by the 11th Circuit Court of Appeals on August 20, 2012. See: *United States v. State of Alabama* (<http://www.ca11.uscourts.gov/opinions/ops/201114532.pdf>).

cannot be happening. People with good hearts, with sense of justice could see that this is not right.

Contrary to the mother's fears, HB 56 does not authorize public schools or their employees to directly enforce immigration law or report unauthorized immigrant children and parents to ICE. Rather, it mandates that school administrative officials (not teachers) collect information on the citizenship and immigration status of newly enrolling students. Further, the law requires that schools submit this information to the state Board of Education, which must in turn compile data on the fiscal costs to the state of providing educational instruction, supplies, and extracurricular activities to unauthorized immigrant students. Finally, under the new law, the Alabama Board of Education is required to submit an annual report detailing these effects to the state legislature.⁷⁵ In doing so, the law cautiously tiptoes around *Plyler v. Doe*, the 1982 Supreme Court case that prohibits states from denying access to primary and secondary public education for unauthorized immigrant children. By law, the state of Alabama must provide public primary and secondary education for all residents of the state, regardless of their immigration status or the status of their parents; thus, HB 56 did not specifically deny access to education to unauthorized student residents.

Nevertheless, the intent of the law has differed markedly from the practice of the law, a contention leveled by the US Department of Justice (2012a), among other groups. Some teachers and school administrators across the state have blatantly misunderstood the law; in

⁷⁵ See Section 28 of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act.

one such example, a teacher asked a previously enrolled fourth-grader about her immigration status and the status of her parents (Lyman 2011); in another case, a mother was barred from attending a book fair at her daughter's school because she could not provide proof of authorized residency.⁷⁶ In the aftermath of the law, Latina/o children, including those born in the United States and abroad, have been harassed by school officials and students alike and told to "go back to Mexico." At one school in Northern Alabama, the principal separated schoolchildren based on their real or perceived citizenship or immigration status.⁷⁷

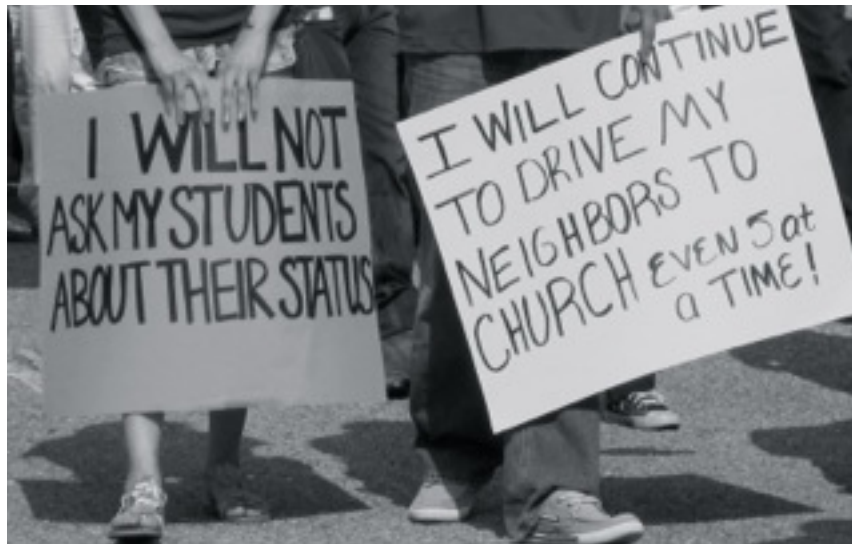


Figure 12: Demonstrators protest provisions of HB 56 in Montgomery.

⁷⁶ According to testimony from Mary Bauer, Legal Director of the Southern Poverty Law Center, presented to the Congressional Ad Hoc Delegation to Alabama, November 21, 2011.

⁷⁷ According to testimony from Isabel Rubio, Executive Director of the Hispanic Interest Coalition of Alabama, presented before the United States Commission on Civil Rights, August 17, 2012.

Thus, despite the fact that the state of Alabama is legally required to provide access to education, the implementation of this provision has, in practice, undermined the confidence of many parents. Given the potentially serious consequences of the enforcement lottery, made eminently more tangible through Alabama's new state law, many parents were deeply fearful and, much like the mother in Mayra's story, kept their children home from school. Sure enough, Craig Witherspoon, the Birmingham Superintendent of Schools, found that the city's schools experienced a higher than usual rate of student absentees after HB 56 was implemented, and newspaper articles from that time indicated that an estimated two thousand Latina/o children across the state of Alabama stayed home from school in the days immediately following implementation of the law (Gomez 2011; Robertson 2011). Several school officials, including superintendents and principals, responded to this decrease by reaching out to local communities to assure them that schools would not report children or parents to immigration officials. Nevertheless, school principals across Alabama believe that some parents continue to keep their children home out of fear, even now that this provision of the law has since been enjoined.⁷⁸ When asked directly about the "unintended side effects" of Alabama's law, such as these impacts on schoolchildren, Representative Mo Brooks responded:

I don't think they're unintended. Those are the intended consequences of Alabama's legislation with respect to illegal aliens [sic]. We don't have the money in America to keep paying for the education of

⁷⁸ According to testimony from William Lawrence, Principal of Foley Elementary School, presented before the United States Commission on Civil Rights, August 17, 2012.

everybody else's children from around the world. We simply don't have the financial resources to do that. Second, with respect to illegal aliens [sic] who are now leaving jobs in Alabama, that's exactly what we want... These aren't unintended consequences. We want illegal aliens [sic] out of the state of Alabama (Trowbridge and Weinger 2011).

|||||||

Attrition Through Enforcement: Alabama's "Self-Deportation" Strategy

Like Luís Escoto, I too traveled to Alabama shortly after HB 56 was enacted into law and went into effect. Like Luís, I noticed the border sign welcoming me to "Alabama the Beautiful," perched neatly as it was amid a backdrop of greenery and the blue ridges of the Appalachian Mountains. However, unlike Luís and many undocumented individuals before him, I did not immediately recognize the contradiction inherent in this juxtaposition. After all, "Alabama the Beautiful" is not just a phrase on an interstate welcome sign, it's also the state slogan. Evelyn Servín, an active member of a grassroots immigrant rights group in Russellville, Alabama, laughs with me about at the irony:

It's beautiful... what is outside... the things you can see, the trees, the landscape. It's beautiful, right? But the society... attacks... The society is what makes it... it doesn't allow [Alabama] to be, you know, "all that it can be." Right? [Laughs] Yeah. That's what I always say.

In fact, the state slogan has become a flashpoint for those who oppose the law, and one group has even designed shirts with the phrase “What happened to Alabama the Beautiful?” inscribed across the back. Evelyn pauses, then sighs, now serious:

Unfortunately everything that you have here can be beautiful, “Alabama the Beautiful,” your family, the roots you’ve planted here, but the values that... they... they preach on in the South... it’s not the same thing that the people practice. Because they are so religious that you can find a church on every corner. But it doesn’t have the same welcome, and all that, right? And, well, it makes me laugh to say that sarcastically, “the beauty” of Alabama, because it’s not. For all of the problems that we have, all of the problems of racism that still exist, with the poverty that exists, with the attacks on the same people, the poor, African Americans, and especially Latinos... well, it’s not so beautiful.



Figure 13: "What happened to Alabama the Beautiful?"

Undeniably, Alabama has become quite ugly—and quite unwelcoming—for many who have made it their home. The fear in immigrant communities across the state is palpable, and this is not unintentional. HB 56 and other state-level immigration laws are part of a self-declared and often-voiced extremist right-wing strategy of “self-deportation.”⁷⁹ Such policies are intended, in the words of Alabama Representative Hammon, “to make it difficult for [unauthorized immigrants] to live here so they will deport themselves” (Chandler 2011).

According to this reasoning, unauthorized immigrants will pack their belongings and return to their countries of origin once the perceived costs of living in the United States outweigh the perceived benefits (Bohon 2006). In a simple cost-benefit analysis based in classical economic theory, immigrants are “rational choice actors” who will weigh the expected future costs of increased enforcement—perhaps including lengthy detention stays and eventual removal—against the likelihood of any benefits they may derive—such as wage earnings—if they are not detained and deported; the possibility of future benefits, it may be noted, is intended to decrease significantly thanks to the bureaucratic enforcement provisions of laws such as HB 56.

Conservative pundits and immigration restrictionist think tanks claim that a strategy of “attrition through enforcement” has the added benefit of being cost effective for the United States government. If unauthorized immigrants deport themselves, they reason, the federal

⁷⁹ Ironically, the term “self deportation” was originally coined in 1994 by Mexican-American comedian and political satirist Lalo Alcaraz. Amid California’s controversial Proposition 187, and operating under the pseudonym Daniel D. Portado and the fictional political organization Hispanics Against Liberal Takeover (HALTO), Alcaraz issued a series of satirical press releases and political ads calling for Mexicans to “self-deport.”

government will save on the costs of service provision and enforcement measures, including lengthy detention stays as detained unauthorized immigrants await their immigration hearings.⁸⁰ Of course, this belief invariably overlooks the well-documented economic benefits that accrue to the federal tax system, US employers, and the US consumer as a result of the labor and purchasing power of unauthorized immigrants (Congressional Budget Office 2007; Goss et al 2013).

Initially, it seemed that HB 56 had succeeded in its strategy of self-deportation. Anecdotes from teachers, clergy, business owners, and community members suggested that many unauthorized immigrants—their students, congregations, employees, and neighbors—had abandoned the state, fleeing the law and its punitive effects. Alma Martinez, a Sunday school teacher in the northwestern Alabama town of Russellville, testified to this before a Congressional Ad-hoc Delegation: “When HB 56 came into effect, my classrooms became empty,” she explained. “The students were crying. My nieces received goodbye letters from their friends saying they had to leave.” Similarly, Isabel Rubio of HICA confirms this widespread fear in her organization’s outreach to Latina/o immigrants:

There's really been this huge terror in the Latino community, people who have been afraid to go to school, go to church, go to work, just

⁸⁰ See, for example: Vaughn (2006), *Attrition through Enforcement: A Cost Effective Strategy to Shrink the Illegal Population*; Krikorian (2005), *Downsizing Illegal Immigration: A Strategy of Attrition through Enforcement*; Numbers USA, “How Attrition through Enforcement Works”; Federation for American Immigration Reform (2008), “Attrition of Illegal Immigrants through Enforcement.”

because they're afraid that they'll get stopped for "driving while Latino." It's created a large amount of fear. And some people have left.

For some time, many of us whispered quietly of these outcomes, fearing that we would acknowledge their legitimacy by expressing them aloud; yet, Alabama newspapers were full of such stories, and several Alabama politicians loudly proclaimed their apparent victory over the state's unauthorized population.

I witnessed firsthand the devastating impact of the law on one Alabama community when, together with a group of organizers and base community members from across the Southeast, I participated in a door-knocking campaign to raise awareness about the law and the rights of individuals with respect to the law. We had converged in Albertville, a rural town in the northeastern part of Alabama that had a relatively sizeable Latina/o immigrant population. A quiet town, far removed from the hustle of the state's major cities, Albertville was launched into the state spotlight when Senator Beason highlighted it as an example of the extent to which unauthorized immigrants brought harm to the state. He argued, "The reality is that if you allow illegal [sic] immigration to continue in your area you will destroy yourself eventually... If you don't believe illegal [sic] immigration will destroy a community go and check out parts of Alabama around Arab and Albertville" (Rolley 2011). Though Albertville mayor Lindsey Lyons disputed Beason's claims, Representative Kerry Rich of Albertville agreed, arguing that his district had been overwhelmed for some time by unauthorized immigrants. Interviewed by the *Birmingham News*, Rich defended his statement, saying, "The illegals [sic] in this country are

ripping us off... If we wait for the federal government to put this fire out, our house is going to burn down” (Chandler 2011).

In teams of two or three, our group dispersed into Albertville’s Latino neighborhoods, many of which were mobile home communities that had seen better years. Equipped with a rudimentary map of the neighborhood and flyers advertising our workshop, my door-knocking partner and I walked together through our designated neighborhood, carefully inspecting each trailer for signs of life. Door after door, we knocked with no response. At a few homes, young children peeked nervously at us from behind tightly drawn curtains, then quickly disappeared. In the early twilight of the crisp Alabama fall, we wondered if residents were too afraid to answer their doors.

I would not have been surprised. I had heard stories of immigrants who refused to answer the door to strangers for fear that they were opening the door to *PoliMigra*—the blend of police officers [*la policía*] and immigration agents [*la migra*]. In Clanton, a rural Alabama town similar to Albertville, an undocumented man named Héctor told me that the police would knock on doors in his neighborhood looking for unauthorized immigrants with outstanding warrants. When someone who was not under investigation answered the door, the police would nonetheless question that unlucky person about his or her own immigration status. Sometimes, the police would wait in the street for those who refused to answer the door and would later follow and then stop the individual for driving without a license once he or she emerged from the house and headed to work or the grocery store.

For those unauthorized immigrants who lived in mobile home communities, their homes would have been easy to identify. Since the new Alabama law prevented unauthorized immigrants from entering into business transactions with the state, those who lived in mobile homes could not pay the annual fee required to renew their home's registration; thus, they could not update the decal on their home, which was visible to any passersby.⁸¹ As a result, many unauthorized immigrants who lived in mobile homes felt that they were easy targets; better to not answer at all than to risk opening the door to someone intent on inquiring about a delinquent trailer decal.

After we knocked at several homes that appeared to be inhabited, with not a single person answering the door, my door-knocking partner and I had nearly given up hope. It seemed that no one wanted to talk with us, and I wondered if our appearance was the cause. My colleague was a large Latino man, friendly-looking but possibly intimidating to those peering at us from behind curtains and peepholes; in contrast, my stature is quite small, but my appearance is unmistakably other. Still, we smiled and knocked, knocked and smiled. No answer.

Finally we came to an older mobile home in the middle of the neighborhood. The paint was worn, but the home was otherwise well maintained. It was just one of many in a long line of such homes, virtually indistinguishable from the others. I climbed the rickety wooden steps to the front door, knocked, then quickly jumped back to the packed dirt ground; the door could

⁸¹ This portion of the law, among others, was permanently enjoined by the 11th Circuit Court of Appeals on August 20, 2012. See: *United States v. State of Alabama* (<http://www.ca11.uscourts.gov/opinions/ops/201114532.pdf>).

not have opened otherwise, as the stairs were so narrow. To our surprise, the door opened a crack, then wider, as a middle-aged Latino man cautiously peeked his head through the narrow opening. We smiled. “*Hola, buenas tardes,*” we called, and rushed to explain why we had disturbed his evening. The man waved his hand at us, as if to signal that he understood why we were there and he was glad we had come. He invited us inside, and his wife emerged from the kitchen—differentiated from the cramped living room only by an oven and a few narrow cabinets—and urged us to sit at her small dining table. The man brought an extra chair, and the woman returned to the stove to hover over her *pozole* as we talked.

The *pareja* was familiar with the law; so, too, were their neighbors. Most of the community had long since gone, the man explained, abandoning their homes shortly after the law was enacted. Many had left homes filled with belongings—furniture, toys, clothing—taking only their most prized possessions. Many left in the middle of the night, without warning; there was no time to pack, no time to sell property, no time to find homes for pets, many of whom now wandered the dusty gravel roads of the community of vacant trailers looking for scraps of food. The houses that we thought inhabited were occupied not by people, then, but by the possessions and memories of those who had since left. According to media reports, the same had happened across the entire state of Alabama. One day people were there; the next day they were just gone.

As the months wore on, however, it became apparent that unauthorized immigrants had not packed up and left, abandoning the state of Alabama en masse, at least not for an extended period of time. Further, in my travels across the state, I have yet to meet a single

person who knows of someone who has “self-deported” to Mexico or any other country. Perhaps some have left the state of Alabama and settled elsewhere in the United States, out of reach of the Southeast’s transition toward punitive state-level immigration measures. Héctor, the man from Clanton, expresses frustration at such individuals: *After the law is passed they leave the state, they go somewhere else, to another state. But I always tell them: the law will just follow you, until it exists everywhere in the United States. They say if that happens, they will just go to Mexico. But I say: you should stay here and fight.*

Still, many who initially left Alabama have eventually returned, drawn back to their neighborhoods in spite of the state’s harsh policies. Although Representative Hammon has argued, “We really want to prevent illegal [sic] immigrants from coming to Alabama and to prevent those who are here from putting down roots” (Preston 2011), he is forgetting that many unauthorized immigrants are already tied to the state, and have been for some time—by jobs, children, homes, communities, and the memories of years or even decades lived in Alabama. And so, the vast majority of unauthorized immigrants and their families continue living in Alabama despite the state’s draconian law. As Evelyn Servín reflects, “This won’t force us out. You can’t [just leave]... So many roots... from so many, many years, you can’t leave it without a fight. You have to. This is your home, and you’d have to leave that too.” Soberly, she continues, “Maybe we’re not welcome here, but you have to fight for the place where you live.”

Chapter V

Framing Immigration: Narratives of Illegality and Resistance

In the end, legislators were only partially right in their assessment that state immigration laws would leave unauthorized residents with little choice but to admit defeat and return to their countries of origin. It is true that the HB 56, combined with police-ICE collaboration programs, had made life all but untenable for unauthorized immigrants in Alabama, and that the unauthorized residents of other Southeastern states nervously monitored their legislatures even as they awaited their fate in the lottery. Where the legislators erred, however, was in believing that the little choice left to unauthorized immigrants would inevitably result in their preferred outcome—“self-deportation.”

In actuality, unauthorized immigrants had one remaining option. Facing illegality in their everyday lives—in reporting a crime, driving children to school, going to work, paying property taxes and utility bills—it had become clear that they could be affected by the enforcement lottery at any moment. Yet, rather than inspiring unauthorized residents to “self-deport,” HB 56 and other increasingly restrictionist policies and practices galvanized the unauthorized community and its advocates. As Isabel Rubio of HICA recalls:

The weird twist is that we have really gotten people engaged, just realizing that, [they] might be undocumented, but [their] kids were born here, and so they have a right to be here, and [they] have a stake in this fight, so [they] have to stay and fight... People have stepped up.

People “stepped up,” so to speak, because they realized that they stood to lose the lives they had built for themselves if they did not. And so, worried for their children, their partners, and themselves, unauthorized residents of the Southeast and their allies chose the option that legislators had not expected: they fought back.

A month after HB 56 went into effect, nearly forty people—including me—gathered inside an unfinished, unheated church building in rural Alabama. Spread out in communities across the Southeast just days earlier, we had each been invited by the National Day Laborer Organizing Network (NDLON) and the newly formed Alabama Coalition for Immigrant Justice (ACIJ) for a four-day emergency workshop on HB 56. We were a diverse group for the predominantly non-Latino white town of Albertville: in addition to the handful of US-born and documented immigrant Latinas/os and white and black allies, most of those present were unauthorized Latina/o residents of cities and towns across Alabama. Now, we strategized on building grassroots resistance to the policies and practices structuring illegality in the Southeast; we had gathered to learn how to fight for the communities we called home.

Much of the workshop was dominated by discussions of structure and strategy. Francisco Pacheco, the East Coast organizer of NDLON, described in great detail the *comités de defensa del barrio* (CDBs), or barrio defense committees, that had arisen in Arizona in the days, weeks, and months preceding and following the passage of SB 1070. Modeled after the *comunidades eclesiales de base* (Christian base communities) and other grassroots communities of resistance developed in El Salvador, Guatemala, and elsewhere in Latin America (Shefner 2008; Walker and Armony 2000), these small groups of unauthorized immigrants are often

composed of families, neighbors, and friends. CDBs intend to provide the foundations of resistance to the onslaught of crimmigration laws and the vulnerabilities of unauthorized immigrants by empowering base community members with the structures and tools necessary to challenge these practices. In principle, a CDB is organized into seven different *equipos*, or teams: 1) *Equipo de Vigilancia y Respuesta Rápida* [vigilance and rapid response]; 2) *Equipo de Actividades Cívicas* [civic activities]; 3) *Equipo de Asuntos Legales* [legal issues]; 4) *Equipo de Arte y Cultura* [art and culture]; 5) *Equipo de Organización y Movilización* [organization and mobilization]; 6) *Equipo de Recaudación de Fondos* [fundraising]; and 7) *Equipo de la Escuela de la Libertad* [freedom school]. Though each team of the CDB operates independently of the others, they are managed collectively by a coordinating council of representatives from each team.

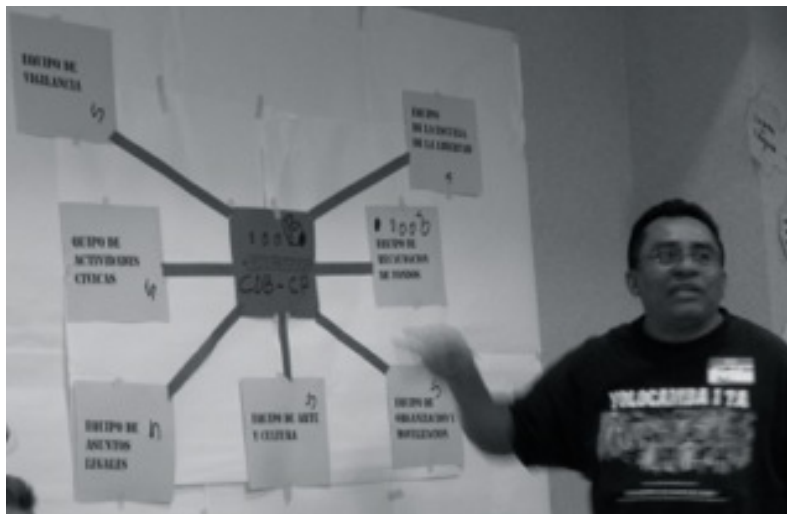


Figure 14: Francisco Pacheco describes the organization and functioning of CDBs.

Each team of each CDB fulfills an important role in challenging crimmigration policies and practices and empowering and protecting community members. The organization and mobilization team, for example, might be responsible for organizing civil disobedience actions or mobilizing individuals for massive demonstrations, while the civic activities team might coordinate a voter registration drive. Meanwhile, the freedom school team might generate accessible educational materials to teach community members about Secure Communities or other police-ICE collaboration programs, and the art and culture team might host cultural festivities to celebrate the histories and experiences of Latinas/os. The vigilance and rapid response team might organize a patrol to monitor and document police checkpoints and create a warning system for community members, while the legal issues team might develop a workshop to educate community members on their civil and legal rights.

In practice—in the Southeast, at least—organized CDBs often tackle the tasks of these *equipos* as a whole, possibly as a result of the fact that the unauthorized population in this region is comparatively smaller and more dispersed than that of Arizona. With its relatively recent history of immigrant settlement and immigrant rights organizing, the Southeast has only just begun to witness the formation of its own *comités*. Today, nearly two years after Francisco Pacheco described the organization of CDBs in this initial workshop, dozens of active groups across the Southeast, variously called *comités populares* (CPs)—popular committees—or simply *comités*, have flourished under the support and guidance of state, regional, and national immigrant rights organizations.

