

INTRODUCTION

GOVERNING MIGRANT ILLEGALITY

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On May 12, 2008, U.S. Immigration and Customs Enforcement (ICE), in a massive action involving more than nine hundred agents, raided the Agriprocessors kosher meatpacking plant in Postville, Iowa (Rhodes 2008; Camayd-Freixas 2009). Three-hundred and eighty-nine suspected undocumented immigrants,¹ mainly of Guatemalan and Mexican origins, were taken into custody that day. Normally these workers would have “simply” faced deportation for being present in the United States without authorization. However, under the aggressive immigration enforcement regime of the George W. Bush administration, the vast majority—305 people—were detained on criminal charges (US ICE 2008a). They were accused of using fraudulent Social Security documents and false or stolen identities. Ultimately, most of these individuals pleaded guilty to Social Security fraud and were sentenced to five months in prison. Following their jail sentences, they were to be deported.

The arrestees were not the only ones affected by the raid. There was plenty of “collateral damage.” The immigrants’ families were particularly hard hit. Many lost their primary breadwinner. Husbands were separated from wives, parents from children, and siblings from each other. The community of Postville also suffered. In the immediate aftermath of

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1. Many terms can be used to describe those people who enter or reside in the United States without official authorization. In this chapter, we oscillate between two sets of terms: *illegal/illicit* and *undocumented/unauthorized*. The former terms are the more popular and politically charged. They are widely used in government and public discourses to draw a link between unauthorized immigrants and criminality—to highlight the conviction that crossing into or living in the United States without documents is a criminal act. The latter terms, *undocumented/unauthorized*, are commonly used in academic and progressive circles as less politically loaded alternatives. They signal that although certain people may not have official permission to enter or live in the United States, this does not necessarily make them criminals. Our general preference is to use the latter terms. However, because this book focuses on how immigrants are governed through crime, we deemed it necessary to use the terms *illegal* and *illicit* to indicate such criminalization. We thus move back and forth between *undocumented/unauthorized* and *illegal/illicit* to convey both our personal preferences and those of society at large. Also, because using the terms *undocumented* and *illegal* constantly to qualify the words *immigrant* and *migrant* can be rather cumbersome, we sometimes use only *immigrant* or *migrant* by itself. By doing this, we do not mean to reduce all immigration to undocumented immigration.

the raid, the town (pop. 2,273) lost about a third of its inhabitants. Not only were the arrestees gone, but many other immigrants also fled the area in fear. Some left to pursue life in other states; others undoubtedly returned to their home countries. As a consequence, businesses in Postville were virtually empty, schools were littered with unfilled seats, and those still in town were asking themselves, “What happened?” A whole community was in shambles. As one observer put it, “The humanitarian impact of this raid is obvious to anyone in Postville. The economic impact will soon be evident” (quoted in Camayd-Freixas 2009, 216).

The immigration enforcement action that took place in Postville is not unique.² It is actually emblematic of a broader practice of government that has aggressively criminalized unauthorized immigrants (see De Genova 2002; Miller 2003; Inda 2006a; Chacón 2009; Coutin 2010; Rosas 2012). Building on the work of Jonathan Simon (1997, 2007), we call this practice “governing immigration through crime.” Basically, to govern immigration through crime is to make crime and punishment the institutional context in which efforts to guide the conduct of immigrants take place.³ The objective is to shape the comportment of the undocumented in such a way as to incapacitate them and contain the “threat” they and their actions putatively pose to the security of the nation. The most notable form that this way of governing has assumed over the last twenty years or so is that of intensified law enforcement at the nation’s borders (Andreas 2000; Nevins 2002; Inda 2006b; Heyman, this volume). The U.S. federal government has essentially determined that the best way to deal with the “problem” of undocumented immigration is by turning the United States into a fortified enclave of sorts. Since 9/11, however, political and other authorities have also placed a strong emphasis on the interior policing of the nation. For example, local and state law enforcement agencies have progressively become more involved in policing immigration matters; criminal prosecutions of immigration violations have increased; the number of undocumented immigrants incarcerated in county jails, federal prisons, and privately run immigration detention centers has surged; states have made it more difficult for unauthorized immigrants to obtain driver’s licenses and other identity documents; and raids—of homes, worksites, and public spaces—have become rather prevalent (see Miller 2003; Chacón 2009; Coutin, this volume; Hernández, this volume; Stumpf, this volume). What we have witnessed, then, is the progressive criminalization of migrants and a significant expan-