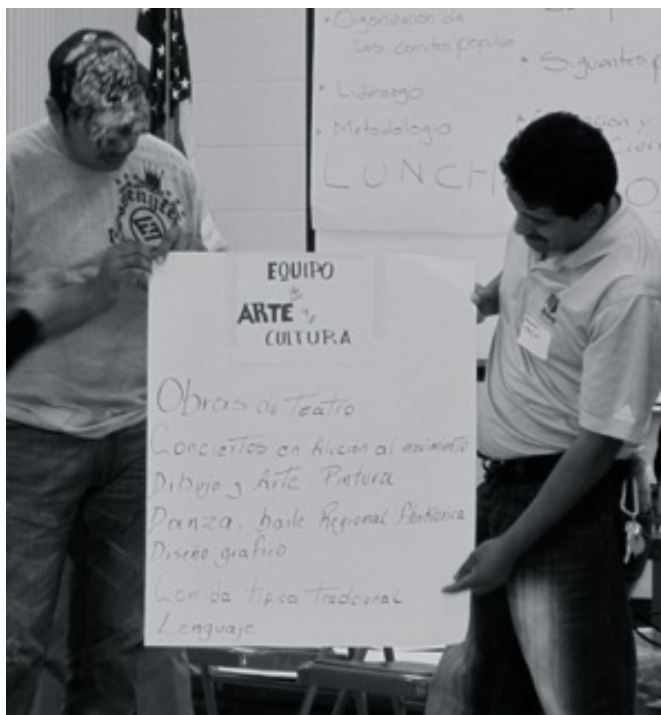


Figure 15: CDB workshop participants present ideas for a hypothetical art and culture team.⁸²



The Boundaries of the Problem

Although much of the workshop's discussions focused on the specifics of organizing *comités* and strategizing resistance to police-ICE collaboration programs and state-level crimmigration policies, our conversations carried an important subtext. Clearly, the creation of structure and tactics was essential to building visible, tangible resistance to illegality.

⁸² Text reads: *obras de teatro* [plays]; *conciertos en alusión [sic] al movimiento* [concerts in reference to the movement]; *dibujos y arte pintura* [drawings and art paintings]; *danza, baile regional folklórica* [dance, regional folk dance]; *diseño gráfico* [graphic design]; *comida típica* [traditional food]; *lenguaje* [language].

Moreover, the *comités* were also critical in providing a feeling of security for unauthorized immigrants as they lived under the twin shadows of the enforcement lottery and bureaucratic enforcement measures. However, perhaps even more fundamental to our struggle was the creation of alternative narratives of illegality, accounts that would reinterpret the “problem” of unauthorized immigration, as it is currently discussed, and reframe the debate in ways that suggest different solutions.

This became clear to me in a roundabout way, during one of the many activities built into the workshop schedule. One of the facilitators, a spry woman in her fifties, stood before us explaining the next *dinámica*—a type of game used frequently in participatory education settings. We had spent the last few hours muddling through the complexities of federal immigration policy and grassroots organizing, and the *dinámica* presented a welcome break.

I want you to think of a profession—any profession at all, she said. Something that you would have been or that you would like to be if you could have the choice. Now, imagine that—with your new identities—you are on a boat with the other people in your group. And your boat is sinking. You can only save one person on that boat. Which person would be most important to save, and why? Work in your groups to decide. You have fifteen minutes.

We had already selected ourselves into smaller groups by numbering off, one through five, in the larger circle; now, we divided. Our group broke away from the larger assembly and formed a smaller circle at the front of the church. Someone assumed the role of facilitator: *Let’s just start by saying what our professions would be—I guess you could say your dream job.*

We took turns, following the circle clockwise, each sharing our dream. Someone said musician, another said teacher. One wanted to be an artist. Another hoped to be an organizer. Our ambitions were vast, though many had been stifled in the pursuit of their dreams by their lack of proper documents. We stared at each other as the minutes counted down. *What now?*, we wondered.

And then, someone asked, *Is one of these jobs more valuable than the others?* Someone else responded, *They are all important.* Around the circle, others nodded: all of these were valuable jobs, we agreed, no more and no less important than the others.

Adán, a cheerful man, flecks of grey streaking his dark, slicked-back hair, offered, *We're all organizers, right? Who here is an organizer? Everyone raise your hands. You wouldn't be here if you weren't an organizer. So we could say that we're going to save the organizer. And there: we're all saved!*

Was it a trick question after all?

Then, someone offered a simple insight: *Why should we choose who survives based on their job? There are lots of other ways we could choose.*

And so appeared the first crack in the game's façade. Although the facilitator had implied a certain strategy to resolve the game's dilemma—selecting the survivor based on their chosen profession—there was no reason that we needed to comply with her framing of the solution.

One person proposed that we each share why we deserved to be the remaining person on the boat, a competition to determine who was best able to argue for their own survival.

Another suggested that we pick a parent, a caregiver. *Soy madre*, volunteered Marisol. *I'm a mother. Tengo dos hijos. Young.* As a mother, she reasoned, she was needed to care for others; moreover, she would raise the next generation of organizers. But really, all of us had others that we were responsible for, that we cared for, that we inspired.

An older person said, *We should pick the youngest; the person with the most life ahead of them.* We looked at Lili, a small slip of a woman, barely twenty years old and newly engaged to be married. She smiled shyly, concentrating intently on her boots, and shrugged.

Other ideas were proposed: Why not choose the wisest member of our group? The person who had the most experiences? Perhaps the person with the best chance of survival?

Adán, who had spent considerable time organizing in Arizona after the passage of SB 1070, suggested that we select the survivor at random by drawing straws: *It really doesn't matter who is left on the boat. We are all organizers, so we are all capable.*

Discomfited by the game's dilemma, I had been quiet for most of the conversation. Now, I wondered aloud: *I really don't understand. Why do we have to pick? Why can we only choose one person?*

Yes, I was wondering that as well, murmured the woman standing next to me.

From across the circle, Adán's eyes lit up. *Tengo una pregunta [I have a question],* he said, as he beckoned to the facilitator. *What's wrong with the boat?*

The facilitator stared back, revealing nothing. *I can't tell you what's wrong with it,* she said. *It doesn't matter. But you need to make a decision. You have to agree as a group who*

gets to survive. And you've only got five minutes left, so you better hurry. Then again, louder, to the entire room, *Tienen cinco minutos más!*

Pressed for time, we started throwing suggestions into the circle, rapid-fire:

Maybe we can fix the boat?

But maybe it's not big enough to hold all of us.

Could we take turns, some of us on the boat, some in the water?

Can we call for help somehow?

How close are we to land? Can we swim?

Despite the facilitator's dismissal of our question, our solutions to the game's problem had suddenly changed. And then, just as our solutions transformed, so too did our understanding of the problem:

Why is the boat sinking?

Why can we only save one person?

What are we doing on this boat?

As we asked ourselves these questions, considerations substantially broader than the facilitator's initial framing of the *dinámica*, our perspective on the game had changed. From across the room: *treinta segundos! [thirty seconds]*

How can we possibly choose just one person?

Bueno, said Adán. So we've made our decision? Let's put it to a vote.

|||||||

Together again as a large assembly, group after group presented to the audience. Each member of each group identified their desired profession; the group spokesperson then revealed the group's decision—who was chosen to survive—and their rationale. There were several teachers and artists, a doctor, a photographer. There was even a sexologist. The facilitator nodded and smiled approvingly as each group presented.

Then it was our turn. We stood in the center of the circle, linked arm-in-arm, and shared our dream jobs. Adán, the spokesperson for our group, stated our decision and explained how we had arrived at our choice: *At first, we shared our jobs, just like everyone else. But we realized that we are all organizers—and we each have strengths and ideas to contribute. And we decided that we couldn't make a decision based on our job. So we thought about other ways that we could decide—like if someone was a parent or something like that. But we didn't agree with that either. And we thought that maybe we could fix the boat, if we could just understand what the problem was. We think that we can figure it out and fix it together. So we choose not to choose. We sink or swim together.*

And does everyone in the group agree with this decision? asked the facilitator, one eyebrow arched in skepticism.

Yes! We agree. It was unanimous, we chimed.

The facilitator turned to the larger group. *This happens sometimes,* she sighed, crossing her arms. *You have a group that refuses to make a decision. They refuse to compromise. And when you don't reach a decision as a group, someone else will decide for you. So they have*

failed. None of them survived. They all drowned. Turning back to us, she said, *You can sit down now.*

Chastened, we went back to our seats. *I thought it was an interesting decision,* whispered the woman sitting next to me. *It was different.*

|||||||

The outcome of our *dinámica*—a public reprimand at our group’s failure to play correctly—is illustrative of far more than our inability to follow the rules of a supposedly simple game. In reality, the game is never as simple as it appears, even when most of the players—not to mention the facilitator—believe that its purpose is merely to engage the players in resolving a straightforward dilemma. Still, the game is presented as such, and the rules of the game are always carefully defined. If we fail to play by the rules, we may be ignored, ridiculed, rebuked—or worse.

Of course, the stakes are much higher once we move beyond the make-believe sinking boat in our *dinámica* to the question of unauthorized immigration. Here, too, framing matters: just as the problem of the sinking boat was manufactured to be resolved in a particular way, so too is the issue of unauthorized immigration structured as a specific problem with specific solutions. Thus, we are frequently told by politicians, the media, and our civic, educational, and religion institutions that unauthorized immigration is a problem and that we must reach

consensus on a solution to this problem. Though proposed solutions may vary quite extremely—ranging from violent confrontation or “extermination”⁸³ to “welcoming the newcomer”⁸⁴ and everything in between—these solutions share one important commonality: inevitably, the answers are always concealed within the boundaries of the problem that has been articulated.

“And if you say what the conversation is about, you’ve already won,” explains Pancho Argüelles, an organizer and popular educator with Colectivo Flatlander. In straightforward terms, Argüelles encapsulates Lukes’ (2005) three-dimensional view of power: the ability to shape not only the observable behaviors and demands of individuals and groups, but their very consciousness. In other words, power is the ability to influence one’s understanding of the world (or of the conversation), thereby securing compliance with taken-for-granted assumptions about the world. As Lukes (ibid: 28) articulates:

The supreme and most insidious exercise of power [is] to prevent people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that

⁸³ Examples of this are easy to find, even in the mainstream political arena. In 2010, Tennessee representative Curry Todd equated immigrant women to rats who will “multiply” uncontrollably to the detriment of the United States (Sisk 2010). Such comparisons of immigrants to vermin are quite revealing: after all, how should we deal with a rat *infestation* in our home? In 2011 Kansas representative Virgil Peck compared immigrants to another species of animal: “if shooting these immigrating feral hogs works, maybe we have found a [solution] to our illegal [sic] immigration problem (Fertig 2011).” Similarly, in 2011, Alabama representative Scott Beason urged fellow Republicans to “empty the clip, and do what has to be done” to address unauthorized immigration (Rolley 2011).

⁸⁴ This frame is particularly popular with numerous Christian or Christian-descendent religious associations and church congregations, including the Catholic Church and the US Conference of Catholic Bishops, the Presbyterian Church (PCUSA), the National Association of Evangelicals, and the Unitarian Universalist Association.

they accept their role in the existing order of things, either because they can see or imagine no alternative to it, or because they see it as natural and unchangeable, or because they value it as divinely ordained and beneficial.

This understanding of power is deeply rooted in the subject of ideology, a term that has been used to describe a host of competing and conflicting meanings and definitions. First coined by Destutt de Tracy in his call for a new branch of positivist scientific investigation, “ideology” was articulated as the study of ideas (Freedden 2003). Successive (and post positivist) iterations have brought the study of ideology into the realm of philosophy and sociology, embedding ideas—or ideologies—within society, as constructs produced and shaped by specific sociohistorical conditions.

Marx (in Tucker 1978: 53), for example, understood ideology as a “false idea” or “inverted world consciousness”—a *camera obscura* that reproduces an inverted image of society. As with Plato’s analogy of shadows on a cave wall misinterpreted for the being that causes the shadow, Marx’s understanding of ideology posits that this reproduction is not actual reality, but a distortion of that reality:

Men [sic] are the producers of their conceptions, ideas, etc. – real, active men [sic], as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these, up to its furthest forms. Consciousness can never be anything else than conscious existence, and the existence of men [sic] is their actual life-process. If in all ideology

men [sic] and their circumstances appear upside-down as in a *camera obscura*, this phenomenon arises just as it must from their historical life-processes as the inversion of objects on the retina does from their physical life-process (ibid 1978: 154).

Although humans create the social relations of society, we perceive these material conditions as though they are natural and inevitable; in Marxian terminology, the present is alienated from its sociohistorical origins. Thus, ideology is implicated in the decontextualization and dehistoricization of society and its material conditions (Abercrombie, Hill and Turner 1980; Eagleton 1991; Larrain 1994). Now perceived as natural, socially constructed outcomes seem to take on a life of their own; we assume that conditions manifest in particular ways because they have always been as such and they always will be. Moreover, we perceive that this is the natural order.

Still, Marx's understanding of ideology—and its implications for the power to shape perceptions and frame solutions—leaves something to be desired. As Thompson (1984: 5-6) articulates, "Ideology is not a pale image of the social world but is part of that world, a creative and constitutive element of our social lives." In other words, ideology is not a false image of reality, but deeply embedded within reality; although it may be created and perpetuated by particular interests, it is also a profound aspect of what is "real" about the world. Purvis and Hunt (1993: 492) elaborate, "Of course earthquakes occur, and their occurrence is independent of consciousness; but it is their construction... that determines whether they are 'movements of tectonic plates' or manifestations of the 'wrath of gods'." Just so, the migration of humans

occurs, but it is the construction of national boundaries and belongingness, and the framing of narratives of illegality and their consequences for the vulnerability of people, that determine how we understand and resolve the “problem” of unauthorized immigration.

Gramsci (1971) expanded the understanding of ideology by exploring its role in manufacturing consent through the creation of hegemonic paradigms. In the Gramscian view, intellectuals create “conception[s] of the world” (ibid: 9), or ideological frameworks, that legitimate authority in such a way that we do not even realize or recognize the imposition of boundaries on our thought processes. Such conceptions are the ideological foundations that structure the social world, thereby defining what is possible—and what is not.

Just as our group was instructed in the *dinámica* to resolve the problem as defined—by collaboratively identifying a survivor, rather than trying to identify what was causing the boat to sink or, more broadly, why we were on the boat to begin with—so, too, are we urged to address unauthorized immigration from within a framework that characterizes unauthorized immigrants or unauthorized immigration as a/the problem. In both circumstances, the “problems”—as they are understood—have been manufactured, and the decision-making process that has led us to this understanding has been neatly obscured—even for the facilitator, in the case of the *dinámica*, and for mainstream US society, in the case of unauthorized immigration and illegality. As such, this framework takes for granted the

assumption that unauthorized immigration is, in itself, problematic, and that illegality is a social fact unconnected to its sociopolitical origins.⁸⁵

This is no small matter. Portes (1978) charts the transition of unauthorized migration from “pattern” to “problem,” articulating a redefinition in the framing of unauthorized migration. According to Benford and Snow (1998: 198), frames are the process of “assign[ing] meaning to and interpret[ing] relevant events and conditions in ways that are intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists.” Frames, as both embedded in ideology and extending from ideology, guide our beliefs and actions—including our proposed solutions—by guiding our understanding. Thus, in “The Framing of Immigration,” Lakoff and Ferguson (2006) write,

Framing is at the center of the recent immigration debate. Simply framing it as about “immigration” has shaped its politics, defining what count as “problems” and constraining the debate to a narrow set of issues. The language is telling. The linguistic framing is remarkable: frames for illegal immigrant, illegal alien, illegals, undocumented workers, undocumented immigrants, guest workers, temporary workers, amnesty, and border security. These linguistic expressions are

⁸⁵ Of course, there is no denying that there are problems associated with unauthorized immigration *as it is currently constructed*, i.e., through the lens of illegality. As I detailed in chapters three and four, illegality ensures the constant reproduction of an eminently vulnerable class of people, and this sociopolitical condition is produced directly through the act of unauthorized migration and indirectly through the creation of national borders and policies and practices that enforce these borders. However, to say that unauthorized immigration exists as a problem unto itself is to ignore the systematic creation of illegality and its consequences, as well as the conditions that gave rise to this social relation to the state.

anything but neutral. Each framing defines the problem in its own way, and hence constrains the solutions needed to address that problem.

Expressed in this way, the framing of unauthorized immigrants and unauthorized immigration as a problem reinforces narratives that attempt to hold immigrants accountable for their unauthorized status. If the problem of unauthorized immigration is further specified as a problem of the choices of individual unauthorized immigrants, the solution (and the blame) must necessarily focus on rectifying the individual wrongs of individual immigrants. Thus, one solution to the problem of unauthorized immigration—the criminalization of unauthorized immigrants and increased enforcement through police-ICE collaboration—derives from the narrative that unauthorized immigrants are criminals and/or terrorists who disregard our borders and hence threaten our national security (Flores 2003; Jacobson 2008; Kilty and Haymes 2000; Lakoff and Ferguson 2006a, 2006b; Mariscal 2005). In this version of the problem, unauthorized immigrants are framed as a dangerous, destructive element that carries drugs, disease, and violence to the United States and threaten the sovereignty and security of the nation. A second solution to the “problem” of unauthorized immigration—the bureaucratic enforcement of illegality through state-level crimmigration policies—derives from narratives of unauthorized immigrants as an economic drain on citizens, authorized workers, and “taxpayers” (Huang 2008; Newton 2008). Here, unauthorized immigrants become a burden on society, depriving authorized residents of resources, services, and decent wages. In both of these solutions, individual unauthorized immigrants are held accountable for their offenses through the omnipresence of illegality.

Proposals to resolve the illegality of unauthorized immigrants sometimes manifest in alternatives that extend beyond the individual. In some instances, the problem of unauthorized immigration is articulated as a class of unscrupulous employers who preferentially hire unauthorized workers for their cheap and exploitable labor (but also note that the corollary to this is a class of unauthorized workers who are willing to work under such conditions); the solution to unauthorized immigration, then, becomes about constraining the autonomy of employers and unauthorized workers through workplace raids, E-Verify, fines for those who hire unauthorized labor, and charges of identity theft for those employed with false documents. A more humanistic articulation views the problem of unauthorized immigration through the backlog of visa applications or the lack of diverse, efficient, and accessible pathways to legal residency and citizenship; given this framing of the problem, the answer to unauthorized immigration is to modernize the immigration bureaucracy and liberalize immigration policy.

Though each of these proposed solutions differ in their approach (reflecting, perhaps, ongoing disagreement over *how* unauthorized immigration is framed as problematic), they nevertheless begin with the premise that unauthorized status is the basic problem that must be resolved. Yet, the conceptualization of unauthorized immigration and unauthorized immigrants as a/the problem is not a false understanding of reality, in Marxian terminology, but constitutive of reality: in other words, this understanding of the problem actively creates the reality that we inhabit. This framing—of unauthorized immigration as a problem unto itself—obscures and naturalizes the social conditions of unauthorized immigration, including the policies and practices that contribute to the international migration of people and the creation

of borders and laws that contribute to their status as unauthorized. Thus, this framing obscures the sociopolitical conditions of illegality (De Genova 2002). Rarely is unauthorized immigration described as a symptom of a broader problem—the need for cheap and exploitable labor in a globalized, capitalist society; the impact of neoliberalism on nations left vulnerable from histories of colonization; and the creation of immigration policies resulting from the violent imposition of sovereign borders—that maintains and endlessly recreates both vulnerability and illegality. And so, to paraphrase Argüelles, once you’ve articulated the problem, you’ve already won.



It is clear from our conversations that Argüelles is familiar with, and has been influenced by, an understanding of ideology. Concepts of power and hegemony have informed his work as a popular educator, including his co-authorship of the *BRIDGE* (Building a Race and Immigration Dialogue in the Global Economy) curriculum, a collection of resources and *dinámicas* that seek to re-contextualize and re-historicize the story of international migration. One such exercise, which Argüelles elaborates in detail, presents a pictorial history of US immigration policy that extends far beyond what many would consider relevant. Included in the timeline are images of slave ships, the Trail of Tears, the US Border Patrol, and sky-high border fences crowned with spirals of barbed wire. There are also representations of the Chinese Exclusion Act, the Bracero program, IRCA, IIRIRA, and the North American Free Trade Agreement (NAFTA).

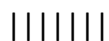
Those who participate in this exercise are invited to tour the timeline, reflect on the images and their significance, and add their own or their ancestor's migration history. Were their ancestors impacted by the forced migration of Africans into slavery or of Native Americans from their tribal lands? Did their ancestor's arrival coincide with the Naturalization Act of 1790, which dictated that only "free white persons" could become citizens of the United States? Were they affected by the ban prohibiting immigration visas for sexual minorities—lifted only recently in 1990—or by the ongoing Defense of Marriage Act, which prohibits immigration and citizenship acquisition for same-sex couples through the traditional path of family reunification?

According to Argüelles, the intention of exercises such as the timeline is to contextualize contemporary expressions of immigration law (and, by extension, illegality) within the history that has shaped where we are today. In doing so, we reframe the issue of unauthorized immigration as much broader than the simple act of a solitary individual violating the sovereign borders of the United States. In this light, the "problem" of unauthorized immigration becomes a different problem altogether. Argüelles explains,

The main goal in some of these exercises is to define the conversation. This conversation is not just about me and you and the group of people who cross the border without papers. The conversation is not about how they are "job-takers." The conversation also has to be about how they have to cross the border... before it was there. Who put it there, and then who made it illegal to cross it without papers? Because that wasn't [always] true. And so you are starting to add more history as the

product of human interaction, not as a natural given thing. This situation is the product of human decisions and political will.

Just as the terms of the conversation dictate the outcomes of the conversation, so too are the problem's possible solutions delineated by the understanding of the problem and by those who have the power to define—or frame—the problem. As it was presented in our workshop, the *dinámica* was about working together to achieve consensus, building compromise within our movements, and reflecting on the difficulty of the decision making process when under time constraints or other duress. But our group refused to accept the terms of the game, and so we refused to commit to the game's prescribed solutions. We redefined the problem, and hence its solutions, just as many unauthorized immigrants and their allies struggle to redefine the “problem” of unauthorized immigration.



Storytelling Resistance: Narratives of Existence, Deservingness, and (Il)legitimacy

The framing of a particular issue as a problem may propagate narratives that legitimize the vulnerability of marginalized identities, but it can also guide social movements of resistance by aiding movement actors to challenge dominant narratives. Just so, immigrant rights actors counter the interpretation of unauthorized immigration and unauthorized immigrants as a/the problem by providing alternative narratives that resist illegality. In the Southeast, three overarching narratives of resistance—existence, deservingness, and (il)legitimacy—offer

alternative accounts of threat and opportunity that compete with the dominant framing of the problem. The first two narratives—existence and deservingness—challenge the precepts of illegality through accounts that focus primarily on individuals; the latter, through accounts that focus on institutions and structures. Although these narratives provide resistance to illegality, they also structure the ways that resistance happens, often reproducing illegality and the vulnerability of unauthorized immigrants in unintended ways.

Narratives of Existence

Claiming one's identity as unauthorized—or “coming out”—provides an important counternarrative in resistance to illegality and serves a number of purposes, both ideological and strategic. Those who are not unauthorized—including most academics, journalists, and politicians—tell the stories of unauthorized immigrants all too frequently; regardless of whether these stories cast unauthorized immigrants in a positive, negative, or neutral light (Chavez 2001, 2008; Coutin and Chock 1996), they stem from the standpoints of those who are not themselves unauthorized. In contrast, the narratives of existence utilized by unauthorized immigrants highlight the complexity and strength of those living the status through the voices and standpoints of those directly affected—the base community.

“Coming Out of the Shadows”: Confronting Illegality in Private and Public Spaces

There are several reasons why unauthorized immigrants do not publicly articulate their immigration status. For the most part, however, these reasons are neatly summarized by a

single word: fear. Unauthorized immigrants fear the stigma associated with their status (Abrego 2008, 2011), its impact on their family stability (Dreby 2012), and its implications for their place in the enforcement lottery. Ultimately, then, many unauthorized immigrants are reticent to publicly admit their status because they fear the consequences stemming from their detection, a concern that has been greatly compounded by the policies and practices that structure illegality in everyday life in the US Southeast. Even among those who are actively involved in immigrant rights work, many are uncomfortable with claiming their status or the status of family members. One such individual—who agreed to share their⁸⁶ story with me under the condition of confidentiality—expressed their fear as follows:

It really affects me not being able to know if my [partner] will make it home tonight, or if [my partner] is going to be able to see [our] kids tomorrow. We were separated for almost two years, and we still can't fix [my partner's] immigration status. So I know what it's like to be separated from a family member. I know what you suffer. I know that the system is broken, me being a citizen, our children being citizens, and [my partner] still can't get... papers... I know what it's like to live in the shadows, having to hide, having to be careful. It scares me a lot because [my partner] has to drive an hour [to work] and an hour back... It was always, "When you're leaving your workplace, call me. When you get home, call me. If you're halfway, call me. When you get there, call me." I won't see [my partner] until 5:30, because I'm working, but [my

⁸⁶ Here, as in the quote, I have substituted a non-gender specific pronoun or noun in place of the speaker's original words in order to protect their confidentiality to the greatest extent possible.

partner] sends me a text: “OK, I’ve left work.” [My partner] sends me another text: “I’m here.” [My partner] sends me another text: “I’m at home,” because [my partner] has to pass by the school to pick up the kids. So, firsthand, I know what it’s like. I know what it’s like to be separated from your family.

Although this couple is deeply involved in immigrant rights work—even assuming leadership positions in the *comité* of their Southeastern town—they do not often share their personal reasons for participating in the work, nor do they publicly acknowledge their family’s mixed immigration status. In fact, they have good reason to keep the details of their situation private, as one partner has violated a prior order of removal in order to remain with their family, a violation that—combined with previous and current unauthorized residency in the United States—makes this individual a “high priority” for removal, according to the discretionary guidelines outlined by ICE.

Still, for every individual who is understandably terrified at the prospect of publicly confronting her or his status or the status of a loved one, there are many who feel that their silence is more taxing than their voice. In fact, many speak of “coming out” as an experience that frees them from their hiding place, the space of nonexistence. One such person is Alysa Medina, a US-born citizen of the United States, whose husband, Luis, is undocumented. Knowing well the risks associated with their public admission of Luis’s status, Alysa explains:

We’re... tired of hiding [laughs]... We’re just tired of not being able to be who we really are, and this is part of who we are. We’re a mixed

family⁸⁷ with an undocumented parent, and we're fighting hard to really change that. And so, I think we've both decided that instead of hiding anymore, we really just... we want to... be more open about it.

Publicly claiming one's identity as undocumented, then, can be a freeing experience, a confrontation with a painful truth in a society that stigmatizes the unauthorized immigrant. This stigma is reinforced through the reproduction of illegality and its supporting narratives of criminality, which hold individual immigrants accountable for their status despite policies that make it virtually impossible for many to migrate lawfully or regularize their status.

For many immigrant rights actors who are unauthorized, revealing one's name and status has become a commonplace defiance of the stigma that is associated with this identity. Many of those who are directly affected by immigration restrictionist policies and practices, and who are actively involved in immigrant rights movements have long been outspoken about their status. Organizing workshops are often spaces where unauthorized immigrants share accounts of loss and hardship, hope and triumph—not just in their campaign successes, but in their personal stories as well. Publicly, these storytelling sessions take the form of “coming out” ceremonies, where participants take turns openly naming and claiming their identity in front of a crowd of supporters. In these spaces, participants share their name and their story with the audience, adding, “I am undocumented and unafraid,” and, increasingly,

⁸⁷ Here, “mixed family” is used as shorthand for “mixed-status family,” a family whose members have different immigration statuses. In such families, at least one member is unauthorized, while others are either US citizens or authorized immigrants. Alysa and Luis Medina, as well as the unnamed couple, are among an estimated at least nine million people (Taylor et al 2011) living in mixed-status families in the United States today.

“unapologetic.” These declarations are regularly punctuated by the applause and loud cheers of the audience. Movement participants have openly revealed their status through public hearings, television and radio programs, blogs and online videos, and newspaper articles. Many have openly proclaimed their status through signs and loudspeakers during marches, rallies and civil disobedience actions. These demonstrations privately and publicly confront the stigma of unauthorized status, normalizing the individuals who inhabit the identity.

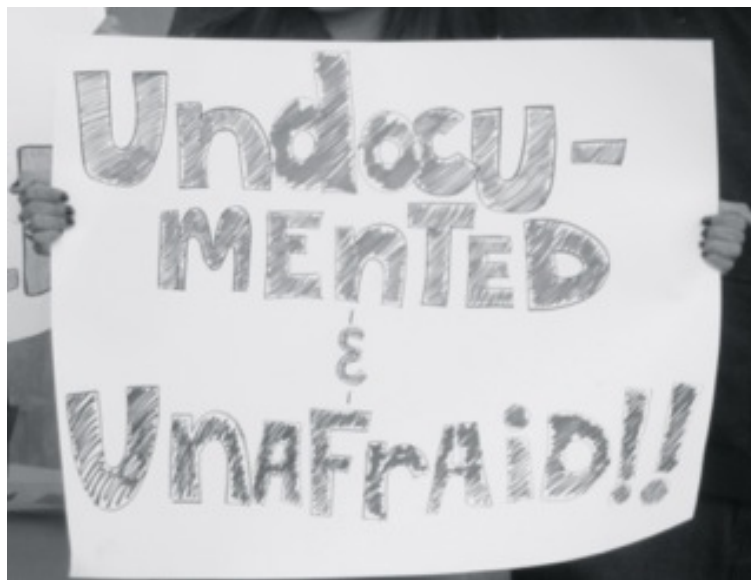


Figure 16: "Undocumented and unafraid."

Making the Invisible Visible: Confronting the Spaces of Nonexistence

In “coming out” as undocumented, unauthorized immigrants articulate the actual bodies that inhabit these spaces of nonexistence, making the invisible very much visible and present in everyday life. In this sense, then, narratives of existence serve an important ideological function. If illegality is a space of nonexistence, as Coutin (2003) has suggested, or

an underground and shadowy presence, as those within immigrant rights movements articulate, then “coming out of the shadows” is a direct confrontation with the sociopolitical condition of illegality. Unauthorized immigrants reject the space of nonexistence and its implications for their access to civil, political, and social rights by occupying space in public life—not only physically, through marches and demonstrations, but ideologically, through narratives of existence.

From a space of marginalization, the right to tell one’s own story—to articulate a claim to knowledge, even about oneself—is a source of power. Like the subaltern— those who are actively marginalized and excluded from the hegemonic discourse and structure of society (Amin 1988; Chatterjee and Jeganathan 2000; Guha 1988; Mignolo 2000; Spivak 1988)— unauthorized immigrants are defined primarily in terms of their relationship to power. The sociopolitical condition of illegality, and its attendant spaces of nonexistence, are premised on vulnerability and the reproduction of marginalized identities. The unauthorized—their voices, their experiences, and even their bodies—are rendered invisible *on their own terms*, as narratives of illegality actively define the nature, being, and “problem” of unauthorized immigrants. In these spaces of nonexistence, unauthorized immigrants struggle against narratives of illegality that seek to define them as villainous others—a destructive and dangerous element that siphons scarce resources from the country and menaces citizens and other authorized residents with violence, drugs, and disease. In sharing their own narratives of existence, unauthorized immigrants confront these interpretations and offer alternative accounts.

Narratives of existence also serve a strategic function, in that they convert the unauthorized from a nameless, faceless, and monolithic other into a collection of individuals with specific, and often shared, biographies. Internal to immigrant rights movements, narratives of existence (much like Pancho Argüelles' immigration history timeline) serve an important function as a consciousness-raising tactic, enabling individual immigrants to see that their personal stories are part of a collective history of unauthorized migration and the enforcement of illegality (Richardson 1990). Externally, the act of making visible the invisible also attempts to strategically reframe the popular conversation around immigration enforcement and illegality by encouraging reflection among those who are not unauthorized. Tania Unzueta, an undocumented immigrant who resides in Chicago but who has been active in organizing in the Southeast, thus finds that narratives of existence enable those who are not unauthorized to see the collective impacts of illegality on individual immigrants:

It's a lot easier to connect what was happening at a federal level with what's happening in our everyday communities when people know that it affects me and my friends. When people know that, you know, that when we're talking about immigrants and "criminals" and all those people who "should" be deported, that it's not these numbers, that it's people, that it's people like me, people like my mom, my sister... And we really think that changed how debate happens, that we've become a face, instead of a number.

Here, Tania suggests that public "coming out" ceremonies are fundamental to highlighting the identities of the individuals who inhabit the status of unauthorized immigrants, not just for the

unauthorized themselves, but for those who are not unauthorized. This, in turn, is crucial to reframing popular narratives of unauthorized immigrants and unauthorized immigration, as the unauthorized “other” becomes an individual person, rather than an abstract representation of the more than eleven million unauthorized immigrants in the United States today.

Some anecdotal evidence supports the strategic usefulness of this tactic. In 2013, Utah Republican Representative Stephen Sandstrom, who once championed his own state’s copycat version of Arizona SB 1070, publically announced his hope that such laws would be overturned by the Supreme Court; at this time, Sandstrom also called for the passage of the DREAM Act, which would provide a path to legal residency and citizenship for many unauthorized youth. According to Sandstrom, his conversion happened after a young undocumented woman approached him during a town hall meeting and stated that she had little future in the United States without a social security number, despite the fact that she had excelled in high school. Sandstrom explained, "Nothing else I'd heard from anybody shook me to the core more than that statement... I thought this girl who put her hand over her heart and said the Pledge of Allegiance was in every way an American, and she really is an American" (Montero 2013).⁸⁸ It is significant that Sandstrom’s opinions about (some) unauthorized immigrants have apparently shifted in the wake of his interactions with this undocumented woman. What remains unspoken, however, is that the individual histories and biographies of those who publicly

⁸⁸ Note, however, that Sandstrom’s comments were spoken at a Republican-sponsored “Latino Appreciation Day” at the Capitol, as the Republican Party struggles to recruit Latina/o membership following the 2012 presidential election.

“come out” as undocumented structure not only the “face” of the unauthorized, but also the resistance; in fact, some biographies are framed as more deserving than others, even by movement actors—a point I return to later in this chapter.

Claiming one’s identity is essential to making oneself the subject, rather than the object, of one’s own biography, and thus “coming out” as undocumented provides the capability and justification for unauthorized immigrants to demand a role in the decision-making process concerning the “problem” of unauthorized migration. Tania explains:

We realize that... we need a seat at the table, if you will, in terms of discussing the solutions around immigration. And one of the ways in which I think we are able... to almost justify our seat at the table is by letting people know that we are directly affected and that we should be there... I think as we started to talk about being undocumented ourselves, one of the things that we realized is that there is very little voice of undocumented people within the dialogue of what needs to happen around immigration reform, because, obviously, at a federal level, at a national level, none of our legislators are undocumented. There [are] very few undocumented people who are leading organizations, even. So, like, even in our own movement it often becomes hard to have undocumented people at the forefront. And... I think it's important to listen to those people who are being directly affected by legislation and by the policies that we are trying to change. This doesn't mean that it should be the only voice, but if there are no undocumented voices I think that that's a problem.

Tania’s call for a “seat at the table” is crucial to asserting the subjectivity of a population that is

often spoken for and spoken about by those who are not directly affected by the policies and practices of illegality. In fact, when the US Commission on Civil Rights (USCCR) organized a field hearing in Birmingham, Alabama to gather information on the civil rights implications of state immigration laws, no unauthorized immigrants were originally invited to testify on the impact of such policies in their own lives. The panels included policymakers and legislators (including Kansas Secretary of State Kris Kobach, the legal architect of Arizona SB 1070 and other “self-deportation” policies, and Alabama Senator Scott Beason, the author of Alabama HB 56), civil rights lawyers (including Mary Bauer of the Southern Poverty Law Center, Victor Viramontes of the Mexican American Legal Defense Fund, and Tammy Beshers of South Carolina Appleseed Legal Justice Center), leaders of immigration restrictionist and nativist extremist (Southern Poverty Law Center 2007) organizations (including Mark Krikorian of the Center for Immigration Studies, Chris Chmielenski of Numbers USA, and Dan Stein of the Federation for American Immigration Reform), law enforcement officials, academics, and educators.

When I asked Commissioner Martin Castro, the Chair of the USCCR and a Democratic appointee, about the composition of the panels, he sighed heavily and explained:

Both sides... recommended panelists that they wanted to see. The conservatives, of course, recommended conservative panelists, and those on the Democratic side suggested and recommended more progressive panelists in an effort to try to find a balance... My conservative colleagues invited folks with whom I strongly disagree.

Though his original proposal had included space for the testimony of an unauthorized

immigrant, Commissioner Castro explained that the Commission had been unable to identify an unauthorized immigrant to testify during the hearing. However, it became apparent in the moments preceding the hearing that something had changed, as Commissioners Castro and Michael Yaki—another Democratic appointee—talked excitedly with an organized group of undocumented activists and allies who had shown up to protest some of the speakers. Later that day, during the testimony of Kris Kobach, a handful of undocumented activists rose from their seats and lifted fabric signs with the word “undocumented” printed in bold, capital letters.



Figure 17: Maria Reyes “comes out” in Birmingham.

As the hearing drew to a close, and the invited panelists had all spoken, Commissioner Castro insisted on additional time for two undocumented activists to present their testimony. Thus, in “coming out” during the hearing, undocumented people created space for the recognition of

their identities and role in the decision-making process.

“Coming out” publicly as undocumented serves yet another important strategic function, as it provides the ability for immigrant rights actors to organize against enforcement proceedings that target specific people. As immigrant rights movements raise public awareness about immigration enforcement, challenging the narratives of illegality through narratives that render visible those who inhabit the status of unauthorized, they create the possibility to influence the outcomes of enforcement. Tania explains:

Just on a strategy level, it is a lot safer to organize as an undocumented person when people know that you are undocumented. I mean, what we have seen is that people who are “out” and who have the public support of their community, and sometimes public support from their legislators, are going to get noticed if they get placed in deportation proceedings, if they have an ICE hold, and... their detention could lead to action. And we know that people who are supported by the public, when people pay attention to their deportations, they’re less likely to be deported... “Coming out” really plays into... survival of being undocumented in the United States.

In itself, “coming out” as undocumented does not guarantee one’s safety from the enforcement lottery. However, when unauthorized immigrants are connected to an organized community that can be mobilized to action, they may be able to influence administrative decisions on an individual’s removal. Azadeh Shahshahani of the ACLU of Georgia agrees, but she adds an important caveat:

It's in our experience that if a case comes to our attention, the grassroots groups' attention, if there's a campaign mounted to get that person released, they don't have a criminal record, and they're considered so-called "low priority," then there's a good chance that the person will be released. But there's thousands of other cases where family may not be in touch with any organization, they may not have the resources, and so that person could... languish in the local jail... and then eventually they are picked up and deported. I think... the onus is now on the community to be super vigilant.

Azadeh highlights the fact such resistance does not create structural change in the enforcement lottery; each "case"—each unauthorized immigrant apprehended through the policies and practices that structure everyday illegality—must be defended from removal on an individual basis. Not only does this mean that unauthorized immigrants and their advocates carry the burden of remaining "super vigilant," it also means that the individual histories and biographies of unauthorized immigrants, expressed through a rhetoric of deservingness that prefers non-"criminals" and other low-priority cases, will influence the outcomes of their cases.

In this vein, national organizations like *Presente* and United We Dream have utilized online petitions, gaining hundreds of thousands of signatures, to implore Immigration and Customs Enforcement, its parent organization—the Department of Homeland Security, legislators, and other institutions and authorities to halt a particular person's impending deportation. Statewide coalitions and grassroots organizations in the Southeast have replicated this model, relying on such petitions to encourage the favorable application of prosecutorial

discretion. In these prominent cases, the unauthorized immigrants who face removal are almost always storied as dedicated workers, parents, students, volunteers, churchgoers, and other deserving identities.

Narratives of Deservingness

In articulating the right to define themselves, unauthorized immigrants express their right to exist within the United States. Thus, narratives of existence create space for, and often develop into, narratives of deservingness. Simply, narratives of deservingness confront illegality by arguing that some unauthorized immigrants are, in fact, deserving of legality.

Narratives of deservingness have been used by various factions to legitimize or delegitimize access to legality, public entitlements, health care, and more (Calavita 1996; Coutin and Chock 1996; Ngai 2004; Willen 2012). In justifying the policies and practices that structure illegality, those who make, advocate, and implement policy often use inflammatory rhetoric to articulate myths and popular misperceptions that portray unauthorized immigrants negatively. For example, Michael Savage (2008) once claimed on his radio talk show that unauthorized immigrants are “killing our police for sport, raping, murdering like a scythe across America.” In 2010, Tennessee representative Curry Todd equated unauthorized immigrant women to rats who “multiply” uncontrollably in order to exploit social welfare entitlement programs (Sisk 2010). In accounts such as these, unauthorized immigrants subvert the United States by breaking laws, exploiting resources, and sabotaging the nation’s integrity; consequently, unauthorized immigrants are undeserving of the United States—and, by extension, of legality.

In contrast, narratives of deservingness challenge the idea that unauthorized immigrants are “bad” (i.e., lawbreakers, criminals, abusers of public assistance) by showing instead that they are “good” (i.e., hard workers, taxpayers, innocents), and therefore that they deserve access to the United States and legality. Accordingly, such narratives combat myths about unauthorized immigrants and their contributions to the economy, perceived criminality, and use of services. Importantly, these narratives often rely on assumptions that frame criminality and indolence as non-deserving in order to articulate deservingness.

Martyrs, Workers, and Criminals

The narrative of deservingness often manifests through claims of substantial suffering in the service of family commitments, as in the public testimony of one undocumented woman:

I came to the United States when I was sixteen years old. I came for extreme poverty. My dad died from cancer when I was eight years old. My mother had to work a lot. And when I was sixteen years old, my mother got sick because she worked so much. And at that point, I decided I couldn't take it anymore, and I had to do whatever it takes to support my family, because it was *my* turn. They offer me to come to the United States, and I cross the desert and I risk my life. It was a tremendous fear. It was... we run out of water, we run out of food, and I thought I was going to die. I never wanted to come here illegally [sic], I promise you. None of the people that was there wanted to come here illegally [sic], none of us looked for it. It was a group of twenty people, and I was the only woman, sixteen years old. I was terrified. But my

thoughts were on my mom and my sister in Mexico, and I was willing to give my life for them. I came to the United States. I trust in [God], he gave me the strength to come here... I graduated from high school, because that's why I came here, that's why immigrants came here, to work hard... I'm sure that the 99 percent of undocumented [people] are like me, 'cause I don't know anybody that is not here for a good reason and are not suffering, because we're not with our loved ones. I graduated from high school and I—I'm in college. I'm trying to get my Bachelor degree. And it's obstacle over obstacle over obstacle. And now this law [Alabama HB 56] that's trying to punish... people like me... I can't understand why you want to punish people like me, put them in jail, put me in jail, or... take me away from working. 'Cause I never got tuition... for free. I work every [day], three jobs sometimes. I have to support myself and my family in Mexico [emphasis in original].

Individual migration stories such as these are commonplace in the lives of unauthorized immigrants, particularly those from Mexico, who are more likely to enter the United States without inspection rather than overstay their visas (Massey and Riosmena 2010). Many unauthorized immigrants have stories of martyrdom through pain and suffering, a fact that reflects their immigration status and the very real consequences of illegality in their daily lives. That such accounts are standard fare makes them no less valid, nor less sympathetic. In fact, it is easy to see why such narratives are appealing: by framing unauthorized immigrants as hard workers and people who have, often quite literally, abandoned their homes, countries, and everything else to provide for themselves and their families, these stories fit into dominant cultural narratives of rugged individualism and the “American Dream,” complementary ideals

reflecting deeply held beliefs that—in the United States at least—everyone can succeed, as long as they work hard enough.

The framing of unauthorized immigrants as hard workers is particularly pervasive in the narrative of deservingness, and it is used alike by immigrants and their advocates. In part, this narrative attempts to deny accusations that immigrants “abuse” public welfare programs, such as the Supplementary Nutrition Assistance Program or Emergency Medicaid, accusations that are leveled primarily at immigrant women (Huang 2008). As in the previous quote, accounts of suffering often emphasize the fact that unauthorized immigrants have never taken or received anything “for free,” despite their need; instead, unauthorized immigrants are framed as exceptionally dedicated workers who provide for their own necessities⁸⁹ (Coutin and Chock 1996). Implicit is the racialization of both welfare recipients and hard workers, including commonly held stereotypes about “lazy” African Americans and “efficient” Latina/o workers (Neal and Bohon 2003).

Stemming from these accounts of deservingness is the rhetoric that immigrants—especially the unauthorized—are willing to “do the jobs no one else will” in order to provide for themselves and their families. This frame implies that unauthorized immigrants are willing to labor in “dirty jobs” that are both arduous and tenuous, under conditions that are frequently risky, uncomfortable, and exploitative, and often in exchange for little pay and few benefits.

⁸⁹ In fact, as a result of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), the 1996 Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), and subsequent measures, both authorized and unauthorized immigrants are restricted or prohibited by law from receiving many government assistance programs (Fix 2009).

Accordingly, this line of reasoning assumes that US-born workers are unwilling to work in such employment, a foundational belief that, in turn, objectifies and naturalizes the conditions of this labor. Just so, one prominent scholar joked from the podium at a 2011 national conference on immigrant integration about whether there was “any way you can get landscaping done without undocumented workers.”

Claims that allude to unauthorized immigrants as hard workers are often used to articulate a narrative of deservingness by counterposing those who deserve leniency from the enforcement lottery and everyday illegality against the non-deserving. This is clear in the exhortation that “We [unauthorized immigrants] are workers, not criminals,” a catchphrase that appears frequently throughout speeches and protest signs at immigrant rights rallies. Here, workers are constructed as desirable (and deserving), while “criminals” are both undesirable and undeserving. In confronting the specter of criminality, an omnipresent threat that has been encouraged through new mechanisms of immigration enforcement such as police-ICE collaboration programs and bureaucratic enforcement policies, unauthorized immigrants argue that they migrate to the United States to work, not to break the law; they are workers—not criminals.

Just as claims of welfare dependency and indolence are racialized in US popular consciousness, both the subject of crime and the figure of the “criminal” are racialized in ways that ensure that people of color—particularly African Americans and Latinas/os—are disproportionately likely to be *criminalized* (Alexander 2012; Russell-Brown 1998). Thus, the disproportionate policing of low-income communities of color guarantees that law

enforcement will more often detect criminalized activities in these communities. Combined with the disproportionate arrest and sentencing of people of color, these factors fuel perceptions of criminality. Latinas/os, in particular, are criminalized by their illegality, and they are illegalized based on perceptions of language, skin color, and appearance (Menjívar and Abrego 2012b; Romero 2006), as well as their portrayals in popular culture (Chavez 2001, 2008). Thus, the assertion that “we are workers, not criminals” confronts the reality of criminalization and illegalization by articulating an alternative narrative of an identity seen as more deserving: workers—and *hard* workers, at that.

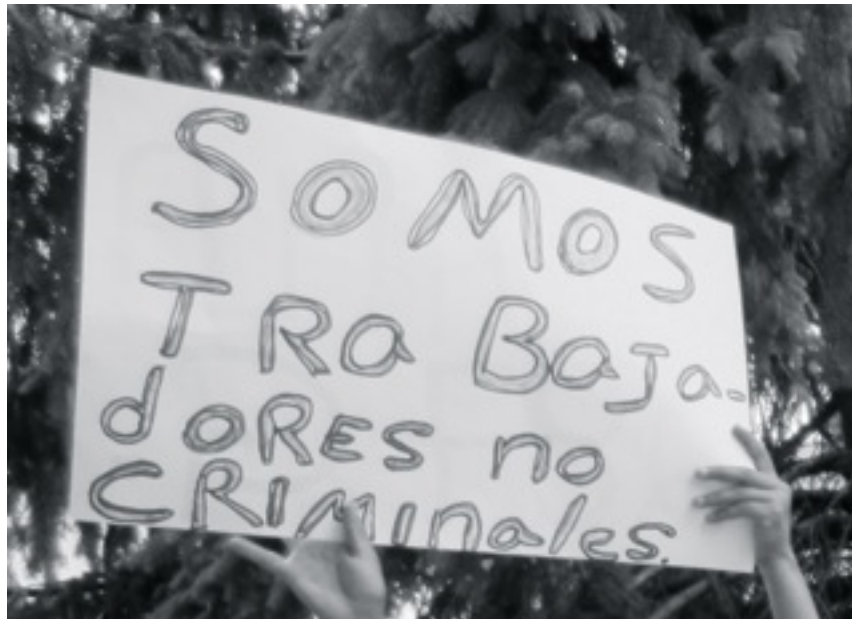


Figure 18: “We are workers, not criminals.”