2. Worksite raids have generally ceased under the Obama administration. However, this does not mean that ICE has stopped policing the nation’s workplaces. Instead of raids, ICE now generally prefers to conduct workplace “audits” in order to “weed out” undocumented immigrants. These “silent raids” do not lead to deportation, but they do result in the firing of workers who cannot prove they have a legal right to work in the United States. See Bacon and Hing, this volume.

3. Following Michel Foucault (1991), we assigned the term *government* the rather broad meaning it enjoyed in the sixteenth century. It refers essentially to “the conduct of conduct”—that is, to all those more or less calculated and systematic ways of thinking and acting that aim to shape, regulate, or manage the comportment of others, whether these be workers in a factory, inmates in a prison, wards in a mental hospital, the inhabitants of a territory, or the members of a population. Understood this way, *government* designates not just the activities of the state and its institutions but, more broadly, any rational effort to influence or guide the conduct of human beings by acting on their hopes, desires, circumstances, or environment. The approach we take to analyzing modern political power is thus one that treats the state as only one element, albeit a rather important one, in a multiple network of actors, organizations, and entities involved in exercising authority over the conduct of individuals and populations. As will become clear, immigrants are governed through a host of state and nonstate actors.

sion in the space of policing. In the process, the boundaries of immigration enforcement have migrated inward, turning much of the interior of the United States into a border zone where governmental authorities endeavor to regulate putatively “dangerous” migrant illegalities.

In this book, we provide an interdisciplinary social science introduction to the governing of immigration through crime. Collectively, the various contributors—drawn from anthropology, sociology, law, ethnic studies, criminology, urban planning, communication, and political science—focus on how the main solution to the “problem” of undocumented immigration has been both to turn the United States into a fortified enclave as a way of discouraging illegal border incursions and to cast a wide net of control and surveillance across the country in order to police “troublesome” individuals already inside the nation. Furthermore, they draw attention to the tremendous and deleterious impact that such heavy policing has had on the immigrant community. For example, enhanced regulation of the physical border has made unauthorized crossing more difficult and dangerous, resulting in an upsurge of migrant deaths, while the policing of the interior has led to the deterioration of the already precarious living and working conditions of undocumented migrants. The contributors also suggest, however, that the United States is not simply a space of criminalization and policing. It is also a political site of struggle. Indeed, although the policing of immigrants has escalated, the undocumented have not simply accepted the new status quo. Rather, the effort to govern immigration through crime has been actively resisted by migrants and their allies. They have engaged in what we term *migrant counter-conducts* (see Inda 2011).⁴ These are acts or forms of comportment that contest the criminalization and exclusion of undocumented migrants. The counter-conducts in which migrants have been engaged include labor and hunger strikes for justice, advocating for legalization and political rights, occupation of churches as a way of gaining sanctuary, public demonstrations, and fighting for legal redress for unpaid wages (McNevin 2009). Such counter-conducts ultimately speak to the political becoming of undocumented migrants and their enactments of citizenship.

In the rest of this introduction we broadly (but not exhaustively) map the governing of immigration through crime in the contemporary United States.⁵ We begin by setting forth the broad neoliberal context in which the management of migrant illegality takes place. We then discuss, in separate sections, the construction of immigrants as illegal, the increased fortification of the U.S.-Mexico border, the push toward policing the interior of the country, the mass detention and deportation of immigrants, the negative consequences of the enhanced immigration enforcement climate, and the various ways that immigrants have actively resisted the punitive practices to which they have been subjected. We end the introduction with a brief overview of the book.