Implicitly, this narrative takes for granted the framing of criminality and its implications for deservingness (Escobar 2009); thus, in order to dispute who counts as a “criminal,” we must

first accept the condition and implications of criminality. In attempting to distance unauthorized immigrants from criminalization, immigrants and their advocates create a wedge of deservingness separating unauthorized immigrants who are “here to work” from those who are *legitimately* labeled as “criminals,” including US-born people of color and unauthorized immigrants who participate in criminalized activities unrelated to their immigration status.

Concerns such as these weigh heavily on many who advocate for the rights of unauthorized immigrants, including Mónica Hernández, the Regional Coordinator for the Southeast Immigrant Rights Network (SEIRN). Mónica has been involved in immigrant rights work for more than twenty years, including a decade in the Southeast. Her thoughtful appraisal of the framing of criminality reveals a great deal of experience in organizing around immigrant rights through a lens of racial justice—a framework that emphasizes the structural and systemic roots of racism. Over coffee one day in downtown Knoxville, Mónica criticized narratives that use the racialized language of criminality as a juxtaposition to hard work. She explains:

[We need to] understand... what it means to say... “We do the jobs that nobody wants to do; we’re not the criminals.” Always from a very compassionate point, right? Because from my perspective, community members were... defending themselves from these attacks that were being made against them. And... they didn’t know the context. They didn’t know that that’s been historically used against African Americans. But we should know. And it’s different—I’m not saying that it’s good—but it’s different when a person grabs a marker and just puts that because that’s their thought in the moment, than a group—an organized group—that’s printing out all these little placards that say,

you know, whatever, any of these messages... It's very dangerous
[Emphasis in original].

Here, Mónica highlights an important distinction in the contextual awareness of different groups with regard to the ways that the externally imposed label of criminality has historically been used as a controlling narrative against African Americans. Grassroots organizations, which are composed of unauthorized immigrants and other base community members, may not be familiar with the racialization of the framing of immigrants as “workers, not criminals,” but professional organizers—and certainly professional organizing institutions—ought to be well acquainted with this history to avoid the reproduction of a racialized frame that subscribes to dominant beliefs about criminality and deservingness.

Accounts that rely on the language of criminality perpetuate policies and practices of enforcement. Instead of challenging the idea of criminality and the reality of criminalization, these accounts epitomize the very structure of illegality. By reinforcing the space between the deserving and the non-deserving through the specter of the criminal, immigrant rights actors and advocates ultimately reinforce the rhetoric of the homeland security state, thereby unintentionally sustaining the need for the enforcement lottery and everyday illegality.

Still, even as the ubiquity of illegality has encouraged a great deal of resistance, so too has it created a disconnect between the rhetoric of criminality and people's lived experiences of the enforcement lottery. In Mónica's view, this disconnect may encourage more reflection and reflexivity on accounts of criminality as a component of the narrative of deservingness:

I think that there's been a lot more consciousness and awareness of the issue of criminalization as part of the discourse and approach to immigration policy... It's easier when you're in defensive mode against this widespread... these policies that do this widespread criminalization where people... can really relate to—I mean, there's this danger still, right, about... how do we make sure we don't buy into this rhetoric... Obama even said yesterday in the [presidential] debate, “We're going after the criminals” and et cetera. There's still that danger. But at the same time, people are seeing that the reality is really different, and that these enforcement policies are really targeting everybody.

The Deservingness of Dreamers

Not all unauthorized immigrants are equally criminalized, or labeled as criminal. Unauthorized youth, for example, are often portrayed and perceived as the innocent casualties in their parent's violation of immigration law.⁹⁰ At a federal level, the Obama administration's Deferred Action for Childhood Arrivals (DACA) program, which confers temporary authorized status on some unauthorized youth, suggests that young people are perceived as qualitatively different from their adult counterparts. Unauthorized immigrant youth have used this perception to their advantage in organizing resistance against restrictionist policies and practices, recognizing, perhaps, that they are less likely to be removed than unauthorized adults. In fact, unauthorized immigrant youth are an increasingly consistent and vocal presence

⁹⁰ One exception to this is the characterization of adolescent Latinos (particularly young men), who are often portrayed and perceived as gang members based on their attire and activities, even though non-Latino white teenagers are not criminalized for the same behaviors (Atiles and Bohon 2002).

in immigrant rights work in the Southeast and around the nation, particularly in organizing around access to higher education (Corrunker 2012; Seif 2011).

Narratives of deservingness predominate in discussions of unauthorized immigrant youth, who are often referred to as *DREAMers*. In appropriating the name of the DREAM Act,⁹¹ DREAMers assert a claim to deservingness based on the right to education, a right that is often unobtainable for many unauthorized immigrants. At many state institutions, unauthorized students may be required to pay out-of-state or international tuition rates (even if they completed all of their primary and secondary education in the United States). As a rule, unauthorized students also do not receive federal scholarships or federally funded student financial aid (Bohon, Macpherson, and Atilas 2005). In some cases, state law or university policy may prohibit unauthorized students from attending public institutions of higher education (Russell 2007). In Georgia, for example, the Board of Regents voted overwhelmingly in 2010 to ban unauthorized immigrant youth from attending any of the top five public colleges and universities in the state. Given the clustering of Georgia's Latino population in the north of the state, this ban on access to institutions like Georgia Tech, Georgia State, and the University of Georgia means that unauthorized students would also have to travel far from home for an education, presenting yet another barrier for unauthorized youth. In 2012, the Georgia

⁹¹ The DREAM (Development, Relief, and Education for Alien Minors) Act, if passed, would provide a path to legalization and eventual citizenship for unauthorized immigrant youth who have grown up in the United States, provided that they fulfill certain requirements, including the completion of either two years of service in the military or two years of attendance at a four-year college or university.

legislature attempted to extend the ban on unauthorized immigrant students to the entire public higher education system.⁹²



Figure 19: "Raised to believe that higher education was a right."

Policies and practices such as these, which make it virtually impossible for unauthorized students to attend college, have a significant impact on the educational aspirations of many youth (Bohon, Macpherson, and Atilas 2005; Seif 2011). Yovany, who was born in San Luís Potosí, Mexico, and who has lived in the United States—in Georgia—since he was eight, is one such student:

In high school I went into “zombie mode” where I didn't think I was going to go to college. And so I just, kind of, just went, just go, just

⁹² The bill, SB 458, which passed easily in the Georgia Senate, was never brought to the House for a vote.

pass... And ultimately I graduated but without any hope of, “Okay, I'm going to college!” And so I worked at McDonald's my junior year. I became [a] manager. And my mom works there too, and she was a crew member, so we worked together, we got to travel [to work] together. But ultimately I didn't see, like, the prosperity, success, or what I imagined, or what I wanted, as a career. It really sucked, getting minimum wage, and me being there six days a week. And you don't see it really going anywhere, and the time you have free time you want to rest. And so I felt trapped.

Yovany's aspirations changed when he heard of the Georgia Undocumented Youth Alliance (GUYA) and became more involved in immigrant rights organizing. When I first met him, he was in the middle of his first semester at Freedom University, a non-accredited learning institution organized by an all-volunteer group of Georgia faculty that offer college-level coursework to unauthorized students. At that time, Yovany had never attended so much as a march or rally. Just over a year later, he had participated in a group civil disobedience action at the 2012 Democratic National Convention in Charlotte, North Carolina.

Although being young does not automatically exempt unauthorized immigrants from the enforcement lottery (as illustrated by the experiences of Alejandro and Mercedes in chapter three), Yovany's experience of arrest illustrates a dividing line of belongingness that many draw between unauthorized youth and unauthorized adults:

Twenty minutes in, ICE comes. And I was sleeping. And [the ICE agent] was talking to... my friends who were arrested, and he was bullying

them... And then he asked me to help him. He said that I would be free. He was like, he kind of said, "Okay, you look American. I'm sure you don't belong with them. Help me help you, and we'll get you out... These people have no right to be here." And I was like, "No, I'm actually with them."

Like many undocumented youth who grow up in the United States, Yovany does look "American." Sitting in front of me, wearing the same long-sleeved white shirt he wore when he was arrested, Yovany easily blends in as a typical teenager born and raised in the United States. Perhaps more importantly, though, Yovany also stands out as deserving of his belongingness: wide-eyed, fresh-faced, and politely mannered, Yovany appears as though he deserves to belong to the United States, and he is treated accordingly. Thus, even after Yovany revealed his immigration status to ICE on the day of his arrest, the agent articulated a difference between Yovany and the older unauthorized participants of the action:

And ultimately... [the ICE agent is] like, "Your friends here don't have a lot going for them. They're gonna be... you know, they have family back home, they're gonna go back home. You... you should be here, you look like you're not a troubled kid."

In many ways, then, the DREAMer identity buffers some unauthorized youth from the enforcement lottery, in part as a result of their perceived belongingness, enabling some youth to avoid the "criminal" label that stems from their immigration status.

The idea of belongingness suggests another component of deservingness: the right to remain in the United States based on the length of time that one has resided within the country, regardless of one's status during that time. In many ways, this argument resembles the contemporary work of Carens, who, in *Immigrants and the Right to Stay* (2010), argues that unauthorized immigrants have a moral claim to belongingness based on the amount of time spent in the United States. After a certain number of years—Carens does not provide an exact number but suggests that five years should be more than sufficient—individuals have rooted themselves in their neighborhoods and communities. People build their homes where they are: they go to work, make friends, join churches and social clubs. Children are born and raised. Lives are lived. Thus, unauthorized immigrants who are deported are not only forced to leave the United States but the very homes they have created over time. As Evelyn's quote from the previous chapter suggests, this alone provides motivation for unauthorized immigrants and their advocates to resist restrictionist policies and practices.

For Carens, it is this process of living one's life in a community that conveys a moral claim on belongingness, a type of deservingness related to one's entrenchment in the United States, rather than one's formal status. In this sense, the number of years spent in the United States is used as a convenient and somewhat arbitrary substitute for "integration," a concept that is much more difficult to measure and apply across large populations. Despite the fact that "length of stay" is not the best stand-in for integration (Bosniak 2012), Carens' argument is that, over time, a person begins to belong to her or his community; in turn, the community belongs to those people. Thus, as Ngai (in Carens 2010: 55) elaborates, "the social ties that

migrants establish over time... make them de facto members of society, even if they lack formal legal status.” It is to this version of deservingness that many DREAMers and their advocates appeal.

Unauthorized youth often measure their belongingness in terms of the amount of time lived in their countries of origin versus the amount of time lived in the United States. In fact, I have met a number of youth who migrated to the United States as teenagers and who subsequently feel less entitled—less deserving—to a claim on belongingness compared to those who arrived as infants or young children. Unauthorized youth who migrated at older ages have memories of lives lived in their countries of origin. They grew up learning how to read and write in Spanish as standard practice in their school curricula, and perhaps they speak a heavily accented, and somewhat limited, English. These undocumented youth—no less DREAMers in technicality than those brought to the United States as young children—nevertheless feel as though they exist in a liminal status, divided as they are between their well-remembered past in their countries of origin and their relatively recent present and future in the United States.

In comparison, those brought to the United States as infants or young children have memories of a childhood lived in the United States, and these memories are often used to justify their deservingness through their belongingness. Like many advocates, I, too, have been complicit in supporting this narrative, as I have encouraged undocumented youth like Alejandro to share memories of a childhood spent growing up in the Southeastern United States, to talk about friendships developed in elementary school, to joke about speaking Spanish with a

Southern US accent. Such stories make undocumented youth seem fully “American,” so deeply integrated into US society that it should be impossible to deny their deserving claim to belongingness, regardless of the country in which they were born. However, in speaking of deservingness through this form of belongingness, we underscore the non-belongingness of unauthorized immigrants with different histories—those who migrated at older ages, who have spent less time overall in the United States, and who are—in this shorthand, at least—less integrated into the “American” community.

Just as accounts of belongingness may exclude some unauthorized immigrants from perceptions of deservingness, accounts that focus on unauthorized immigrant youth through the lens of the DREAM act may easily become a wedge. Unauthorized youth may invoke accounts of deservingness that separate high-performing, high-achieving youth—who are often referred to as “the best and the brightest,” or, more cynically, the “darlings” of the movement—from those who appear to be less dedicated to their studies, who are therefore constructed as less deserving. Thus, one undocumented youth articulated the difference between deserving youth and the non-deserving as such:

The United States [should] finally give out the DREAM Act... Pass the DREAM Act. Finally get an opportunity, you know, for students *who are not doing anything wrong*. Or at least to give it to the *good* students, maybe not to the students who really don't want to give a good shot for it, okay, but *for the ones that do want to improve themselves, they deserve it, because they're working harder* than probably any regular student out there. Because you have the students that are involved in

sports... the student that's involved with gangs. You have your students that are just completely stuck to the books, they never want to fail. Those are the students that I believe do *deserve* it, because *they're working harder* than other ones. But really, just pass the DREAM Act... That's what everybody is shooting for [emphasis added].

Here, the deservingness of DREAMers is conflated with another narrative of deservingness— unauthorized immigrants as hard workers. Thus, it is not enough to be young to be deserving; unauthorized immigrant youth must also work hard in school, achieve good grades, and aspire to greater success through higher education. Just as Representative Sandstrom was convinced of the necessity of the DREAM Act by the appeal of a young undocumented woman who had excelled in high school and yet could not go to college, movement actors, too, at times imply degrees of deservingness based on one's other characteristics.

In appropriating the name of the DREAM Act, DREAMers assert a claim to deservingness based on their particular experience of illegality—the experience of those who were brought to the United States “through no fault of their own” but who nonetheless suffer the consequences of their status. In this sense, then, unauthorized youth are constructed as more deserving of legality than their parents or other adult unauthorized immigrants, who are said to have knowingly violated the nation's immigration laws. One undocumented youth thus differentiated between immigration reform, expressed in terms of degrees of legality that should be conferred upon youth versus adults:

The way I see it is that, you know, *people who have been here ten or*

twenty years, who are good people, do their jobs, and don't have any problems, like, they should be able to live here. And maybe America doesn't think they should be citizens, but they should be included because they already live here and this is their country too. And so with that, maybe they can have some kind of a permit to be here, not maybe citizens, but a permit, you know? Like my mom—she's been here twenty years, and I don't think she would want to go back to [get an] education, but she certainly wouldn't go looking for a CEO job. She's not going to take that away from you. What she will do is she will keep doing what she likes to do, which is clean houses, and be a good, moral person. So I think, uh... some kind of visa just to stay here would be great for that category. And for innocent people who came here at a young age, certainly, citizenship is just the way to go, because they're committed to this country, it's their own. [emphasis added].

In many ways, this account inadvertently endorses taken for granted assumptions about unauthorized immigrants that support policies and practices of illegality. That is, even as the account suggests alternative ways of dealing with the “problem” of unauthorized immigrants (permits rather than removal), it sustains illegality through a dichotomy between those deserving of legal residency and those deserving of enforcement. Thus, not only does this account suggest a distinction between unauthorized immigrant youth (i.e., “innocent people”) and unauthorized immigrant adults, it also emphasizes other aspects of deservingness: that is, some unauthorized immigrants are deserving of legality inasmuch as they are hard workers who will not take prestigious, high paying jobs away from authorized (citizen) residents, and as

long as they are “good, moral” people who cause no problems—in other words, as long as they are not “criminals.”

Paying Restitution

Claims of deservingness can also be viewed as accounts of restitution. That is, stories that focus on unauthorized immigrants as martyrs, hard working employees, and dedicated students illustrate how such individuals “give back” to the United States in payment for their violation of immigration law, often in ways that subtly imply their deservingness over US-born citizens who may provide fewer benefits to the nation. Thus, in the following quote, one unauthorized immigrant encapsulates several of the previously summarized accounts of deservingness through the lens of restitution:

We are here, and *we are hard working people*, and we [are] just... begging for the opportunity to be legal. *We [are] willing to do whatever it takes* to be legal. Let’s work together. Let’s find a way to be legal. Because *we’re willing to pay*, if that’s what we have to pay, fines or whatever. Because when you have a ticket, you pay your fine, right? *It’s not like you’re a criminal*, because you break the law when you speed. It’s the same. We came here and *our crime... is to... risk our lives to provide for our families*. Let’s... we just need to work together. We need an opportunity for the people that are here now, *we don’t commit a crime, we are good people, we work, that we are studying*. We just need an opportunity. And we are willing, and we are desperate to be

legal. And we can work for the economy of this country because we [are] already here and we love this country [emphasis added].

According to narratives of deservingness, unauthorized immigrants deserve legality because they are willing and able to offer recompense for their violation of immigration law, which, in these accounts, is expressed as a necessity, rather than a criminal violation. Thus, accounts of restitution are often fundamentally reformist, operating within the defined structure of unauthorized immigration as the problem. That they are reformist does not imply that they could not be beneficial: in reality, small, individualized reformist measures, including the DREAM Act, Deferred Action for Childhood Arrivals (DACA), an increased number of worker permits, and similar measures, should not be dismissed lightly, as they would doubtless have far-reaching and beneficial implications for many who are currently unauthorized. And yet, reformist arguments are also premised on the idea that not all will benefit through such measures. Thus, in providing documentation to the deserving, who agree to pay restitution through fines or otherwise, not only must we implicitly acknowledge the legitimacy of these policies, we must also tacitly accept that some are undeserving. Fundamentally, these accounts structure the ways that illegality can be resisted.

There is a recognition and appreciation of the fact that narratives of deservingness can be deeply problematic for social justice movements. Among immigrant rights actors, too, many argue that such narratives support oppressive power structures and undermine the potential for solidarity and truly emancipatory action. Thus, Mónica explains:

Where I really see the danger is [sighs]... right now everybody's focused on trying to—yes, there are calls for—there will always be calls for comprehensive immigration reform, et cetera, et cetera. But people's energy and focus is in trying to combat these repressive laws. But if... if the momentum builds again for the type of proposal where you have some type of comprehensive immigration reform, legalization, whatever you want to call it, I think that's where the real danger is, because that's where there's this... attempt to create these wedges, and where bargains are made to include some people and exclude other people... That's the big problem, because that's where people try to distance themselves from the “bad,” the “undeserving,” and... well, end up playing into those wedges.

Still, narratives of deservingness such as those outlined here do far more than encourage wedges between different constituencies of unauthorized immigrants. In attempting to resist the policies and practices that structure everyday illegality, unauthorized immigrants and their advocates may simultaneously and unintentionally re-create illegality through narratives of deservingness. In defining those who “deserve” access to legality precisely by articulating those who are not deserving of such access, immigrant rights actors indirectly accept the framing of unauthorized immigrants and unauthorized immigration as a/the problem. Thus, narratives of deservingness are often constructed around fundamentally reformist frames that implicitly acknowledge the legitimacy of immigration policy. They stem from the premise that exceptions must be made for those who “deserve” access to lawful residency, thereby implying the existence of shadowy others who do not deserve access—those

who have taken more than they have given, who have not contributed productively to their communities, who do not sufficiently belong, who are the “real” criminals—in short, those who are, to repurpose Bosniak’s (2012: 7) term, “unproblematically deportable.” In contrast, many immigrant rights actors define the deserving as those with various equities—those who have contributed more than they have received, who have never gotten into trouble with the law, who have lived in the United States for a certain length of time, and who were brought to the United States “through no fault of their own.” In arguing for such exceptions, then, these narratives tacitly accept the authority of the immigration policies and practices that structure everyday illegality.

Narratives of (Il)legitimacy

Under some conditions, unauthorized immigrants redefine as illegitimate the policies and practices that structure illegality and threaten their rights. In contrast to narratives of existence and deservingness, narratives of (il)legitimacy focus outward, specifically addressing the production of illegality by directly challenging the authority of government officials, policies and practices, and structures. Immigrant rights actors often express narratives of (il)legitimacy through two distinct yet interrelated techniques. On an individualized level, immigrant rights actors use accounts to confront public officials for racist actions or speech that delegitimize their authority to create and implement programs and policies that structure illegality. More broadly, accounts appropriate the rhetoric of illegality in direct juxtaposition to the

illegalization of unauthorized immigrants to highlight as illegitimate the policies and practices that structure illegality.

“Do I look Illegal?”: The Racial Politics of Illegality

One key way that unauthorized immigrants delegitimize those who make or implement structures of illegality is by confronting their racially charged actions or speech. Mechanisms of immigration enforcement—including police-ICE collaboration and state-level crimmigration policies—are often experienced by Latinas/os as discriminatory (Lopez, Morin and Taylor 2010; Southern Poverty Law Center 2009), an unsurprising sentiment given that such policies often have a disproportionate impact on Latinas/os. Oft-used catchphrases such as “Brown is not a crime” and “Do I look illegal?” highlight the anger and frustration of Latinas/os over their experiences of racial profiling. These slogans, which allude to charges of racism, are a method of delegitimizing the actions and speech of policymakers and law enforcement officials.



Figure 20: Demonstrators articulate the racial foundations of crimmigration laws.

Although this framing can be used to shame specific policymakers and those who enforce policy, it can also be problematic. For one, those who write or implement policies that structure illegality can dismiss accusations of racism by arguing that policies like HB 56 and practices like police-ICE collaboration are “not in any way racially motivated” (Alabama Governor Robert Bentley, quoted in Pow 2011) and that they are merely “asking the federal government [to] enforce the laws” (ibid) or that they “don’t arrest people based on the color of their skin” (Maricopa County, Arizona Sheriff Joe Arpaio, quoted in Billeaud 2012). Legally, the colorblind defense is a sound argument against claims of racism. In the criminal justice system, challenges of racial bias require the clear demonstration of intentional racial discrimination—definitive proof that those who engage in actions that result in racially disproportionate outcomes explicitly intend to discriminate on the basis of race (Alexander 2012). Evidence of de facto discrimination in the implementation and enforcement of immigration law, though a clear pattern of racialized outcomes, for example, is not enough to prove racist intent.

Still, even if these claims of racial neutrality are true, intent is clearly different from outcome; thus, policies that are not specifically intended to be racially discriminatory may still have disproportionate and racialized impacts. By focusing on the actions of individuals, however, this particular account risks the treatment of racism as a discrete phenomenon, where individual policymakers write legislation from their own racial biases and individual police officers are guilty of racial profiling as a result of specific discriminatory intent. In doing so, this narrative of (il)legitimacy potentially overshadows an articulation of the structural and institutional ways that racism is patterned in the production of illegality, accounts that emerge

more pointedly when immigrant rights actors invoke messages about “Juan Crow” and the historical foundations that give rise to the current expressions of racism in the US Southeast.

“La migra, la policía, la misma porquería”: Retelling the Story of Police-ICE Collaboration

Immigrant rights actors also construct narratives of (il)legitimacy by appropriating the rhetoric of illegality, juxtaposing the misconduct of public officials against the illegalization of unauthorized immigrants. Building upon narratives of deservingness, immigrant rights actors argue that the policies and practices that structure illegality are illegitimate because they cause harm to unauthorized immigrants, a population that seeks only to contribute their energy and talents to the United States.



Figure 21: “Satisfaction in other people's misery.”

These accounts first became apparent to me in Alabama at a four-day organizing workshop. During one of the breaks in the workshop, participants chatted quietly in groups dispersed throughout the room or strolled the one narrow hall of the unfinished church. Several had stepped outside to smoke, though the chilly Alabama air kept most of us bundled in sweaters even inside the building. Our collective exhaustion was apparent as we contemplated the magnitude of the materials that we had spent much of the week acquiring; but there was also a quiet energy to the room as we pondered the possibilities.