4. The term *counter-conducts* comes from Michel Foucault (2007; see also Gordon 1991). It is discussed later in the introduction.

5. Although our primary focus is on undocumented immigrants, we also touch on how legal residents have been important targets of current immigration enforcement efforts. Specifically, legal immigrants who have committed criminal offenses have been targeted for deportation.

NEOLIBERALISM AND ITS EXCLUSIONS

Since the 1970s, crime and punishment have become an increasingly central means by which political authorities in the United States seek to govern the conduct of individuals and populations. Jonathan Simon (1997, 2007) refers to such development as “governing through crime.” This way of governing is intimately connected to the decline of the social and the rise of neoliberal rule (Rose 1999; Pratt 2005; Wacquant 2009). Put briefly, the ideal of the social-welfare state, dominant in some guise for much of the twentieth century in the United States, has generally yielded to that of the neoliberal state. This new ideal is such that the political apparatus no longer appears obligated to safeguard the well-being of the population by maintaining a sphere of collective security. Social insurance—as an ensemble of state mechanisms that sought to insure individuals against the insecurities of social life—has thus largely given way to the privatized and individualized government of risk. Individuals are now asked to take upon themselves the primary responsibility for managing their own security and that of their families. They are expected to adopt an entrepreneurial disposition toward life and insure themselves (using market mechanisms) against the vicissitudes of ill health, accidental loss, unemployment, and anything else that could potentially threaten their contentment.⁶ Significantly, by placing such a strong emphasis on individual responsibility, neoliberal rule has tended to draw a rather marked distinction between the proper neoliberal citizen, who secures his or her own well-being through active self-promotion, and the deviant anti-citizen—the criminal, the poor person, the homeless person, the welfare recipient—who is deemed incapable of managing his or her own risks and thus lies outside the nexus of responsible activity. This is typically a racialized division: the subjects most often deemed irresponsible—mainly African Americans and Latinos—are those whose phenomenal and cultural characteristics serve to distinguish them from the dominant “white” population. Whereas the government of the “responsible” has largely taken place through the mechanisms of the market and outside the formal political apparatus, the regulation of the deviant anti-citizen has increasingly occurred through the widening reach of the repressive arms of the state. Indeed, law and order measures have become the preferred institutional contexts through which the government of marginal subjects is effected.

Governing through crime in the United States has come to be embodied in a number of specific practices. This facet of neoliberal rule is clearly visible, for instance, in the widespread popularity of tough-on-crime sentencing regimes of just desserts, deterrence, and

6. There is nothing patently wrong with expecting individuals to adopt an entrepreneurial disposition toward life. However, many of the problems that individuals encounter as they go about their daily lives are not individual problems but social ones. So, a major shortcoming of neoliberalism, as Wendy Brown (2006, 704) points out, is that it “converts every political and social problem into market terms, it converts them to individual problems with market solutions.” Examples include the introduction of charter schools, private schools, and voucher systems as a way to deal with the crumbling quality of public education; boutique medicine as a reaction to the erosion of health care provision; and private security guards and gated communities as a response to the social insecurity produced by rising economic inequality. Thus, rather than providing collective solutions to socially and politically produced problems—whether improving public education, strengthening the health care system for everyone, or seeking to offset the destructive effects of economic cycles in order to ensure the collective welfare and reduce social inequality—neoliberalism leaves it to individuals to fend for themselves using the mechanism of the market. Individuals are quite often not in a position to deal with social problems all by themselves.

retribution. These regimes include such measures as quality-of-life campaigns and zero-tolerance policing, harsher penalties and the extensive utilization of imprisonment, three strikes and compulsory minimum sentencing policies, redress in juvenile court and the incarceration of minors, and extensive parole restrictions (Garland 2001, 12). Governing through crime is further visible in the common practice of securitizing private spaces as a way of dealing with crime risks and insecurities. The most notable manifestations of this practice are undoubtedly fortified enclaves (such as gated communities) (Blakely and Snyder 1997). These enclaves are segregated spatial enclosures designed to provide a safe, orderly, and secure environment for those who dwell within them. The rationale for governing through crime seems to be twofold (Rose 1999; Inda 2006a). First the thinking is that irresponsible individuals must be held accountable for their misdeeds, that they must be made to shoulder the burden of their lifestyle decisions. The calculus of punishment thus serves to press upon the offending (and potentially offending) agent the importance of being prudent and governing oneself responsibly. Second, there is the idea that responsible citizens must protect themselves and be protected from the “mass” of anti-citizens who threaten their security and quality of life. The containment of the few therefore becomes a prerequisite for the freedoms of the many.⁷

CONSTRUCTING IMMIGRANT ILLEGALITY

The neoliberal emphasis on governing through crime has had a significant impact on how undocumented migration is problematized (Inda 2006a; Miller 2008). In fact, in the contemporary United States, undocumented migration has come to be seen largely as a law and order issue.⁸ Since the late 1970s, the nation has witnessed a rash of rather strong waves of anti-immigrant sentiment—a trend that has only intensified in the post-9/11 context (Chavez 2001; Inda 2006a). From social scientists, immigration officials, and policy analysts to immigration reform organizations and the public at large, it has been common for both individuals and groups to cast undocumented migrants—typically racialized as Mexican—as anti-citizens who threaten the overall well-being and security of the social body. The fundamental problem with the undocumented has been deemed to be their illegality. For

7. We should note that the neoliberal emphasis on governing through crime does not correspond to a transformation in the scale or nature of crime and delinquency. As Loïc Wacquant (2008) points out, it's not criminality itself that has changed but rather the attitude that society has toward the “criminal.” Let's take the prison, for example. The prison has always been a highly punitive, confining, and exclusionary institution. For much of the twentieth century, however, it also had a rather strong rehabilitative mission. Its goal was not just to punish offenders but also to resocialize them—to turn them into law-abiding, if not productive, members of society. This rehabilitative ideal has generally gone by the wayside. The prison is nowadays by and large more narrowly concerned with simply neutralizing offenders. Its purpose is principally to incapacitate—to physically sequester lawbreakers as long as possible in order to prevent them from harming the public. It functions, in short, as a warehouse of sorts, a repository for people deemed dangerous (such as murderers and rapists) or simply troublesome (such as the mentally ill, drug addicts, and the poor). Thus, rather than seeing offenders as redeemable and seeking to reintegrate them into society, governmental and other authorities today generally construct such individuals as incorrigible and seek to keep them institutionalized.

8. There is no doubt that criminality has historically played a prominent role in the management of immigration. However, as a number of scholars have argued (Miller 2003; Chacón 2009; Stumpf, this volume), the extent to which crime and punishment now dominate how immigrants are governed is without precedent.

many people, “illegal” immigrants are inherently lawbreakers and necessarily criminals. The criminality of unauthorized migrants is generally attributed to their not having a legal right to be in the United States. Consider, for example, a basic government definition of unauthorized persons: “An illegal alien is a person who is in the United States in violation of U.S. immigration laws” (US GAO 1995, 1). Or consider the following statements drawn from policy and mass media documents:

Illegal aliens are of concern to law enforcement officials, urban planners, and policymakers, first, because they are lawbreakers. (US GAO 1993, 10)

The effect illegal immigration has on the economy is irrelevant. Whether illegal immigration stimulates or burdens economic growth is of no importance to the residual fact that the law is being broken. Illegal immigration is illegal. Period. (Olson 1994, Commentary 5)

One of the most common and devastating crimes committed in America is committed by people who are not even American citizens. To many, it is not even considered a crime, even though its name, illegal immigration, makes it clear that it is. . . . People who enter or stay in this country illegally are criminals by definition. (Coleman 1994, B11)