As we dawdled, someone found a video of Manu Chao's "*Clandestino*" and cranked the volume on the computer speakers. The computer was hooked up to a projector, and the video projected large on the opposite wall, attracting the attention of those who had wandered across the room in search of a midday snack. Despite Manu Chao's relative obscurity in mainstream US culture, he is quite popular in the Spanish-speaking world. His opposition to Arizona's crimmigration law has been vocal, and, like many other progressive artists and musicians of color, he was an early supporter of campaigns against SB 1070.

Like Manu Chao, the original version of "*Clandestino*" is quite well known among those who listen to Spanish-language music, and so we gathered around the screen in anticipation of a classic. This version, however, was different. The video, remade and produced in collaboration with the National Day Laborer Organizing Network, opened with real video feed from a Maricopa County tent city—Sheriff Joe Arpaio's unique model for housing detained unauthorized immigrants in Maricopa County, Arizona. With the camera lens peeping through barbed wire fences, we watched the incarcerated immigrants milling about beneath the tents

and sitting on bunk beds, clothed in the pink undershirts characteristic of the Maricopa County Sheriff's Office. The music and lyrics, too, had been slightly altered in this rendition. Instead of the original version's gritty sound, this was a simple song lacking ornamentation and played in just a few chords. Accompanied by two acoustic guitars, Manu Chao's nimble voice echoed across the room:

<i>Solo voy con mi pena</i>	I go alone with my sorrows
<i>Sola va mi condena</i>	Alone goes my sentence
<i>Correr es mi destino</i>	My destiny is to run
<i>Para burlar la ley</i>	To evade the law
<i>Perdido en el corazón</i>	Lost in the heart
<i>De la grande Babylon</i>	Of the great Babylon
<i>Me dicen el clandestino</i>	They call me clandestine
<i>Yo soy el quiebra ley</i>	I am the lawbreaker
<i>Para una ciudad del Norte</i>	To a city in the North
<i>Yo me fui a trabajar</i>	I went to work
<i>Mi vida la dejé</i>	I left my life
<i>Entre Ceuta y Gibraltar</i>	Between Ceuta and Gibraltar
<i>Soy una raya en el mar</i>	I am a (sting)ray in the sea
<i>Fantasma en la ciudad</i>	A ghost in the city
<i>Mi vida va prohibida</i>	My life is prohibited
<i>Dice la autoridad</i>	The authorities say
<i>Mano Negra clandestina</i>	Black Hand, clandestine
<i>Mexicano clandestino</i>	Mexican, clandestine

Guatemalteco clandestino

Guatemalan, clandestine

*Maricopa ilegal*⁹³

Maricopa, illegal⁹⁴

We burst into surprised laughter, delighted by the song's closing line. "*Otra vez*," someone called—"[Play it] again!" A crowd had gathered, and the video was played once more for those who had missed it the first time.

The song tells a story that is easily relatable to many of those present at the workshop. Nodding along with the steady strumming of the guitar, we hear of an individual traveling to a "city in the North" to look for work, and we quickly understand that this account is from the perspective of an unauthorized immigrant. The migrant leaves behind his entire life, carrying only his grief with him on this journey. Manu Chao tells us that his sentence is to be alone, that his destiny is to live constantly on the run, evading the law. We hear that unauthorized immigrants are "clandestine"—furtive, hidden, underground; they are like ghosts. We also hear that the authorities call such immigrants "lawbreakers;" they say that the very lives of these individuals are "*prohibida*"—prohibited.

And yet, in Manu Chao's rendition, neatly summed up in the closing line, it is not the unauthorized immigrants who are "illegal," but rather Maricopa County, Arizona (and, by extension, the Maricopa County Sheriff's Office). In fact, multi-year investigations conducted by the Department of Justice found that the Maricopa County Sheriff's Office had engaged in systematic and discriminatory practices against Latinas/os, including unlawful stops, detentions,

⁹³ Excerpted from "Clandestino" by Manu Chao.

⁹⁴ Translated by the author.

and arrests, as well as differential treatment of Latina/o inmates (Department of Justice 2011). Manu Chao uses the term “illegal,” then, as though to imply that Maricopa County’s racialized and intentionally degrading treatment of Latinas/os and unauthorized immigrants is criminal—or, at the least, it should be. In yet another version, Manu Chao concludes by singing, “Joe Arpaio *illegal*,” now, it is Joe Arpaio, the Sheriff of Maricopa County, who is the criminal.⁹⁵

By and large, this is a population that does not take lightly the use of the term “illegal.” In fact, the slogan—“No human being is illegal”—is widely expressed in such circles, and it can be seen on placards and t-shirts at any pro-immigrant demonstration. Moreover, “Drop the I-Word,” a popular campaign initiated in 2010, has labeled the word a “racially charged slur” and championed its removal from public discourse. Mónica Novoa (2012), one of the campaign’s organizers, explains that the term “illegal immigrant” is “1) legally inaccurate and misleading; 2) politically loaded and popularized by anti-immigrant strategists; and 3) experienced as racially biased and dehumanizing by the people it is used to describe.” Following in the footsteps of the National Association of Hispanic Journalists (NAHJ), which in 2006 publicly condemned use of the term and began urging news organizations to instead use “undocumented immigrant,” the “Drop the I-Word” campaign has challenged individuals, organizations, and especially media outlets to discontinue use of the term “illegal” as a descriptor for immigrants in favor of more

⁹⁵ In fact, both the Maricopa County Sheriff’s Office and Sheriff Arpaio have recently been sued over allegations of racially discriminatory treatment against Latinas/os. In a ruling issued in May 2013, a federal judge ruled that the MCSO, under the direction of Arpaio, systematically singled out and racially profiled Latinas/os.

humanizing language such as “undocumented” or more precise terminology such as “unauthorized.”

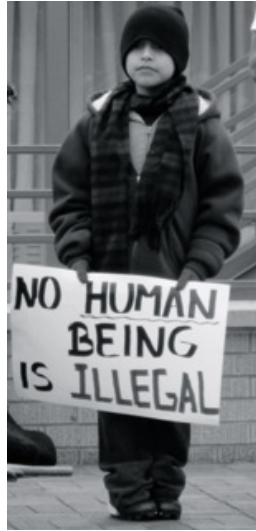


Figure 22: “No human being is illegal.”

Unauthorized entrants have long been referred to by many demeaning euphemisms—including, for example, “tonks,”⁹⁶ “border jumpers,” “wets,” and “wetbacks”—but none of these terms carry the same broad cultural cache and mainstream appearance of objectivity as “illegal immigrant” (though other versions of this phrase, such as “illegal aliens” and “illegals,” have largely been labeled dehumanizing and, for the most part, have lost acceptance in mainstream discourse). Thanks to its widespread and uncritical use in media and public

⁹⁶ The exact source of the term “Tonk” is disputed, though all of its meanings are decidedly derogatory. It is claimed to be a US Border Patrol (USBP) acronym for “Traveler Origin Not Known,” but individual border patrol agents interpret its meaning as the sound made when an unauthorized entrant is hit over the head with the USBP standard-issue metal flashlight (see Urrea 2005). Alternatively, the term refers to unauthorized Chinese immigrants who traveled to the United States by way of the Vietnamese Gulf of Tonkin when Chinese immigration to the US was barred due to the Chinese Exclusion Act.

discourse, the term “illegal immigrant,” for many, has become neutral and accurate. I myself have been lambasted a number of times by those who favor the term over my use of “unauthorized immigrant.” As one person told me, “By avoiding the use of ‘illegal,’ you put blinders on the fact that these people have broken the laws of this country by the manner in which they got here.” Of course, this common argument, as well as the semantic choice of “illegal,” ignores the more than forty percent of unauthorized immigrants who overstay their visas, rather than crossing the border without inspection (Pew Hispanic Center 2006).

The term “illegal” also objectifies and decontextualizes immigration law, removing the status from its sociopolitical origins. Just so, the term “illegal immigrant” is broadly considered to be a neutral phrase by much of the mainstream media, with some few exceptions,⁹⁷ and it is used by many pundits, politicians, and academics alike. Thus, when Jose Antonio Vargas (2012)—perhaps the most high-profile unauthorized immigrant in the United States today—publicly urged the Associated Press and *The New York Times* to discontinue using this “inflammatory, imprecise and, most of all, inaccurate” term, *New York Times* Public Editor Margaret Sullivan (2012) concluded that there was “no advantage... in a move away from... use of the phrase ‘illegal immigrant.’ It is clear and accurate; it gets its job done in two words that are easily understood.”⁹⁸

⁹⁷ Examples of mainstream news organizations that have publicly declared their discontinued use of the term include the *Miami-Herald*, the *San Antonio Express-News*, and the *Huffington Post*. A wide variety of progressive alternative media sources, including *AlterNet*, *In These Times*, and *Ms. Magazine* have also dropped the term.

⁹⁸ The Associated Press has since revised its usage policy on “illegal immigrant.” On April 2, 2013, Senior Vice President and Executive Editor Kathleen Carroll announced “The Stylebook no longer sanctions the term ‘illegal

Nevertheless, among unauthorized immigrants—particularly those active in organizing around immigrant rights—the term is largely considered unacceptable; for immigrant rights organizers, “illegal” has been used to frame unauthorized immigration from the perspective of the opposition, characterized as those who intend to dehumanize unauthorized immigrants. However, Manu Chao’s play on words in “*Clandestino*” resembles the ways that unauthorized immigrants and their advocates attempt to reframe the conversation around structures of illegality, rather than individual unauthorized immigrants. By juxtaposing the word “*ilegal*” against the Maricopa County Sheriff’s Office and Sheriff Joe Arpaio, the song articulates a narrative of illegitimacy regarding the role of state and local law enforcement agencies in matters of immigration enforcement.

This particular account manifests in various ways, though a clear favorite of immigrant rights actors in the Southeast is the *PoliMigra* wedding skit, a popular education-style sociodrama that recounts the “marriage” of police and *la migra*—Spanish slang for immigration enforcement officials—and the consequences of such collaboration on Latina/o immigrant communities. A version of the skit, described in my field notes, is reprinted below:

A crowd of more than a hundred guests sprawled lazily on the grass. Abuzz with excitement, we eagerly anticipated the culmination to the day’s festivities. President Obama, our surprise host for the evening, emerged in a shabby gray suit coat and tattered brown pants to

immigrant’ or the use of ‘illegal’ to describe a person. Instead, it tells users that ‘illegal’ should describe only an action, such as living in or immigrating to a country illegally” (Colford 2013).

announce the beginning of the ceremony and a union so significant that it would have tremendous repercussions for years to come.

The guests looked on in delight and bemused horror as the bride and groom stepped forward to pledge their vows to one another. On one side stood the bride, resplendent in a navy midway cap and aviator glasses. Across the aisle stood the groom, understated in a dark, unmarked baseball cap, wearing equally reflective glasses. Both wore simple necklaces made of string with cardboard placards, upon which their names were respectively inscribed: Police and Immigration.

The minister's monologue on the sanctity of this union, punctuated by the occasional snickering and hissing of the audience, left behind a grave impression. As the bride and groom exchanged their solemn vows – to work together from this day forward to deport workers, young people, and parents; to waste taxpayer dollars pursuing programs with a proven record of failure; and to undermine years spent developing trusting relationships with the community – the newlyweds flipped their necklaces to reveal their new shared name: *PoliMigra*.⁹⁹

I have seen this skit performed numerous times across the Southeast—and always with local flair—but the above version was my first experience. During one summer week in 2012, more than one hundred organizers—including many of those present at the workshop in Albertville—gathered at the Highlander Center in East Tennessee for a workshop on migrant rights

⁹⁹ This description of the PoliMigra wedding also appears in Conley (forthcoming).

organizing. Our work was focused specifically on the implementation of art activism and nonviolent civil disobedience in immigrant rights work. One division of the larger group planned, wrote, and acted out the skit, complete with newly constructed giant papier-mâché puppet heads of a police officer and immigration agent.



Figure 23: Police officer puppet head.

Skits like this one have been told in countless communities across the United States. They are not scripted by professional writers nor are they performed by paid actors.¹⁰⁰ Instead, those who participate in writing and acting such skits construct their performances through the lenses of their own experiences and that of their family, friends, and neighbors who have been entangled in the enforcement lottery. In one such version of the skit, a woman is stopped at a

¹⁰⁰ The Southeast Immigrant Rights Network (SEIRN) has recently developed a “PoliMigra Wedding Toolkit,” which offers a sample script and cast of characters for groups interested in performing a PoliMigra wedding ceremony. However, the several performances I have seen vary widely in length, treatment, and complexity, demonstrating that the telling of this story is eminently local, even as it is recounted in countless communities across the United States. The toolkit is available at <http://seirn.squarespace.com/toolkits/>.

police checkpoint for driving without a license; in another, a youth (identified as a DREAMer by his black mortarboard) is stopped for littering when he accidentally drops a candy wrapper in a public park. As the skit suggests, these incidents might have resulted in a simple fine before the implementation of police-ICE collaboration and other policies that produce illegality. After the wedding of *PoliMigra*, however, unauthorized immigrants with even minor infractions face detention and removal; thus, all unauthorized immigrants are eminently deportable in the enforcement lottery. In several versions of the skit, the stories become more insidious: a migrant worker is arrested by *PoliMigra* at the behest of his employer after he protests unsafe working conditions, another, after she complains of sexual harassment.



Figure 24: PoliMigra puppet heads.¹⁰¹

¹⁰¹ Featuring the DREAMer (top middle); police officer (top right); immigration officer (middle right); and migrant farmworker (bottom right). The remaining puppet heads are used to portray a variety of different characters, including legislator (top left) and undocumented parent (center). Photo courtesy of G. Ferreti Manjarrez.

In framing unauthorized immigrants as “illegal” immigrants, a narrative of “common sense” justifies police-ICE interoperability and other policies and practices that criminalize unauthorized immigrants. Building from the assumption that someone who violates civil immigration law will inevitably violate criminal law, it becomes reasonable to expect that local police should be enlisted to make it easier to detect, apprehend, and remove unauthorized immigrants before they cause harm. Conveniently, this framing fits neatly into a dominant narrative of villains, victims, and heroes. Implicit is the characterization of unauthorized immigrants as villains, the United States and its citizens and authorized residents as victims, and law enforcement (and, by extension, those who implement policies of illegality) as heroes. As the most insidious and coercive form of cultural hegemony, common sense also conveys authority and a sense of moral imperative, such that policies and practices of illegality, and the narratives upon which these are based, are broadly shielded from mainstream critical examination (Gramsci 1971). As a result, the common sense narrative obscures and neutralizes the efficacy of these programs and the often devastating consequences of *PoliMigra’s* impact on the lives of unauthorized immigrants and their families.

As with “*Clandestino*,” however, the narrative of the *PoliMigra* wedding skit appropriates the rhetoric of illegality to confront the legitimacy of policies and practices that criminalize unauthorized immigrants. Thus, skits such as these subvert the “common sense” rendition of police-ICE collaboration and structures of illegality through an alternative narrative, one that points an accusatory finger at *PoliMigra*. Over and again, these skits narrate the stories of hardworking unauthorized immigrants whose attempts to build a life of prosperity

and stability are constantly threatened and thwarted by villainous others—the xenophobic legislator, the zealous supremacist, the unscrupulous employer, and the fanatical *PoliMigra*. In these stories, Latina/o immigrants are the victims, and *PoliMigra* enables their vulnerability. Thus, grassroots resistance manifests through the reclaiming (and retelling) of the story in ways that resist the illegality of unauthorized immigrants through their portrayal as villains and immigration agents as heroes.

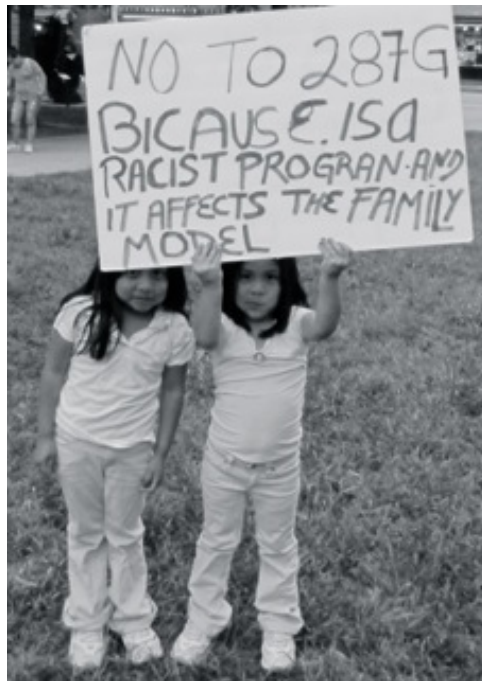


Figure 25: Framing harm in Police-ICE collaboration.

Importantly, these narratives do not only challenge the roles of victim and villain; they also recast the role of hero, such that Latina/o immigrants feature heavily. In general, these sociodramas almost always incorporate a final act in which immigrants organize themselves in

collective resistance to unjust policies and practices, delegitimizing structures of illegality even as they legitimize the work of unauthorized immigrants in combatting these structures. In one scene, immigrants interrupt the *PoliMigra* wedding ceremony to “object” to the union and demand an immediate moratorium on all deportations; in another, they organize a monitoring system to alert other immigrants of police checkpoints (one way that immigrants are apprehended by the *PoliMigra*); in yet another, they organize a community hearing to testify against *PoliMigra* abuses. In these dramas, the audience learns that the organized community is the only community secure from the encroachment of *PoliMigra*. Just as these performances exist to explain enforcement practices, so too do their counternarratives demonstrate methods of resistance. Recognizing that they bear the burden of *PoliMigra*’s induced vulnerabilities, immigrants also demand that they occupy the front lines of collective resistance.

These plays—and other counternarratives that question the legitimacy of policies and practices that structure illegality—are a form of resistance, not just through the messages they convey, but from the audacity of their very existence. In their defiance of the common sense narrative of illegality and its legitimacy, such counternarratives resist taken-for-granted assumptions about the nature of unauthorized immigrants. Immigrant rights actors thereby provide an important and often obscured counternarrative to the dominant articulation of unauthorized immigrants as villains and champions of illegality (such as *PoliMigra*) as heroes.

Still, it is important to recognize that these narratives of (il)legitimacy function inasmuch as they assert accusations of harm against deserving immigrants. Thus, even in these accounts, policies and practices of illegality are illegitimate not because they inherently create illegality,

but because they create vulnerability for those who do not deserve the enforcement lottery. Much like narratives of existence, narratives of (il)legitimacy, too, rely heavily on a subtext of deservingness, thereby reinscribing the non-deservingness of some unauthorized immigrants.

Chapter VI

Conclusion: Undoing Illegality

This dissertation examined how immigrant illegality is structured and resisted in new Latino destinations in the US Southeast. As Latina/o immigrants increasingly settle in the US Southeast, states like Alabama, Georgia, and Tennessee have become the new *frontera*, or borderland, for this population. This borderland is structured by racialized discourses of difference and belongingness between newcomer Latinas/os and established Anglo and black populations. Thus experienced by Latina/o immigrants as a space of non-belongingness, the US Southeast has become an important site in the modern production of immigrant illegality.

In the borderlands of the Southeast, illegality arises from the enforcement of non-belongingness. As immigration policy transitions from its focus on the federal enforcement of the US-Mexico border to a new emphasis on the state and local enforcement of the nation's interior, new mechanisms of immigration enforcement structure non-belongingness as illegality. Thus, collaborative agreements between federal immigration authorities and state and local law enforcement, through programs like 287(g) and Secure Communities, form the backbone of the enforcement lottery, a seemingly random process that threatens unauthorized immigrants (and those perceived as "other") with the consequences of detection, discretion, detention, and deportation. Unauthorized immigrants also experience their illegality through state crimmigration policies, such as Alabama's "Beason-Hammon Taxpayer and Citizen Protection Act," which structure illegality as a bureaucratic process, illegalizing unauthorized

immigrants in their everyday interactions with employers, service providers, and others who lack the authority to enforce immigration law. Taken together, the mechanisms of police-ICE collaboration and state crimmigration policies render the threat of immigration enforcement omnipresent, but never certain, producing illegality in everyday life.

The programs and policies that structure illegality in the Southeast emerge from an ideological framing of unauthorized immigrants and unauthorized immigration as harmful. From the perspectives of those who champion the policies and practices of illegality, unauthorized immigrants subvert the United States in many ways—by breaking laws, exploiting scarce resources, and undermining the security of the nation. This rhetoric of harm suggests that unauthorized immigrants will inevitably cause injury to the United States and to the people who are *rightfully*, “lawfully” present. In this framework, the United States, its people, and its way of life are the victims of villainous unauthorized immigrants. In support of this rhetoric are restrictionist policies and practices whose stated aim is to actively remove unauthorized immigrants or encourage them to “self-deport.”

At the very least, police-ICE collaboration programs and state crimmigration laws are intended to so heavily constrain the lives of unauthorized immigrants that they cannot cause “harm” to the nation. In practical terms, these policies and practices exclude unauthorized immigrants from full participation in public life: they cannot work or drive legally, they cannot access many public services, and they cannot expect equal protection from the law and law enforcement officials. In these shadowy spaces of nonexistence, minor indiscretions like public intoxication and driving in excess of the legal speed limit can have major repercussions. As a

result of the enforcement lottery, everyday activities, like driving to work or to the grocery store, are made considerably more complicated. State immigration policies, which expand the roles of school administrators and other public employees in the bureaucratic enforcement of immigration policy, give parents pause when sending their children to school.

The condition of illegality is a significant threat in the lives of unauthorized immigrants in the Southeast. The policies and practices of illegality render unauthorized immigrants eminently vulnerable, as community members, employers, law enforcement officers, and others may prey upon their fears of immigration enforcement. At the same time, unauthorized immigrants are also coerced into complicity with their vulnerable nonexistence as a condition of avoiding enforcement. This highlights an important paradox in the consequences of illegality: in intending to protect the nation from the “harm” of unauthorized immigrants and unauthorized immigration, those who make and implement the policies and practices of illegality actually generate harm for unauthorized immigrants.

Still, unauthorized immigrants do not remain silent in the face of these threats. To the contrary, the structures of illegality actively encourage resistance. The increasing ubiquity of immigration enforcement in everyday life—through the enforcement lottery and bureaucratic enforcement policies—makes life nearly unsustainable for unauthorized immigrants, forcing them to choose between “self-deportation” and oppositionist struggle. Thus, in the Southeast and across the nation, unauthorized immigrants have organized in resistance to the policies and practices of illegality. Clearly, resistance occurs in the form of highly visible mass protests and demonstrations, as in the case of the 2006 mobilizations against the Sensenbrenner bill.

However, resistance also occurs in ways that are less immediately visible, as immigrant rights actors offer counternarratives that reinterpret the “threat” of unauthorized immigrants and unauthorized immigration. In resisting the policies and practices of illegality, unauthorized immigrants and their advocates draw upon narratives of existence, deservingness, and (il)legitimacy. These narratives articulate alternative interpretations that reframe the problems of illegality from the perspectives of those who are directly affected by mechanisms of immigration enforcement.

Nevertheless, the structures and consequences of illegality defy the explicit intentions of those who create, implement, and resist the mechanisms that produce illegality in everyday life. Thus, policymakers implement policies that do not actually result in “self-deportation,” and movement actors employ narratives that often reinscribe the very structures they intend to resist. It would be easy to surmise that these failed outcomes are only the result of the complex interactions of social actors. We might consider, for example, that the push and pull of actors with different motivations and different levels of power will necessarily result in a type of compromise, where no one gets everything they want, and everyone gets something they oppose. Thus, policymakers raise the stakes of unauthorized residency, but in ways that do not actually decrease the size of the unauthorized population. In contrast, unauthorized immigrants and their advocates challenge the narrative framing of illegality, but in ways that reaffirm many of its basic tenets.

However, this explanation overlooks an important tension between agency and structure, between the intended consequences of conscious decision makers and the

unintended consequences that are shaped by structural forces behind the scenes. Thus, the motivations for illegality differ based on whether we consider the roles of agents (such as those who make and implement policy) or of structural factors that shape how policies and practices originate and how they are expressed and experienced. Embedded structural factors, including global political and economic vulnerabilities, institutionalized perceptions of non-belongingness, and structural racism, shape the ways that policies are created and implemented, and this occurs often without regard for the intentions of social actors.