In addition to being constructed as irresponsible lawbreakers, undocumented migrants have routinely been linked to a host of other problems. For example, they have been associated with such cultural, social, and economic maladies as overpopulation, deteriorating schools, urban crime and decay, energy shortages, and national disunity. Furthermore, they have been accused of displacing American workers, depressing wages, spreading diseases, and burdening public services. All of these “problems” are seen as compounding the fundamental problem of immigrant criminality.⁹

In the wake of 9/11, undocumented migrants continue to be constructed as criminal anti-citizens, but the threat they represent has been refigured in terms of homeland security (see Miller 2005; Chacón, this volume), forming what might be called the crime-security-migration nexus. “Homeland security” is a way of thinking and acting that developed in the wake of the September 11, 2001, “terrorist” attacks. It has been defined as “a concerted na-

9. Although undocumented immigrants may be constructed as a problem in popular and official discourse, the empirical evidence suggests quite the opposite: that this population is not generally troublesome and actually makes important contributions to American society (see Bauer 2009). For example, rather than taking jobs away from U.S. natives and shrinking their wages, unauthorized immigrants actually tend to complement these workers, raising their productivity and income. Furthermore, instead of being crime prone, undocumented immigrants are in fact much less likely to commit crimes than natives. Finally, it is too simplistic to cast undocumented immigrants as irresponsible lawbreakers just because they are in the United States without authorization. One needs to be mindful of why immigrants end up coming to the United States “illegally.” A refrain often heard in debates over undocumented immigration is “Why don’t they just get in line to become legal?” The reality is that there is no line for most immigrants to wait in. Although U.S. immigration law makes allowances for the legal importation of “highly skilled” workers, it generally does not do so for lower-skilled individuals, even though there is actually a great demand for them in the labor market. Furthermore, the reason that many people migrate in the first place is closely connected to neoliberal economic policies promoted by the U.S. government (Miller 2008). In Mexico, for example, neoliberal policies emphasizing free market capitalism, private ownership, free trade, and export-led growth have helped destroy certain sectors of the economy, creating pressure for Mexicans to cross into the United States in search of work. So immigrants are in effect forced to leave home because neoliberal economic policies have disrupted their livelihoods, and then are criminalized once they are in the United States, on account of the neoliberal emphasis on individual responsibility.

tional effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur" (US OHS 2002, 2). Basically what has happened is that, subsequent to the 9/11 attacks, terrorism has generally come to be regarded as the greatest threat facing the nation. On the basis of the fact that the 9/11 hijackers were foreigners who somehow managed to get into the United States, the movement of people in and out of the country is now viewed as indissociable from this threat. It is thus commonly expressed in policy and public rhetoric that there is an ever-present possibility that foreigners might seek to enter the United States in order to commit acts of terrorism. Moreover, this discourse strongly articulates the need to protect the American people against the threat of terrorism and safeguard the homeland. Notably, the attitude of protecting the homeland has significantly influenced the governing of immigration: although migrants rarely have any connection to terrorism, they have generally come to be seen as threats to the security of the homeland. Protecting the nation thus involves not only preventing terrorist attacks, but also mitigating the "dangers" posed by "illegal" immigrants. Indeed, the undocumented have come to be seen as criminal threats to national security. On the basis of this reading, the homeland must be protected from these irresponsible "criminals."

STRATEGY OF DETERRENCE

Given that undocumented migrants have largely been constructed as criminal "illegal" immigrants who harm the well-being of American citizens and threaten the security of the nation, the measures employed to govern them have been extremely exclusionary and punitive.¹⁰ Put otherwise, unauthorized migrants have come to be governed through crime. Governing immigration through crime has taken numerous forms in the United States. Undoubtedly the most notable form is that of enhanced border policing (Andreas 2000; Nevins 2002; Inda 2006b).¹¹ Since the early 1990s, the U.S. federal government has undertaken a major boundary-control offensive, one that aims to shape the conduct of "illegal" immigrants in such a way as to deter them from entering the United States. Federal authorities have basically concluded that expanding border enforcement operations is vital to the proper management of the undocumented immigrant "problem." The expansion of border policing as a way of governing "illegal" immigration has been most conspicuous along the U.S.-Mexico border. It is this border that has historically been seen as the primary source of migrant illegality (Nevins 2002). This expansion actually dates back to the late 1970s (Dunn 1996), but it really burgeoned in the early 1990s. That's when the Immigration