Structurally, the intended consequences of illegality, from the perspectives of those who make and implement its policies and practices, matter very little. Thus, restrictionist laws actually fail to encourage the “self-deportation” of unauthorized immigrants in their creation of illegality, even though this is the outcome to which many policymakers explicitly aspire. Thus, when Alabama representative Mo Brooks explained that the “intended consequences” of the state’s crimmigration law were that Latina/o children, presumed unauthorized, would not go to school for fear of enforcement, his reasoning was that those children and their families would actually leave the state of Alabama and the United States. His intended consequence, and the stated objectives of others involved in creating and implementing similar laws across the Southeast, was to encourage unauthorized immigrants to “self-deport.”

In fact, the United States in general has not seen a massive outmigration of unauthorized immigrants in response to police-ICE collaboration practices and state crimmigration policies. Similarly, unauthorized immigrants have not abandoned the Southeast region or the state of Alabama en masse. Instead, many unauthorized immigrants have gone

further underground, made more vulnerable by the consequences of illegality on their ability to exist in public spaces. The structural effect of these policies and their underlying narratives, then, is to sustain a system that requires the vulnerability of unauthorized immigrants.

We may want to ascribe ulterior motives to these policymakers, to suggest that they have intentionally created these policies and practices of illegality in an effort to benefit from the vulnerability of unauthorized immigrants. However, it is perhaps more useful to consider that policymakers are neither omnipotent nor omniscient in their creation and implementation of these policies and practices. Thus, just as racialized outcomes may occur even without explicitly racist intent on the part of actors (Alexander 2012; Bonilla-Silva 2010), the vulnerabilities of illegality may result even if policymakers do not deliberately intend to create vulnerability. In many ways, an analysis of intent—in terms of the motivations of specific actors and the extent to which their objectives are actualized—distracts from a structural understanding of illegality.

If we reject the idea of a conscious class of policymakers who are all-knowing in their policy prescriptions (Block 1977), we can recognize the possibility that the consequences of illegality stem from and sustain the foundations of a society that is premised on “illegal” or otherwise exploitable bodies. In an increasingly globalized, transnational world that functions through corporate capitalism, contingency is a primary means of ensuring the exploitability of all people, not just those who are unauthorized (Freeman 1986; Sassen 1990). US policies have played an important role in undermining the political, social, and economic stability of other countries, particularly those of Latin America, thereby ensuring the availability of a contingent

labor force of controllable workers (Calavita 1992), immigrant and otherwise. Whether through the impact of US economic policies—which have contributed to the devastation of the local economies of peripheral nation states (Frank 1969; Portes and Walton 1981), labor policies—which have undermined the stability of workers within the United States (Sassen 1990), or the financial and military backing of foreign anti-communist dictatorships and brutal civil wars (Massey 1999b)—which have provoked people to flee their countries as a condition of their survival, the United States can be directly or indirectly implicated in the forced or coerced migration of millions of people. In combination with US immigration policies, which provide few channels for authorized migration and residency, the policies and practices of illegality render millions of these particular bodies unauthorized. In this understanding of the problem, unauthorized immigrants are not made vulnerable because they are unauthorized—they are unauthorized because they are made vulnerable, and their status exacerbates their vulnerability.

Once these people are present in the United States and out of status, the United States benefits from their legal and sociopolitical construction as nonpersons, from their vulnerability. By this, I do not mean to imply that individual citizens of the United States benefit—although they certainly do. As individuals, US citizens benefit when the real costs of labor, such as agricultural work, are externalized to unauthorized workers, or to workers whose status is constantly under threat, even though they may not presently be unauthorized. Perhaps more importantly, however, the United States benefits structurally from the production of illegality inasmuch as it obscures the policies that impel international migration and that require

exploitable bodies. It is true that the sociopolitical conditions of illegality render invisible the causes of unauthorized status—the fact that unauthorized immigrants are illegalized, or actively rendered unauthorized, through policies that determine who belongs within the boundaries of the nation-state, who does not, and under what conditions. But these sociopolitical conditions also obscure the fact that the United States is dependent on “illegal” or exploitable bodies. Most importantly, the policies and practices of illegality do not change the foundations of society; accordingly, they do not render our society any less dependent on vulnerability and exploitation. In fact, the borderlands of illegality are precisely the defining boundaries of the United States.

It is fitting, then, that immigrant rights actors resist illegality by questioning the very nature of the “problem” as defined. In asserting that unauthorized immigrants and unauthorized immigration are not problems in the ways that they have been constructed and perceived, immigrant rights actors create space to define solutions to an alternative problem. Still, much like the tension between the intended and unintended consequences of those who enact policies of illegality, the narratives employed by immigrant rights actors often structure resistance in unintended ways, inadvertently legitimizing illegality and reproducing the vulnerability of unauthorized immigrants. That is, just as the rhetoric of illegality holds individual unauthorized immigrants accountable for their status, narratives of deservingness—which also manifest as subtext in narratives of existence and (il)legitimacy—suggest that some unauthorized immigrants must be held to greater account than others. Inasmuch as these narratives create wedges of belongingness, they simultaneously legitimize the enforcement of

non-belongingness, thereby reinscribing the identity of the “illegal.” When immigrant rights actors articulate a claim to legality through the lens of these wedges, they tacitly accept as defined the problem of unauthorized immigration and unauthorized immigrants.

In my own recounting of the story of Jesús, for example, I note that his status as unauthorized should not have rendered him vulnerable to law enforcement because, after all, he had “done nothing wrong.” Certainly, this narrative contradicts some taken for granted assumptions about unauthorized immigration and unauthorized immigrants. In framing Jesús’ unauthorized status as non-problematic, I suggest instead that the consequences of his illegality—in this case, his inability to report his victimization to the police—are the *real* problem. At the same time, this narrative implies an underlying legitimacy to the enforcement mentality. That is: what if Jesús had done something wrong? At what point should one rightly fear the involvement of law enforcement in immigration matters? What threshold of criminality must one cross in order to be “unproblematically deportable” (Bosniak 2012)? Similarly, how hard must one work, and how well-integrated must one be in the community, before one’s removal becomes problematic? What equities must one provide to sufficiently recompense the United States and its authorized residents for the “harm” caused by one’s unauthorized residency? If immigrant rights actors continue to utilize narratives that are premised on, or allude to, wedges of deservingness, we must provide unequivocal answers to these questions. If, however, we do not wish to operate within a rhetoric of illegality that defines the deservingness of some unauthorized immigrants at the expense of those who are

unproblematically deportable, we must truly redefine the nature of the “problem” that we seek to resolve.

The answers to any problem are always concealed within the boundaries of the problem as articulated. It is atheoretical, then, to expect that any reforms premised on the framing of unauthorized immigration and unauthorized immigrants as a/the problem will substantively impact the conditions and consequences of illegality. Regardless of whether such reforms intend to solve this “problem” through “self-deportation” (the preference of many restrictionist policymakers) or legalization (the preference of many immigrant rights actors), the consequences of these solutions will never address the underlying conditions that structure illegality. Illegality will continue to exist alongside the need for vulnerable bodies. As long as the structures of illegality, as well as many narratives of resistance, obscure the fact that our society requires “illegal” or otherwise exploitable bodies, the borderlands of illegality will continue to define the United States and its Southeast region.

References

- Abercrombie, Nicholas, Stephen Hill and Bryan Turner. 1980. *The Dominant Ideology Thesis*. London: George Allen & Unwin.
- Abrego, Leisy J. 2008. "Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California." *Law & Social Inquiry* 33(3): 709-724.
- Abrego, Leisy J. 2011. "Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims-Making for First and 1.5-Generation Immigrants." *Law & Society Review* 45(2): 337-370.
- Addy, Samuel. 2012. *A Cost-Benefit Analysis of the New Alabama Immigration Law*. Tuscaloosa, Alabama: The University of Alabama Center for Business and Economic Research. (<http://cber.cba.ua.edu/New%20AL%20Immigration%20Law%20-%20Costs%20and%20Benefits.pdf>).
- Alabama Department of Industrial Relations. 2011. "Alabama's July Unemployment Rate is 10%." Press Release, August 19. Montgomery, AL: Alabama Department of Labor. (http://dir.alabama.gov/docs/pressreleases/uc_july%202011%20unemployment%20rate%20release.pdf).
- Alabama Department of Labor. 2013. *Alabama Labor Market News: January 2013 Newsletter*. Montgomery, AL: Alabama Department of Labor. (<http://www2.dir.state.al.us/Newsletter/LMI%20Newsletter.pdf>).
- Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.
- Alonso, Alexsa, Kristin Macleod-Ball, Greg Chen, and Su Kim. 2011. *Immigration Enforcement Off Target: Minor Offenses with Major Consequences*. Washington, DC: American Immigration Lawyer's Association. (<http://www.aila.org/content/default.aspx?docid=36646>).
- American Civil Liberties Union. 2009. "Issue Brief: Prolonged Immigration Detention of Individuals Who are Challenging Removal." New York, NY: American Civil Liberties Union. (http://www.aclu.org/files/assets/prolonged_detention_issue_brief.pdf).

- Amin, Shahid. 1988. "Gandhi as Mahatma." Pp 288 – 350 in *Selected Subaltern Studies*, edited by Ranajit Guha and Gayatri Charavorty Spivak. New York and Oxford: Oxford University Press.
- Anrig, Greg and Tova Andrea Wang, eds. 2007. *Immigration's New Frontiers: Experiences from the Emerging Gateway States*. Washington, DC: The Brookings Institution Press.
- Ansley, Fran and Jon Shefner. 2010. *Global Connections, Local Receptions*. Knoxville: University of Tennessee Press.
- Anzaldúa, Gloria. 1987. *Borderlands / La Frontera: The New Mestiza*. San Francisco: Aunt Lute Books.
- Arizona Republic. 2010. "The Truth About SB 1070." *The Arizona Republic*, July 28. (<http://www.azcentral.com/arizonarepublic/opinions/articles/20100728wed1-28.html>).
- Armenta, Amada. 2012. "From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail." *Law & Policy* 34(2): 191-210.
- Associated Press. 2011. "Alabama Passes Arizona-Style Immigration Bill." *USA Today*, June 3. (http://usatoday30.usatoday.com/news/nation/2011-06-03-alabama-immigration-law_n.htm).
- Associated Press. 2009. "Rove Protégé Behind Racy Tennessee Ad." *CBS News*, February 11. (http://www.cbsnews.com/8301-250_162-2125324.html).
- Atiles, Jorge H. and Stephanie A. Bohon. 2003. "Camas Calientes: Housing Adjustments and Barriers to Social and Economic Adaptation among Georgia's Rural Latinos." *Southern Rural Sociology* 19(1): 97-122.
- Atiles, Jorge H. and Stephanie Ann Bohon. 2002. *The Needs of Georgia's New Latinos: A Policy Agenda for the Decade Ahead*. Atlanta: Carl Vinson Institute of Government, University of Georgia.

- Bada, Xochitl, Jonathan Fox, and Andre Selee, eds. 2006. *Invisible No More: Mexican Migrant Civic Participation in the United States*. Washington, DC: Wilson Center. (<http://www.wilsoncenter.org/publication/invisible-no-more-mexican-migrant-civic-participation-the-united-states>).
- Barkan, Elliot R. 2003. "Return of the Nativists? California Public Opinion and Immigration in the 1980s and 1990s." *Social Science History* 27(2): 229-283.
- Bass, Jack and Walter De Vries. 1995. *The Transformation of Southern Politics: Social Change and Political Consequence Since 1945*. Athens, GA: The University of Georgia Press.
- Bauer, Mary. 2009. *Under Siege: Life for Low-Income Latinos in the South*. Montgomery, AL: Southern Poverty Law Center. (<http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf>).
- Beason, Scott. 2012. "Beason Statement on the Impact of HB 56 on Alabama Unemployment Rate." Press Release, January 26. (<http://scottbeason.com/2012/01/26/beason-statement-on-the-impact-of-hb-56-on-alabama-unemployment-rate/>)
- Bedolla, Lisa Garcia. 2003. "The Identity Paradox: Latino Language, Politics and Selective Dissociation." *Latino Studies* 1(2): 264—283.
- Best, Joel. 1987. "Rhetoric in Claims-making: Constructing the Missing Children Problem." *Social Problems* 34(2): 101—121.
- Billeaud, Jacques. 2012. "Joe Arpaio Trial: Arizona Sheriff Taking The Stand Over Racial Profiling Allegations." *Huffington Post*, July 24. (http://www.huffingtonpost.com/2012/07/24/joe-arpaio_n_1697623.html).
- Black, Earl and Merle Black. 2003. *The Rise of Southern Republicans*. Cambridge, MA: Harvard University Press.
- Block, Fred. 1977. "The Ruling Class Does Not Rule: Notes on the Marxist Theory of the State." *Socialist Revolution* 33: 6-28.

- Bohon, Stephanie A. 2006. "Georgia's Response to New Immigration." Pp. 67-100 in *Immigration's New Frontiers: Experiences from the Emerging Gateway States*, edited by G. Anrig, Jr. and T. A. Wang. New York: The Century Foundation Press.
- Bohon, Stephanie A., Heather Macpherson, and Jorge H. Atilas. 2005. "Educational Barriers for New Latinos in Georgia." *Journal of Latinos and Education* 4(1): 43—58.
- Bohon, Stephanie A., Laura Gerard Massengale, and Audrey Jordan. 2009. "Mexican Self-Employment in Old and New Latino Places." Pp. 197-222 in *Global Connections and Local Receptions: New Latino Immigration to the Southeastern United States*, edited by F. Ansley and J. Shefner. Knoxville, TN: The University of Tennessee Press.
- Bohon, Stephanie A. and Heather MacPherson Parrot. 2011. "The Myth of Millions: Socially Constructing 'Illegal Immigration'." Pp. 99-113 in *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, edited by C. D. Lippard and C. A. Gallagher. Boulder and London: First Forum Press.
- Bonilla-Silva, Eduardo. 2010. *Racism without Racists: Colorblind Racism and Racial Inequality in Contemporary America*. Boulder: Rowman and Littlefield.
- Bosniak, Linda. 2012. "Arguing for Amnesty." *Law, Culture and the Humanities*. Online Supplement.
- Boyd, James. 1970. "Nixon's Southern Strategy: 'It's All in the Charts'." *The New York Times*, May 17. (<http://www.nytimes.com/packages/html/books/phillips-southern.pdf>).
- Burnett, John. 2009. "A New Way To Patrol The Texas Border: Virtually." *National Public Radio*, February 23. (<http://www.npr.org/templates/story/story.php?storyId=101050132>).
- Calavita, Kitty. 1992. *Inside the State: The Bracero Program, Immigration, and the INS*. New York and London: Routledge.
- Calavita, Kitty. 1996. "The New Politics of Immigration: Balanced-Budget Conservatism and the Symbolism of Proposition 187." *Social Problems* 43(3): 284-305.

- Calavita, Kitty. 1998. "Immigration, Law, and Marginalization in a Global Economy: Notes from Spain." *Law and Society Review* 32(3): 529-566.
- Camia, Catalina. 2011. "GOP Lawmaker Blasted for 'Shooting' Immigrants Rant." *USA Today*, July 13. (<http://content.usatoday.com/communities/onpolitics/post/2011/07/shooting-illegal-immigrants-congressional-hispanic-caucus-/1#.UWhkQLau9c0>).
- Capps, Randy, Marc R. Rosenblum, Cristina Rodriguez, and Muzzafar Chishti. 2011. *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*. Washington, DC: Migration Policy Institute.
- Carens, Joseph H. 2010. *Immigrants and the Right to Stay*. Cambridge: MIT Press.
- Chandler, Kim. "Alabama House Passes Arizona-Style Immigration Law." *The Birmingham News*, April 5. (http://blog.al.com/spotnews/2011/04/alabama_house_passes_arizona-s.html).
- Chatterjee, Partha and Pradeep Jeganathan, eds. 2000. *Subaltern Studies: Community, Gender and Violence*. New York: Columbia University Press.
- Chavez, Leo. 2001. *Covering Immigration: Popular Images and the Politics of the Nation*. University of California Press.
- Chavez, Leo. 2007. "Commentary: The Condition of Illegality." *International Migration* 45(3): 192-196.
- Chavez, Leo. 2008. *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. Stanford, CA: Stanford University Press.
- Coleman, Matthew. 2007. "Immigration Geopolitics Beyond the Mexico–US Border." *Antipode* 39: 54–76.
- Coleman, Matthew. 2008. "Between Public Policy and Foreign Policy: US Immigration Law Reform and the Undocumented Migrant." *Urban Geography* 29(1): 4-28.
- Coleman, Matthew. 2012. "The 'Local' Migration State: The Site-Specific Devolution of Immigration Enforcement in the US South." *Law & Policy* 34(2): 159-190.

- Coleman, Matthew and Austin Kocher. 2011. "Detention, Deportation, Devolution and Immigrant Incapacitation in the US, Post 9/11." *The Geographic Journal* 177(3): 228-237.
- Colford, Paul. 2013. "Illegal Immigrant No More." *The Definitive Source* (official blog of the Associated Press), April 2. (<http://blog.ap.org/>).
- Congressional Budget Office. 2007. *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*. Washington, DC: Congressional Budget Office. (<http://www.cbo.gov/publication/41645>).
- Conley, Meghan E. Forthcoming. " 'I Now Pronounce You PoliMigra': Narrative Resistance to Police-ICE Interoperability." *Societies Without Borders*.
- Conley, Meghan E. 2009. "The Construction of Social Networks of Support in a New Latino Gateway." Masters Thesis, Department of Sociology, University of Tennessee, Knoxville.
- Cornelius, Wayne. 2001. "Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy." *Population and Development Review* 27(4): 661-685.
- Cornfield, Daniel B. 2009. "Immigrant Labor Organizing in a 'New Destination City': Approaches to the Unionization of African, Asian, Latino, and Middle Eastern Workers in Nashville." Pp. 279-298 in *Global Connections and Local Receptions: New Latino Immigration to the Southeastern United States*, edited by F. Ansley and J. Shefner. Knoxville, TN: The University of Tennessee Press.
- Cornfield, Daniel B. and Angela Arzubaiaga. 2004. "Immigrants and Education in the US Interior: Integrating and Segmenting Tendencies in Nashville, Tennessee." *Peabody Journal of Education* 79(2): 157-179.
- Corruner, Lauren. 2012. "Coming Out of the Shadows: DREAM Act Activism in the Context of Global Anti-Deportation Activism." *Indiana Journal of Global Legal Studies* 19(1): 143-168.
- Coutin, Susan Bibler. 1993. *The Culture of Protest: Religious Activism and the US Sanctuary Movement*. Boulder, CO: Westview.

- Coutin, Susan Bibler. 2000a. *Legalizing Moves: Salvadoran Immigrants' Struggle for US Residency*. Ann Arbor: University of Michigan Press.
- Coutin, Susan Bibler. 2000b. "Denationalization, Inclusion, and Exclusion: Negotiating the Boundaries of Belonging." *Indiana Journal of Global Legal Studies* 7: 585-591.
- Coutin, Susan B. 2003. "Illegality, Borderlands, and the Space of Nonexistence." Pp. 171-202 in *Globalization Under Construction: Governmentality, Law, and Identity*, edited by R. W. Perry and B. Maurer. Minneapolis: University of Minnesota Press.
- Coutin, Susan Bibler and Phyllis Pease Chock. 1996. "'Your Friend, the Illegal': Definition and Paradox in Newspaper Accounts of US Immigration Reform." *Identities* 2(1-2): 123-148.
- Cunningham, Peter, Michelle Banker, Samantha Artiga, and Jennifer Tolbert. 2006. "Health Coverage and Access to Care for Hispanics in New Growth Communities and Major Hispanic Centers." *Kaiser Commission on Medicaid and the Uninsured*. Menlo Park, CA: The Kaiser Foundation. (<http://www.kff.org/uninsured/upload/7551.pdf>).
- Datel, Robin, and Dennis Dingemans. 2008. "Immigrant Space and Place in Suburban Sacramento." Pp. 171-199 in *Twenty First Century Gateways: Immigrant Incorporation in Suburban America*, edited by A. Singer, S. W. Hardwick, and C. Brettel. Washington, DC: Brookings Institution Press.
- De Genova, Nicholas P. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *American Review of Anthropology* 31: 419-447.
- De Genova, Nicholas P. 2004. "The Legal Production of Mexican / Migrant 'Illegality'." *Latino Studies* 2: 160-185.
- De Genova, Nicholas P. 2006. "Migrant 'Illegality' and the Metaphysics of Antiterrorism: 'Immigrants' Rights' in the Aftermath of the Homeland Security State." *Border Battles: The US Immigration Debates*. Social Science Research Council. (http://borderbattles.ssrc.org/De_Genova/)
- De Jong, Gordon F. and Quynh-Giang Tran. 2001. "Warm Welcome, Cool Welcome: Mapping Receptivity Toward Immigrants in the US." *Population Today* 29(8): 1, 4-5.

- Delgado, Amalia Greenberg and Julia Harumi Mass. 2011. *Costs and Consequences: The High Price of Policing Immigrant Communities*. San Francisco: ACLU of Northern California. (www.aclunc.org/docs/criminal.../police.../costs_and_consequences.pdf).
- Delgado, Richard. 1989. "Storytelling for Oppositionists and Others: A Plea for Narrative." *Michigan Law Review* 87(8): 2411—2441.
- Department of Homeland Security. 2003. "Creation of the Department of Homeland Security." Washington, DC: Department of Homeland Security. (<http://www.dhs.gov/creation-department-homeland-security>).
- Department of Homeland Security. 2012. *Yearbook of Immigration Statistics: 2011*. Washington, DC: US Department of Homeland Security, Office of Immigration Statistics.
- Department of Justice. 2011. "Department of Justice Releases Investigative Findings on the Maricopa County Sheriff's Office: Findings Show Pattern or Practice of Wide-ranging Discrimination Against Latinos and Retaliatory Actions Against Individuals Who Criticized MCSO Activities." Press Release, December 15. Washington, DC: Department of Justice. (<http://www.justice.gov/opa/pr/2011/December/11-crt-1645.html>).
- Department of Justice. 2012a. "Assistant Attorney General Thomas E. Perez Speaks at the American Civil Liberties Union's Plyler v. Doe 30th Anniversary Event." Transcript, June 11. Washington, DC: Department of Justice. (<http://www.justice.gov/crt/opa/pr/speeches/2012/crt-speech-120611.html>).
- Department of Justice. 2012b. "Justice Department Releases Investigative Findings on the Alamance County, N.C., Sheriff's Office: Findings Show Pattern or Practice of Discriminatory Policing Against Latinos." Press Release, September 18. Washington, DC: Department of Justice. (<http://www.justice.gov/opa/pr/2012/September/12-crt-1125.html>).
- Donato, Katharine M., Melissa Stainbeck, and Carl L. Bankston III. 2005. "The Economic Incorporation of Mexican Immigrants in Southern Louisiana: A Tale of Two Cities." Pp. 76-100 in *New Destinations: Mexican Immigration in the United States*, edited by V. Zúñiga and R. Hernández-León. New York: Russell Sage.

- Donato, Katharine M. and Amada Armenta. 2011. "What We Know About Unauthorized Migration." *Annual Review of Sociology* 37: 529–543.
- Dove, April Lee. 2010. "Framing Illegal Immigration at the U.S.-Mexican Border: Anti-Illegal Immigration Groups and the Importance of Place in Framing." *Research in Social Movements, Conflict and Change* 30: 199-237.
- Dowling, Julia A. and Jonathan Xavier Inda, eds. 2013. *Governing Immigration through Crime*. Stanford University Press.
- Dreby, Joanna. 2012. "The Burden of Deportation on Children in Mexican Immigrant Families." *Journal of Marriage and Family* 74: 829-845.
- Durand, Jorge and Douglas S. Massey. 1992. "Mexican Migration to the United States: A Critical Review." *Latin American Research Review* 27(2): 3-42.
- Durand, Jorge, Douglas S. Massey, and Chiara Capoferro. 2006. "The New Geography of Mexican Immigration." Pp. 1-20 in *New Destinations: Mexican Immigration in the United States*, edited by V. Zúñiga and R. Hernández-León. New York: Russell Sage Foundation.
- Eagleton, Terry. 1991. *Ideology*. London: Verso.
- Eggen, Dan. 2003. "Rules on Detention Widened: FBI, Marshals Can Hold Foreigners." *Washington Post*, March 20.
- Emerson, Robert M., Rachel I. Fretz, and Linda L. Shaw. 1995. *Writing Ethnographic Field Notes*. Chicago: The University of Chicago Press.
- Erwin, Deborah O. 2003. "An Ethnographic Description of Latino Immigration in Rural Arkansas: Intergroup Relations and Utilization of Healthcare Services." *Southern Rural Sociology* 19(1): 45-72.
- Escobar, Martha. 2009. "Reinforcing Gendered Racial Boundaries: Unintended Consequences of the Mainstream Immigrant Rights Discourse." *Thinking Gender Papers*. Los Angeles: UCLA Center for the Study of Women. (<http://www.escholarship.org/uc/item/75x6w42n>).

- Espenshade, Thomas. 1995. "Unauthorized Immigration to the United States." *Annual Review of Sociology* 21: 195-216.
- Executive Office of the President. 2006. *The Federal Response To Hurricane Katrina: Lessons Learned*. Washington, DC: US Government Printing Office. (<http://georgewbush-whitehouse.archives.gov/reports/katrina-lessons-learned/>).
- Fan, Mary D. 2012. "Rebellious State Crimmigration Enforcement and the Foreign Affairs Power." *Washington University Law Review* 89: 1269-1308.
- Federation for American Immigration Reform. 2008. "Attrition of Illegal Immigrants through Enforcement." Washington, DC: Federation for American Immigration Reform. (<http://www.fairus.org/issue/attrition-of-illegal-immigrants-through-enforcement>).
- Fennelly, Katherine. 2006. "State and Local Policy Responses to Immigration in Minnesota." Pp. 101-142 in *Immigration's New Frontiers: Experiences from the Emerging Gateway States*, edited by G. Anrig, Jr. and T. A. Wang. New York: The Century Foundation Press.
- Fertig, Todd. 2011. "Lawmaker's Immigrant Remark Draws Gasps." *The Wichita Eagle*, March 14. (<http://www.kansas.com/2011/03/15/1762925/lawmakers-immigrant-remark-draws.html>).
- Fink, Leon. 2003. *The Maya of Morganton: Work and Community in the Nuevo New South*. Chapel Hill: The University of North Carolina Press.
- Finnie, Nicole D., Roman Guzik, and Jennifer J. Pinales. 2013. *Freed But Not Free: A Report Examining the Current Use of Alternatives to Immigration Detention*. Newark: Rutgers School of Law Immigrant Rights Clinic.
- Fix, Michael. 2009. *Immigrants and Welfare: The Impact of Welfare Reform on America's Newcomers*. New York: Russell Sage.
- Fleischauer, Eric. 2011. "Decatur Utilities: No Water or Power for Illegal Immigrants." *Decatur Daily*, November 6. (<http://decaturdaily.com/stories/DU-No-water-or-power-for-illegal-immigrants,87348>).

- Florence Project. 2011. "How to Apply for Voluntary Departure." Florence, AZ: The Florence Project.
([www.justice.gov/eoir/probono/Voluntary%20Departure%20%20English%20\(13\).pdf](http://www.justice.gov/eoir/probono/Voluntary%20Departure%20%20English%20(13).pdf)).
- Flores, Lisa A. 2003. "Constructing Rhetorical Borders: Peons, Illegal Aliens, and Competing Narratives of Immigration." *Critical Studies in Media Communication* 20(4): 362-387.
- Forbes, Jack D. 1973. *Aztecas del Norte*. Greenwich, CT: Fawcett Publications.
- Frank, Andre Gunder. 1969. *Capitalism and Underdevelopment in Latin America*. New York: Monthly Review Press.
- Freeden, Michael. 2003. *Ideology: A Very Short Introduction*. Oxford: Oxford University Press.
- Freeman, Gary P. 1986. "Migration and the Political Economy of the Welfare State." *Annals of the American Academy of Political and Social Science* 485: 51-63.
- Fujiwara, Lynn H. 2005. "Immigrant Rights Are Human Rights: The Reframing of Immigrant Entitlement and Welfare." *Social Problems* 52(1): 79—101.
- Furuseth, Owen J. and Heather A. Smith. 2006. "From Winn-Dixie to Tiendas: The Remaking of the New South." Pp. 1-17 in *Latinos in the New South: Transformations of Place*, edited by H. A. Smith and O. J. Furuseth. Burlington, VT: Ashgate.
- Galindo, Rene and Jami Vigil. 2006. "Are Anti-Immigrant Statements Racist or Nativist? What Difference Does It Make?" *Latino Studies* 4(4): 419—447.
- Gans, Herbert J. 1982. *The Urban Villagers*. New York: The Free Press.
- Garcia, Maria Cristina. 1996. *Havana, USA: Cuban Exiles and Cuban Americans in South Florida, 1959-1994*. Berkeley: University of California Press.
- Golash-Boza, Tanya. 2013. "Mapping the Shift from Border to Interior Enforcement of Immigration Laws during the Obama Presidency." *Social Scientists on Immigration Policy*. (<http://stopdeportationsnow.blogspot.com/>).

- Gomez, Alan. 2011. "Alabama Immigration Law Marked by Hispanic School Absences." *USA Today*, October 4. (<http://usatoday30.usatoday.com/news/nation/story/2011-10-02/Alabama-immigration-Hispanic-school-absences/50638454/1>).
- Goss, Stephen, Alice Wade, J. Patrick Skirvin, Michael Morris, K. Mark Bye, and Danielle Huston. 2013. *Effects Of Unauthorized Immigration on the Actuarial Status of the Social Security Trust Funds*. Baltimore: Social Security Administration Office of the Chief Actuary. (www.socialsecurity.gov/OACT/NOTES/pdf_notes/note151.pdf).
- Gouveia, Lourdes. 2006. "Nebraska's Responses to Immigration." Pp. 143-198 in *Immigration's New Frontiers: Experiences from the Emerging Gateway States*, edited by G. Anrig, Jr. and T. A. Wang. New York: The Century Foundation Press.
- Gouveia, Lourdes, Miguel A. Carranza, and Jasney Cogua. 2005. "The Great Plains Migration: Mexicans and Latinos in Nebraska. Pp. 23-49 in *New Destinations: Mexican Immigration in the United States*, edited by V. Zúñiga and R. Hernandez Leon. New York: Russell Sage.
- Gouveia, Lourdes and Rogelio Saenz. 2000. "Global Forces and Latino Population Growth in the Midwest: A Regional and Subregional Analysis." *Great Plains Research* 10 (Fall): 305-28.
- Gramsci, Antonio. 1971. *Selections from the Prison Notebooks of Antonio Gramsci*. Translated by Quentin Hoare and Geoffrey Nowell Smith. New York: International Publishers.
- Grey, Mark A. 1999. "Immigrants, Migration, and Worker Turnover at the Hog Pride Pork Packing Plant." *Human Organization* 58(1): 16-27.
- Grey, Mark A. and Anne C. Woodrick. 2002. "Unofficial Sister Cities: Meatpacking Migration between Villachuato, Mexico and Marshalltown, Iowa." *Human Organization* 61(4): 364-376.
- Griffith, David C. 2005. "Rural Industry and Mexican Immigration and Settlement in North Carolina. Pp. 50-75 in *New Destinations: Mexican Immigration in the United States*, edited by V. Zúñiga and R. Hernandez Leon. New York: Russell Sage.

- Guha, Ranajit. 1988. "The Prose of Counter-Insurgency." Pp 45 – 86 in *Selected Subaltern Studies*, edited by Ranajit Guha and Gayatri C. Spivak. New York and Oxford: Oxford University Press.
- Guthey, Grieg. 2001. "Mexican Places in Southern Spaces: Globalization, Work and Daily Life in and around the North Georgia Poultry Industry." Pp. 57-67 in *Latino Workers in the Contemporary South*, edited by A. D. Murphy, C. Blanchard, and J. A. Hill. Athens, GA: The University of Georgia Press.
- Hagan, Jaqueline M. 1998. "Social networks, gender, and immigrant incorporation: resources and constraints." *American Sociological Review* 63(1): 55-67.
- Heath, Brad. 2009. "Immigration Courts Face Huge Backlog." *USA Today*, March 29. (http://usatoday30.usatoday.com/news/nation/2009-03-29-immigcourt_N.htm).
- Heath, Brad. 2013. "Immigration Tactics Aimed at Boosting Deportations." *USA Today*, February 17. (<http://www.usatoday.com/story/news/nation/2013/02/14/immigration-criminal-deportation-targets/1919737/>).
- Hellman, Judith Adler. 2008. *The World of Mexican Migrants: The Rock and the Hard Place*. New York: The New Press.
- Hernández-León, Rubén and Víctor Zúñiga. 2000. "Making Carpet By the Mile: The Emergence of a Mexican Immigrant Community in an Industrial Region of the US Historic South." *Social Science Quarterly* 81(1): 49-66.
- Hernández-León, Rubén and Víctor Zúñiga. 2003. "Mexican Immigrant Communities in the South and Social Capital: The Case of Dalton, GA." *Southern Rural Sociology* 19(1): 20-45.
- Hing, Bill Ong. 2006. "Misusing Immigration Policies in the Name of Homeland Security." *CR: The New Centennial Review* 6(1): 195-224.
- Hoefler, Michael, Nancy Rytina, and Bryan Baker. 2012. *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011*. Washington, DC: Department of Homeland Security.

- Hondagneu-Sotelo, Pierrette. 2001. *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence*. Berkeley: University of California Press.
- Horton, John. 1995. *The Politics of Diversity: Immigration, Resistance, and Change in Monterey Park, California*. Philadelphia: Temple University Press.
- Huang, Priscilla. 2008. "Anchor Babies, Over-Breeders, and the Population Bomb: The Reemergence of Nativism and Population Control in Anti-Immigration Policies." *Harvard Law & Policy Review* 2: 385-406
- Huntington, Samuel. 2004. "The Hispanic Challenge." *Foreign Policy*. (http://www.foreignpolicy.com/articles/2004/03/01/the_hispanic_challenge).
- Huntington, Samuel P. 2005. *Who Are We? The Challenges to America's National Identity*. New York: Simon & Schuster.
- Immigration and Customs Enforcement. 2010. "Knox County First in Tennessee to Benefit from ICE Strategy." Press Release, June 17. Washington, DC: Immigration and Customs Enforcement. (<http://www.ice.gov/news/releases/1006/100617knoxville.htm>).
- Immigration and Customs Enforcement. 2012. "ICE announces Year-End Removal Numbers." Press Release, December 21. Washington, DC: Immigration and Customs Enforcement. (<http://www.ice.gov/news/releases/1212/121221washingtondc2.htm#statement>).
- Immigration Policy Center. 2012. *Q & A Guide to State Immigration Laws: What You Need to Know if Your State is Considering Anti-Immigrant Legislation*. Washington, DC: Immigration Policy Center. (http://www.immigrationpolicy.org/sites/default/files/docs/State_Guide_to_Immigration_Laws_Updated_021612.pdf).
- International Association of Chiefs of Police. 2007. *Police Chiefs Guide to Immigration Issues*. Alexandria, VA: International Association of Chiefs of Police. (www.theiacp.org/Portals/0/pdfs/.../PoliceChiefsGuidetoImmigration.pdf).

- Jackson, Regine O. 2011. "The Shifting Nature of Racism." Pp. 25-51 in *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, edited by C. D. Lippard and C. A. Gallagher. Boulder and London: First Forum Press.
- Jacobson, Robin Dale. 2008. *The New Nativism: Proposition 187 and the Debate over Immigration*. Minneapolis: University of Minneapolis Press.
- Jenkins, J. Craig and Charles Perrow. 1977. "Insurgency of the Powerless: Farm Worker Movements (1946-1952)." *American Sociological Review* 42: 249—268.
- Johnson, James H., Karen Johnson-Webb, and Walter C. Farrell. 1999. "A Profile of Hispanic Newcomers in North Carolina." *Popular Government* 65(1): 2-12.
- Johnson, Kevin R. and Bill Ong Hing. 2007. "The Immigrant Rights Marches of 2006 and the Prospects for a New Civil Rights Movement." *Harvard Civil Rights-Civil Liberties Law Review* 42: 99-138.
- Johnson-Webb, Karen D. 2002. "Employer Recruitment and Hispanic Labor Migration: North Carolina Urban Areas at the End of the Millennium." *Professional Geographer* 54(3): 406 – 421.
- Jonas, Suzanne. 2006. "Reflections on the Great Immigrant Battle of 2006 and the Future of America." *Social Justice* 33(1): 6-20.
- Jones-Correa, Michael. 2008. "Race to the Top: The Politics of Immigrant Education in Suburbia. Pp. 308-338 in *New Faces in New Places: The Changing Geography of American Immigration*, edited by D. S. Massey. New York: Russell Sage Foundation.
- Kandel, William. 2006. "Rural meat Processing Industry Draws Hispanic Workers." *Amber Waves* 4(3): 11-15.
- Kandel, William, and Emilio Parrado. 2004. "Industrial Transformation and Hispanic Migration to the American South": The Case of the Poultry Industry." Pp. 266-276 in *Hispanic Spaces, Latino Places: Community and Cultural Diversity in Contemporary America*, edited by D. D. Arreola. Austin: University of Texas Press.

- Kandel, William, and Emilio Parrado. 2005. "Restructuring of the US Meat Processing Industry and New Hispanic Migrant Destinations." *Population and Development Review*, 31(3): 447-471.
- Kandel, William, and Emilio Parrado. 2006a. "Hispanic Population Growth and Public School Response in Two New South Immigrant Destinations," Pp. 111-134 in *The New South: Latinos and the Transformation of Place*, edited by H. A. Smith and O. Furuseth. Aldershot, England: Ashgate.
- Kandel, William and Emilio Parrado. 2006b. "Rural Hispanic Population Growth: Public Policy Impacts in Nonmetro Counties." Pp. 155-176 in *Population Change and Rural Society*, edited by W. Kandel and D. Brown. Berlin: Springer.
- Kee, Lindsay. 2012. *Consequences & Costs: Lessons Learned from Davidson County, Tennessee's Jail Model 287(g) Program*. Nashville, TN: The ACLU of Tennessee. (<http://www.aclu-tn.org/pdfs/287g%28F%29.pdf>).
- Kennedy, Veronica. 2011. "Library Card Requires Proof of Citizenship at North Shelby." *The Birmingham News*. October 24.
- Kerwin, Donald and Serena Yi-Ying Lin. 2009. *Immigration Detention: Can ICE Meet its Legal Imperatives and Case Management Responsibilities?* Washington, DC: Migration Policy Institute.
- Khashu, Anita. 2009. *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*. Washington, DC: Police Foundation. (<http://www.policefoundation.org/sites/pftest1.drupalgardens.com/files/Khashu%20%282009%29%20-%20The%20Role%20of%20Local%20Police.pdf>).
- King, D.A. 2009. "Pro & Con: Should Local Public Safety Units Enforce Immigration Laws?" *The Atlanta Journal-Constitution*. October 19.
- Kittrie, Orde F. 2006. "Federalism, Deportation, and Crime Victims Afraid to Call the Police." *Iowa Law Review* 91: 1449-1508.

- Koh, Jennifer Lee, Jayashri Srikantiah, and Karen C. Tumlin. 2011. *Deportation Without Due Process*. Los Angeles, CA: National Immigration Law Center. (<http://www.nilc.org/deportwodue.html>)
- Koskela, Hille. 2011. "Don't Mess With Texas! Texas Virtual Border Watch Program and the (Botched) Politics of Responsibilization." *Theoretical Criminology* 15: 269-282.
- Koslowski, Rey. 2011. *The Evolution of Border Controls as a Mechanism to Prevent Illegal Immigration*. Washington, DC: Migration Policy Institute.
- Krikorian, Mark. 2005. *Downsizing Illegal Immigration: A Strategy of Attrition through Enforcement*. Washington, DC: Center for Immigration Studies. (<http://www.cis.org/ReducingIllegalImmigration-Attrition-Enforcement>).
- Kritz, Mary M. and Doug Gurak. 2008. "Foreign-Born Destination Choices: National Origin Differences in Dispersion." Paper presented at the annual meetings of the Population Association of America. New Orleans.
- Lakoff, George and Mark Johnson. 1980. *Metaphors We Live By*. Chicago: University of Chicago Press.
- Lamis, Alexander P. 1999. *Southern Politics in the 1990s*. Baton Rouge: Louisiana State University Press.
- Larrain, Jorge. 1983. *Marxism and Ideology*. Humanities Press.
- Leadership Conference on Civil Rights (LCCR). 2006. "Civil Rights Coalition Joins Widespread Calls for Comprehensive, Fair Immigration Reform." Press Release, March 15. Washington, DC: The Leadership Conference on Civil Rights. (<http://www.civilrights.org/press/2006/civil-rights-coalition-joins-widespread-calls-for-comprehensive-fair-immigration-reform.html>).
- Lee, Jennifer and Frank D. Bean. 2007. "Reinventing the Color Line: Immigration and America's New Racial / Ethnic Divide." *Social Forces* 86(2): 561-586.

- Lewis, Paul and S. Karthick Ramakrishnan. 2007. "Police Practices in Immigrant Destination Cities: Political Control or Bureaucratic Professionalism?" *Urban Affairs Review* 42(6): 874-900.
- Light, Ivan and Michael Francis Johnston. 2009. "The Metropolitan Dispersion of Mexican Immigrants in the United States, 1980 to 2000." *Journal of Ethnic and Migration Studies* 35(1): 3-18.
- Lippard, Cameron D. and Charles A. Gallagher, eds. 2010. *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*. Boulder: First Forum Press.
- Lipset, Seymour Martin. 1996. *American Exceptionalism: A Double-Edged Sword*. New York and London: W.W. Norton and Company.
- Logan, John R., Richard D. Alba, and Wenquan Zhang. 2002. "Immigrant Enclaves and Ethnic Communities in New York and Los Angeles." *American Sociological Review* 67(2): 299-322.
- Lopez, Mark Hugo, Rich Morin, and Paul Taylor. 2010. *Illegal Immigration Backlash Worries, Divides Latinos*. Washington, DC: Pew Hispanic Center.
- Lopez, Mark Hugo, Ana Gonzalez-Barrera, and Seth Motel. 2011. *As Deportations Rise to Record Levels, Most Latinos Oppose Obama's Policy*. Washington, DC: Pew Hispanic Center.
- Lugo-Lugo, Carmen R. and Mary K. Bloodsworth-Lugo. 2010. "475° from September 11: Citizenship, Immigration, Same-Sex Marriage, and the Browning of Terror." *Cultural Studies* 24(2): 234-255.
- Lukes, Steven 2005. *Power: a radical view*. London: Palgrave MacMillan.
- Lydgate, Joanna. 2010. *Assembly-Line Justice: A Review of Operation Streamline*. Berkeley, CA: The Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity.
- Lyman, Brian. 2011. "MPS parent says child asked for immigration status." *Montgomery Advertiser*, October 4.
(<http://www.montgomeryadvertiser.com/article/20111004/NEWS01/110040319/MPS-parent-says-child-asked-immigration-status>).

- Mackey, Robert. 2009. "Thousands Sign Up for Virtual Border Patrol." *The New York Times*, March 26. (<http://thelede.blogs.nytimes.com/2009/03/26/thousands-sign-up-for-virtual-border-patrol/>).
- Mahoney, Roger. 2006. "Called by God to Help." *The New York Times*, March 22. (http://www.nytimes.com/2006/03/22/opinion/22mahony.html?_r=0).
- Mariscal, Jorge. 2005. "Homeland Security, Militarism, and the Future of Latinos and Latinas in the United States." *Radical History Review* 93: 39-52.
- Marquardt, Marie Freidman, Timothy J. Steigenga, Philip J. Williams, and Manuel A. Vasquez. *Living Illegal: The Human Face of Unauthorized Immigration*. New York and London: The New Press.
- Marrow, Helen. 2005. "New Destinations and Immigrant Incorporation." *Perspectives on Politics* 3(4): 781-99.
- Marrow, Helen. 2009. "New Destinations and the American Colour Line." *Ethnic and Racial Studies* 32(6): 1037-57.
- Martinez, Lisa M. 2008. "Flowers from the Same Soil: Latino Solidarity in the Wake of the 2006 Immigrant Mobilizations." *American Behavioral Scientist* 52(4): 557-579.
- Massey, Douglas S. 1987. "Understanding Mexican Migration to the United States." *American Journal of Sociology* 92(6): 1372 – 1403.
- Massey, Douglas S. 1999a. "International Migration at the Dawn of the Twenty-First Century: The Role of the State." *Population and Development Review* 25(2): 303-322.
- Massey, Douglas S. 1999b. "Why Does Immigration Occur? A Theoretical Synthesis." Pp. 34-52 in *The Handbook of International Migration*, edited by C. Hirschman, P. Kasinitz, and J. DeWind. New York: Russell Sage Foundation.
- Massey, Douglas S. 2005a. *Worlds in Motion: Understanding International Migration at the End of the Millennium*. New York: Clarendon.

- Massey Douglas S. 2005b. "Backfire at the Border: Why Enforcement Without Legalization Cannot Stop Illegal Immigration." Washington, DC: Center for Trade Policy Studies, Cato Institute. (<http://www.cato.org/publications/trade-policy-analysis/backfire-border-why-enforcement-without-legalization>).
- Massey, Douglas S. 2008. *New Faces in New Places: The Changing Geography of American Immigration*. New York: Russell Sage Foundation.
- Massey, Douglas and Fernando Riosmena. 2010. "Undocumented Migration from Latin America in an Era of Rising US Enforcement." *Annals of the American Academy of Political and Social Science* 630(1): 294-321.
- Massey, Douglas S., Jorge Durand, and Nolan J. Malone. 2002. *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration*. New York: Russell Sage Foundation.
- Mayer, Jeremy D. 2002. *Running on Race: Racial Politics in Presidential Campaigns 1960-2000*. New York: Random House.
- McCall, George J. and Jerry Laird Simmons. 1969. *Issues in Participant Observation: A Text and Reader*. Reading, MA: Addison-Wesley.
- McClain, Paula D., Niambi M. Carter, Victoria M. DeFrancesco Soto, Monique L. Lyle, Jeffrey D. Grynawski, Shayla C. Nunnally, Thomas J. Scotto, J. Alan Kendrick, Gerald F. Lackey, and Kendra Davenport Cotton. 2006. "Racial Distancing in a Southern City: Latino Immigrants' Views of Black Americans." *Journal of Politics* 68(3): 571-584.
- McConnell, Eilee Diaz. 2011. "Racialized Histories and Contemporary Population Dynamics in the New South." Pp. 77-98 in *Being Brown in Dixie: Race, Ethnicity, and Latino Immigration in the New South*, edited by C. D. Lippard and C. A. Gallagher. Boulder and London: First Forum Press.
- McDaniel, Josh and Vanessa Casanova. 2003. "Pines in Lines: Tree Planting, H2B Guest Workers, and Rural Poverty in Alabama." *Southern Rural Sociology* 19(1): 73-96.