10. As legal scholar Gerald L. Neuman (2005, 1441) has noted, the linking of immigrant "illegality" to criminality has been taken to mean, at least in some circles, "that the alien's presence can give rise to no legal duties toward him because he should not be here in the first place. Like an illegal contract that creates no obligation, duties toward the alien are void or voidable. This notion reduces the alien to a non-person, an outlaw outside the protection of the legal system." Thus, the highly punitive treatment to which immigrants are subjected is seen as entirely legitimate.

11. The governing of immigration through crime is also highly visible in the realm of immigration law. Indeed, the criminalization of immigration has become highly entrenched in law, especially at the federal level. We do not deal with the question of law systematically in the introduction, but we cover it in Part I. See also Miller 2003; Chacón 2009.

and Naturalization Service (INS) put into effect a broad plan to gain control of the southwest border and reduce the flow of illicit immigration.¹² As articulated in the *Border Patrol Strategic Plan: 1994 and Beyond, National Strategy*, this comprehensive border control scheme was based on a strategy of “prevention through deterrence” (U.S. Border Patrol 1994, 6). The objective was to increase fencing, lighting, personnel, and surveillance equipment along the main gates of illegal entry—such as San Diego, California, and El Paso, Texas—in order to raise the probability of apprehension to such a high level that unauthorized “aliens” would be deterred from crossing the border. Programmatically, this strategy came to be embodied in such projects as Operation Gatekeeper and Operation Hold the Line, which respectively focused on fortifying the San Diego and El Paso border areas. In the end, the “prevention through deterrence” strategy resulted, during the course of the 1990s, in a significant amassing of law enforcement resources at the U.S.-Mexico border. For example, the number of Border Patrol agents assigned to police the southern border more than doubled during that decade, increasing from 3,555 in 1992 to 8,580 in 2000 (U.S. Border Patrol 2012a).

Now, in the post-9/11 context, the policing of the border as a way of managing unauthorized migration has only accelerated, as the fight against immigrant illegality has become conflated with the “war on terror.” In November 2005, the Department of Homeland Security (DHS), the federal entity currently responsible for overseeing immigration matters, launched an updated scheme to manage the nation’s borders. Dubbed the Secure Border Initiative (SBI), this scheme is a “comprehensive multi-year plan to secure America’s borders and reduce illegal migration” (US DHS 2005). SBI generally amounts to a continuation and expansion of the policy of “prevention through deterrence.” The idea is basically to use a mixture of “manpower,” technology, and infrastructure to deter undocumented border crossings (US DHS 1999, 1). In terms of manpower, the number of Border Patrol agents stationed at the U.S.-Mexico border has continued to balloon, totaling 18,506 by 2011 (U.S. Border Patrol 2012a).¹³ Technological enhancements have included the now defunct *SBI_{net}*, an effort to build a virtual fence of electronic surveillance. The goal was to augment the Border Patrol’s capacity to deter illicit entries by using a combination of unmanned aerial vehicles, remotely operated cameras, tower-mounted radars, and unattended ground sensors to monitor remote areas of the border (US GAO 2009). Due to problems with cost

12. The Immigration and Naturalization Service (INS) was a federal agency within the United States Department of Justice that was responsible for dealing with immigration-related issues. On March 1, 2003, it was disbanded and its functions were transferred to the Department of Homeland Security (DHS). These functions included providing services and benefits such as naturalization and work authorization, now the purview of U.S. Citizenship and Immigration Services (USCIS); investigating breaches of and enforcing federal immigration, customs, and air security laws, now the task of United States Immigration and Customs Enforcement (ICE); and border security, now the domain of U.S. Customs and Border Protection (CBP). Within CBP, the Border Patrol is responsible for policing the border between official ports of entry.