- McKissick, John C. and Sharon P. Kane. 2011. *An Evaluation of Direct and Indirect Economic Losses Incurred by Georgia Fruit and Vegetable Producers in Spring 2011*. Athens, Ga: The University of Georgia Center for Agribusiness and Economic Development. (<http://caes.uga.edu/center/caed/pubs/2011/documents/CR-11-01.pdf>).
- Medina, M. Isabel. 2006. "Immigrants and the Government's War on Terrorism." *CR: The New Centennial Review* 6(1): 225-238.
- Menjívar, Cecilia. 2006. "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States." *American Journal of Sociology* 111(4): 999-1037.
- Menjívar, Cecilia. 2011. "The Power of the Law: Central Americans' Legality and Everyday Life in Phoenix, Arizona." *Latino Studies* 9(4): 377-395.
- Menjívar, Cecilia and Cynthia Bejarano. 2004. "Latino Immigrants' Perceptions of Crime and Police Authorities in the United States: A Case Study from the Phoenix Metropolitan Area." *Journal of Ethnic and Racial Studies* 27(1): 120-148
- Menjívar, Cecilia and Leisy Abrego. 2012a. *Legal Violence in the Lives of Immigrants: How Immigration Enforcement Affects Families, Schools, and the Workplace*. Washington, DC: Center for American Progress.
- Menjívar, Cecilia and Leisy J. Abrego. 2012b. "Legal Violence: Immigration Law and the Lives of Central American Immigrants." *American Journal of Sociology* 117(5): 1380-1421.
- Mignolo, Walter. 2000. *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*. Princeton, NJ: Princeton University Press.
- Millard, Ann V. and Jorge Chapa. 2004. *Apple Pie & Enchiladas: Latino Newcomers in the Rural Midwest*. Austin: University of Texas Press.
- Mindiola, Tatcho, Yolanda Flores Niemann, and Nestor Rodriguez. 2002. *Black-Brown Relations and Stereotypes*. Austin: University of Texas Press.

- Mittelstadt, Michelle, Burke Speaker, Doris Meissner, and Muzzaffar Chishti. 2011. *Through the Prism of National Security: Major Immigration Policy and Program Changes in the Decade since 9/11*. Washington, DC: Migration Policy Institute.
- Mohl, Raymond A. 2003. "Globalization, Latinization, and the Nuevo New South." *Journal of American Ethnic History* 22(4): 31-66.
- Montero, David. 2013. "Sandstrom Says Immigration Law He Pushed Should Be Axed." *The Salt Lake Tribune*, March 14.
(<http://www.sltrib.com/csp/cms/sites/sltrib/pages/printerfriendly.csp?id=56000222>).
- Mooney, Patrick H. and Theo J. Majka. 1995. *Farmers' and Farmworkers' Movements: Social Protest in American Agriculture*. New York: Twayne Publishers.
- Naples, Nancy A. 2007. "The social regulation of community: An intersectional analysis of migration and incorporation in the heartland." *The Journal of Latino-Latin American Studies* 2(3): 16-23.
- National Commission on Terrorist Attacks upon the United States. 2004. *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*. Washington, DC: United States Government Printing Office.
(<http://www.gpoaccess.gov/911/Index.html>).
- National Community Advisory Commission. 2011. *Restoring Community: A National Community Advisory Report on ICE's Failed 'Secure Communities' Program*. (<http://bit.ly/scomm-shadow-rpt>).
- Neal, Micki and Stephanie A. Bohon. 2003. "The Dixie Diaspora: Attitudes towards Immigrants in Georgia." *Sociological Spectrum* 23(2): 181-212.
- Nelson, Lise and Nancy Hiemstra. 2008. "Latino immigrants and the renegotiation of place and belonging in small town America." *Social & Cultural Geography* 9(3): 319-342.
- Nevins, Joseph. 2002. *Operation Gatekeeper And Beyond: The Rise of the "Illegal Alien" and the Making of the US-Mexico Boundary*. New York: Routledge.

- Nevins, Joseph. 2003. "Thinking Out of Bounds: A Critical Analysis of Academic and Human Rights Writings on Migrant Deaths in the U.S.-Mexico Border Region." *Migraciones Internacionales* 2(2): 171-190.
- Newton, Lina. 2008. *Illegal, Alien, or Immigrant: The Politics of Immigration Reform*. New York: New York University Press.
- Ngai, Mae M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.
- Novoa, Mónica. 2012. "Open letter from Drop the I-Word to *The New York Times*." *Colorlines*, October 1. (<http://colorlines.com/droptheiword/blog/an-open-letter-from-drop-the-i-word-to-the-new-york-times.html>).
- Numbers USA. N.d. "How Attrition through Enforcement Works." Arlington, VA: Numbers USA. (<https://www.numbersusa.com/content/learn/issues/american-workers/how-attrition-through-enforcement-works.html>).
- Ogletree, Charles J., Jr. 2000. "America's Schizophrenic Immigration Policy: Race, Class, and Reason." *Immigration and Nationality Law Review* 21: 3-18.
- O'Rourke, Allen Thomas. 2006. "Good Samaritans, Beware: The Sensenbrenner-King Bill and Assistance to Undocumented Migrants." *Harvard Latino Law Review* 9(195).
- Padin, Jose Antonio. 2005. "The Normative Mulattoes: The Press, Latinos, and the Racial Climate on the Moving Immigration Frontier." *Sociological Perspectives* 48(1): 49—75.
- Papadimitriou, Demetrios G. and Philip L. Martin. 1991. *The Unsettled Relationship: Labor Migration and Economic Development*. Westport, CT: Greenwood Press.
- Pardo, Mary. 1990. "Mexican American Women Grassroots Community Activists: Mothers of East Los Angeles." *Frontiers* 11.

- Pardo, Mary. 1995. "Doing it for the Kids: Mexican American Community Activists, Border Feminists?" Pp. 356-371 in *Feminist Organizations: Harvest of the New Women's Movement*, edited by M. Marx Ferree and P. Yancey Martin. Philadelphia: Temple University Press.
- Passel, Jeffrey S. and D'Vera Cohn. 2009. *A Portrait of Unauthorized Immigrants in the United States*. Washington, DC: Pew Hispanic Center.
- Passel, Jeffrey S. and D'Vera Cohn. 2011. *Unauthorized Immigrant Population: National and State Trends, 2010*. Washington, DC: Pew Hispanic Center.
- Passel, Jeffrey S., D'Vera Cohn and Ana Gonzalez-Barrera. 2012. *Net Migration from Mexico Falls to Zero – and Perhaps Less*. Washington, DC: Pew Hispanic Center
- Pew Hispanic Center. 2006. *Modes of Entry for the Unauthorized Migrant Population*. Washington, DC: Pew Hispanic Center.
- Pew Research Center for the People and the Press. 2010. *Democrats Divided, But Support Key Provisions: Broad Approval For New Arizona Immigration Law*. Washington, DC: Pew Research Center. (<http://www.people-press.org/files/legacy-pdf/613.pdf>).
- Pilkington, Ed. 2011. "Alabama Immigration Threat: Prove Your Legal Status or Lose Water Supply." *The Guardian*, October 7. (<http://www.guardian.co.uk/world/2011/oct/07/alabama-immigration-law-water-threat>).
- Pollner, Melvin, and Robert M. Emerson. 1983. "The Dynamics of Inclusion and Distance in Field Work Relations." Pp. 235-252 in *Contemporary Field Research: Perspectives and Formulations*, edited by R. M. Emerson. Boston: Little, Brown & Co.
- Portes, Alejandro. 1978. "Toward a Structural Analysis of Illegal (Undocumented) Immigration." *International Migration Review* 12(4): 469-484.
- Portes, Alejandro. 1998. "Social Capital: Its Origins and Applications in Modern Sociology." *Annual Review of Sociology* 24: 1-24.

- Portes, Alejandro and Alex Stepick. 1993. *City on the Edge: The Transformation of Miami*. Berkeley, CA: University of California Press.
- Portes, Alejandro and John Walton. 1981. *Labor, Class, and the International System*. New York: Academic Press.
- Portes, Alejandro and Julia Sensenbrenner. 1993. "Embeddedness and Immigration: Notes on the Social Determinants of Economic Action." *American Journal of Sociology* 98(6): 1320 – 1350.
- Portes, Alejandro and Patricia Landolt. 2000. "Social Capital: Promises and Pitfalls of its Role in Development." *Journal of Latin American Studies* 32(2): 529-547.
- Portes, Alejandro and Robert Bach. 1985. *Latin Journey: Cuban and Mexican Immigrants in the United States*. Berkeley, CA: University of California Press.
- Portes, Alejandro and Rubén G. Rumbaut. 1996. *Immigrant America*. Berkeley, CA: University of California Press.
- Pow, Chris. 2011. "Gov. Robert Bentley Responds to Immigration Law Criticism." *Alabama Media Group*, November 15. (http://blog.al.com/montgomery/2011/11/gov_robert_bentley_responds_to.html).
- Preston, Julia. 2011. "In Alabama, a Harsh Bill for Residents Here Illegally." *The New York Times*, June 3. (http://www.nytimes.com/2011/06/04/us/04immig.html?_r=0).
- Purvis, Trevor and Alan Hunt. 1993. "Discourse, Ideology, Discourse, Ideology, Discourse, Ideology..." *The British Journal of Sociology* 44(3): 473—499.
- Redmon, Jeremy. 2011 "Georgia Lawmakers Pass Illegal Immigration Crackdown." *Atlanta Journal Constitution*, April 15. (<http://www.ajc.com/news/news/local/georgia-lawmakers-pass-illegal-immigration-crackdo/nQsbp/>).
- Richardson, Laurel. 1990. "Narrative and Sociology." *Journal of Contemporary Ethnography* 19(1): 116-135.

- Riosmena, Fernando. 2004. "Return Versus Settlement among Undocumented Mexican Migrants, 1980 to 1996." Pp. 265-281 in *Crossing the border: Research from the Mexican Migration Project*, edited by J. Durand and D. Massey. New York: Russell Sage Foundation.
- Roberts, Michelle. 2009. "Immigrants Face Long Detention, Few Rights." Associated Press, March 16. (<http://www.deseretnews.com/article/705291116/Immigrants-face-long-detention-few-rights.html?pg=all>).
- Robertson, Campbell. 2011. "After Ruling, Hispanics Flee an Alabama Town." *New York Times*, October 3. (<http://www.nytimes.com/2011/10/04/us/after-ruling-hispanics-flee-an-alabama-town.html?pagewanted=all>).
- Roemer, John E., Woojin Lee, and Karina Van der Straeten. 2007. *Racism, Xenophobia, and Distribution: Multi-Issue Politics in Advanced Democracies*. Cambridge, MA: Harvard University Press.
- Rolley, Sam. 2011. "Beason: Dems Don't Want to Solve Illegal Immigration Problem." *Cullman Times*, February 6. (<http://www.cullmantimes.com/local/x2072622472/Beason-Dems-dont-want-to-solve-illegal-immigration-problem>).
- Romero, Mary. 2006. "Racial Profiling and Immigration Law Enforcement: Rounding Up of Usual Suspects in the Latino Community." *Critical Sociology* 32(2-3): 447-473.
- Russell, Alene. 2007. *In-State Tuition for Undocumented Immigrants: States' Rights and Educational Opportunity*. Washington, DC: American Association of State Colleges and Universities. (<http://www.aascu.org/WorkArea/DownloadAsset.aspx?id=5052>).
- Russell-Brown, Katheryn. 1998. *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions*. New York and London: New York University Press.
- Saenz, Rogelio, Katharine M. Donato, Lourdes Gouveia, and Cruz Torres. 2003. "Latinos in the South: A Glimpse of Ongoing Trends and Research." *Southern Rural Sociology* 19 (1): 1-19.
- Santa Ana, Otto. 2009. "Did You Call in Mexican? The Racial Politics of Jay Leno Immigrant Jokes." *Language in Society* 38(1): 23-45.

- Sapp, Leslie. 2011. "Apprehensions by the US Border Patrol, 2005-2010." Washington, DC: Department of Homeland Security, Office of Immigration Statistics.
- Sassen, Saskia. 1990. *The Mobility of Labor and Capital: A Study in International Investment and Labor Flow*. Cambridge: Cambridge University Press.
- Savage, Michael. 2008. *Savage Nation*. Radio Transcript, August 5.
- Schriro, Dora. 2009. *Immigration Detention Overview and Recommendations*. Washington, DC: Department of Homeland Security. (www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf).
- Seif, Hinda. 2011. "Unapologetic and Unafraid: Immigrant Youth Come Out from the Shadows." *New Directions for Child and Adolescent Development* 2011(134): 59–75.
- Shahani, Aarti and Judith Greene. 2009. *Local Democracy on Ice: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement*. Brooklyn, NY: Justice Strategies.
- Shahshahani, Azadeh. 2009. *Terror and Isolation in Cobb: How Unchecked Police Power under 287(g) has Torn Families Apart and Threatened Public Safety*. Atlanta, GA: The ACLU of Georgia. (http://www.acluga.org/index.php/download_file/view/1505/392/).
- Shahshahani, Azadeh. 2010. *The Persistence of Racial Profiling in Gwinnett: Time for Accountability, Transparency, and an End to 287(g)*. Atlanta: GA: The ACLU of Georgia. (http://www.acluga.org/index.php/download_file/view/1504/392/).
- Shefner, Jon. 2008. *The Illusion of Civil Society: Democratization and Community Mobilization in Low-Income Mexico*. University Park: The Pennsylvania State University Press.
- Shutika, Debra Latanzi. 2008. "The Ambivalent Welcome: *Cinco de Mayo* and the Symbolic Expression of Local Identity and Ethnic Relations." Pp. 274-307 in *New Faces in New Places: The Changing Geography of American Immigration*, edited by D. S. Massey. New York: Russell Sage Foundation.

- Singer, Audrey. 2004. *The Rise of New Immigrant Gateways*. Washington, DC: Brookings Institution.
- Singer, Audrey, Jill H. Wilson, and Brooke DeRenzis. 2009. *Immigrants, Politics, and Local Response in Suburban Washington*. Washington, DC: Brookings Institution.
- Sisk, Chas. 2010. "Collierville Rep. Curry Todd Compares Illegal Immigrants to Rats." *The Tennessean*, November 11. (<http://blogs.tennessean.com/politics/2010/collierville-rep-curry-todd-compares-illegal-immigrants-to-rats/>).
- Siskin, Alison. 2012. *Immigration-Related Detention: Current Legislative Issues*. Washington, DC: Congressional Research Service.
- Skerry, Peter. 1995. "Many Borders to Cross: Is Immigration the Exclusive Responsibility of the Federal Government?" *Publius* 25(3): 71-85.
- Skop, Emily and Tara Buentello. 2008. "Austin: Immigration and Transformation Deep in the Heart of Texas." Pp. 257-280 in *Twenty First Century Gateways: Immigrant Incorporation in Suburban America*, edited by A. Singer, S. W. Hardwick, and C. B. Brettell. Washington, DC: The Brookings Institution.
- Snow, David A. 1980. "The Disengagement Process: A Neglected Problem in Participant Observation Research." *Qualitative Sociology* 3(2): 100-122.
- Southern Poverty Law Center. 2007. "The Groups: A Listing." *Intelligence Report* 125. (<http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2007/spring/shoot-shovel-shut-up/the-groups-a-lis#.UXaRmaLcaSo>)
- Southern Poverty Law Center. 2009. *Under Siege: Life for Low-Income Latinos in the South*. Montgomery, AL: Southern Poverty Law Center. (<http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf>).
- Southern Poverty Law Center. 2012. *Alabama's Shame: HB 56 and the War on Immigrants*. Montgomery, AL: Southern Poverty Law Center. (http://www.splcenter.org/sites/default/files/downloads/publication/SPLC_HB56_AlabamasShame.pdf).

- Spivak, Gayatri. 1988. "Can the Subaltern Speak?" Pp 271—317 in *Marxism and the Interpretation of Culture*, edited by Cary Nelson and Lawrence Grossberg. Urbana and Chicago: University of Chicago Press.
- Stamps, Katherine and Stephanie A. Bohon. 2006. "Educational Attainment in New and Established Latino Metropolitan Destinations." *Social Science Quarterly* 87(1): 1225 – 1240.
- Stevens, Jacqueline. 2011. "US Government Unlawfully Detaining and Deporting US Citizens as Aliens." *Virginia Journal of Social Policy and the Law* 18(3): 606-720.
- Striffler, Steve. 2005. *Chicken: The Dangerous Transformation of America's Favorite Food*. Yale University Press.
- Striffler, Steve. 2009. "Immigration Anxieties: Policing and Regulating Workers and Employers in the Poultry Industry. Pp. 129-154 in *Global Connections and Local Receptions: New Latino Immigration to the Southeastern United States*, edited by F. Ansley and J. Shefner. Knoxville, TN: The University of Tennessee Press.
- Studstill, John D. and Laura Nieto-Studstill. 2001. "Hospitality and Hostility: Latin Immigrants in Southern Georgia." Pp. 68-81 in *Latino Workers in the Contemporary South*, edited by A. D. Murphey, C. Blanchard, and J. A. Hall. Athens and London: The University of Georgia Press.
- Stumpf, Juliet. 2006. "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power." *American University Law Review* 56: 367-318.
- Sullivan, Margaret. 2012. "Readers Won't Benefit if *Times* Bans the Term 'Illegal Immigrant'." *The New York Times*, October 2.
(<http://publiceditor.blogs.nytimes.com/2012/10/02/readers-wont-benefit-if-times-bans-the-term-illegal-immigrant/>).
- Suro, Roberto and Audrey Singer. 2002. *Latino Growth in Metropolitan America: Changing Patterns, New Locations*. Washington, DC: Brookings Institution.
- Taylor, Paul, Mark Hugo Lopez, Jeffrey Passel and Seth Motel. 2011. *Unauthorized Immigrants: Length of Residency, Patterns of Parenthood*. Washington, DC: Pew Hispanic Center.

- Theodore, Nik. 2013. *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*. Oakland, CA: Policy Link.
(http://www.policylink.org/atf/cf/%7B97c6d565-bb43-406d-a6d5-eca3bbf35af0%7d/insecure_communities_report_final.pdf).
- Thompson, John B. 1984. *Studies in the Theory of Ideology*. Cambridge: Polity Press.
- Thorne, Barrie. 1979. "Political Activist as Participant Observer: Conflicts of Commitment in a Study of the Draft Resistance Movement of the 1960s." *Symbolic Interaction* 2(1): 73-87.
- Torres, Cruz C. 2000. "Emerging Latino Communities: A New Challenge for the Rural South." *The Southern Rural Development Center* 12: 1-8.
- Torres, Rebecca M., E. Jeffrey Popke, and Holly M. Hapke. 2006. "The South's Silent Bargain: Rural Restructuring, Latino Labor and the Ambiguities of Migrant Experience." Pp. 37-67 in *Latinos in the New South: Transformations of Place*, edited by H. A. Smith and O. J. Furuseth. Burlington, VT: Ashgate.
- Transactional Records Access Clearinghouse (TRAC). 2012. "Sharp Decline in ICE Deportation Filings: Targeting of Serious Criminals Fails to Improve." Syracuse: Syracuse University. (<http://trac.syr.edu/immigration/reports/274/>).
- Transactional Records Access Clearinghouse (TRAC). 2013. "Who Are the Targets of ICE Detainers?" Syracuse: Syracuse University. (<http://trac.syr.edu/immigration/reports/310/>).
- Trowbridge, Alexander and Mackenzie Weinger. 2011. "Alabama Immigration Law is Working, Rep. Mo Brooks Says." *Politico*, October 6.
(<http://www.politico.com/news/stories/1011/65351.html>).
- Tumlin, Karen C. 2004. "Suspect First: How Terrorism Policy is Reshaping Immigration Policy." *California Law Review* 19(4): 1175-1240.

- US Customs and Border Protection. 2011. *United States Border Patrol Nationwide Illegal Alien Apprehensions, Fiscal Years 1925–2011*. Washington, DC: US Customs and Border Protection.
(http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usb_p_fy11_stats/25_10_app_stats.ctt/25_11_app_stats.pdf).
- Varano, Sean P., Joseph A. Schafer, Jeffrey Michael Cancino, and Marc L. Swatt. 2009. "Constructing Crime: Neighborhood Characteristics and Police Recording Behavior." *Journal of Criminal Justice* 37(6): 553-563.
- Vargas, Jose Antonio. 2012. "Immigration Debate: The Problem with the Word *Illegal*." *Time Magazine*, September 21.
- Vaughn, Jessica. 2006. *Attrition through Enforcement: A Cost Effective Strategy to Shrink the Illegal Population*. Washington, DC: Center for Immigration Studies.
- Vishnuvajjala, Radha. 2012. "Insecure Communities: How an Immigration Enforcement Program Encourages Battered Women to Stay Silent." *Boston College Journal of Law & Social Justice* 32(1): 1-29.
- Walker, Thomas W. and Ariel G. Armony. 2000. *Repression, Resistance, and Democratic Transition in Central America*. Wilmington, DC: Scholarly Resources Inc.
- Wang, Ted and Robert C. Winn. 2006. *Groundswell Meets Groundwork: Preliminary Recommendations for Building on Immigrant Mobilizations*. Sebastapol, CA: Four Freedoms Fund and Grantmakers Concerned with Immigrants and Refugees.
(<http://www.gcir.org/publications/gcirpubs/groundswell>).
- Warren, Patricia, Donald Tomaskovic-Devey, William Smith, Matthew Zingraff, and Marcinda Mason. 2006. "Driving While Black: Bias Processes And Racial Disparity In Police Stops." *Criminology* 44(3): 709-738.
- Waslin, Michelle. 2012. *Discrediting 'Self Deportation' as Immigration Policy: Why an Attrition through Enforcement Strategy Makes Life Difficult for Everyone*. Washington, DC: Immigration Policy Center.

- Waslin, Michelle. 2010. "Immigration Enforcement by State and Local Police: The Impact on the Enforcers and their Communities." Pp. 97-114 in *Taking Local Control: Immigration Policy Activism in US Cities and States*, edited by M. W. Varsanyi. Stanford: Stanford University Press.
- Weissman, Deborah M. and Rebecca C. Headen. 2009. *The Policies and Politics of Local Immigration Enforcement Laws: 287(g) Program in North Carolina*. Raleigh: American Civil Liberties Union.
(<http://www.law.unc.edu/documents/clinicalprograms/287gpolicyreview.pdf>).
- White, David. 2011. "Alabama Legislature Passes Arizona-Style Immigration Bill." *The Birmingham News*, June 2.
(http://blog.al.com/spotnews/2011/06/alabama_legislature_passes_ari.html).
- Willen, Sarah S. 2007. "Toward a Critical Phenomenology of 'Illegality': State Power, Criminalization, and Abjectivity among Undocumented Migrant Workers in Tel Aviv, Israel." *International Migration* 45(3): 8-38.
- Willen, Sarah. 2012. "Migration, Illegality, and Health: Mapping Embodied Vulnerability and Debating Deservingness." *Social Science & Medicine* 74: 805-811.
- Winograd, Ben. 2012. *Q & A Guide to Arizona v. United States: What You Need to Know About the Supreme Court Case Over SB 1070*. Washington, DC: Immigration Policy Center.
- Wolcott, Harry F. 2008. *Ethnography: A Way of Seeing*. New York: Rowman and Littlefield Publishers.
- Wong, Janelle. 2007. "Two Steps Forward: The Slow and Steady March toward Immigrant Political Mobilization." *Du Bois Review* 4(2): 457—467.
- Wong, Tom K. 2012. "287(g) and the Politics of Interior Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities." *Journal of Ethnic and Migration Studies* 38(5): 737-756.
- Zlolniski, Christian. 2006. *Janitors, Street Vendors, and Activists: the Lives of Mexican Immigrants in Silicon Valley*. Berkeley: University of California Press.

Zolberg, Aristide. 2006. *A Nation by Design: Immigration Policy in the Fashioning of America*. Cambridge, MA and New York, NY: Harvard University Press and Russell Sage Foundation.

Zúñiga, Víctor and Rubén Hernández-León. 2005. *New Destinations: Mexican Immigration in the United States*. New York: Russell Sage Foundation.

Vita

Meghan Conley received her PhD in Sociology at the University of Tennessee in 2013. Her research interests include Latina/o immigration to new destinations in the US Southeast, ideology, and social movements.