13. Besides the Border Patrol, the military (National Guard) and civilians have also been involved in policing the U.S.-Mexico border. From 2006 to 2008, as part of Operation Jump Start, President Bush deployed six thousand troops to the Southwest border (National Immigration Forum 2010). President Obama has likewise sent the National Guard to help CBP with border security. It should also be noted that military involvement in border enforcement is not new but predates 9/11 (see Dunn 1996). In terms of civilians, a number of groups, including the Minuteman Project, concerned with the federal government’s putative inability to stop “illegal” immigrants from entering the United States, have taken it upon themselves to police the Southwest border (see Chavez, this volume).

overruns and ineffectiveness, the DHS terminated the *SBI*net program in January 2011 (Preston 2011). Infrastructure has involved installing more stadium-style lights along the border, building access roads to enable Border Patrol agents to respond quickly to illegal crossings, and most important, increasing physical barriers to entry (US DHS 2005). In 2006, through the Secure Fence Act, Congress mandated the construction of 670 miles of pedestrian and vehicle fencing across the Southwest border. As of February 10, 2012, 651 miles of this border wall had been completed (US CBP 2012).

Beyond these upgrades in manpower, technology, and infrastructure, the Department of Homeland Security has enhanced its deterrence strategy by making tactical changes in how it handles people caught entering the United States without proper documentation. With respect to apprehended Mexican nationals, the norm in the recent past has been to ask them to sign voluntary departure forms and then to quickly send them back across the border to Mexico without formal removal proceedings (Kohli and Varma 2011). This means that apprehendees were neither asked to plead guilty to any infractions nor placed in detention centers. For non-Mexicans, voluntary return has not been an option (Smith 2010). Such migrants cannot simply be shipped across the border but must be repatriated to their home countries, a more complicated, expensive, and time-consuming process. The standard practice, known as “catch and release,” has thus been to release non-Mexicans into the United States on their own recognizance and to ask them to show up at a removal hearing at a later date.¹⁴ Quite often these unauthorized migrants have failed to appear at their hearings. The DHS has rethought the use of both “catch and release” and voluntary departure. Concerning the former, the DHS officially announced on August 23, 2006, that it was ending the practice (US CBP 2006). Rather than catching and releasing non-Mexican nationals, U.S. Customs and Border Protection (CBP), the agency overall responsible for border security and parent of the Border Patrol, now generally detains them until their “removal” (the official term for deportation) from the United States. Importantly, putting an end to “catch and release” has involved expanding a procedure known as “expedited removal” (US DHS 2006a; Ewing 2010). This procedure basically allows DHS agents to detain unauthorized border crossers from countries other than Mexico and place them in expedited deportation proceedings without the conventional opportunity of a hearing or appeal before an immigration judge.¹⁵ The rationale for expedited removal is that it makes the deportation process more efficient, permitting DHS agents to return undocumented immigrants quickly to their countries of origin. Initially, the procedure was applied only to individuals arriving at official ports of entry. Currently, it covers undocumented immigrants apprehended within one hundred miles of any U.S. border (land or coastal) who cannot demonstrate that they have been in the country for more than fourteen days (US DHS 2006a). As

14. Although the term *catch and release* appears benign, it actually serves to dehumanize immigrants. The term comes from sport fishing, where it refers to the practice of catching fish and then throwing them back into the water. Using such a term in the context of immigration policing essentially reduces the apprehension and incarceration of human beings to a sport.

15. Prior to the institution of expedited removal, immigrants were generally guaranteed the fundamentals of due process: the right to a hearing in front of an immigration judge and the right to have a removal decision reviewed on appeal. Expedited removal is also applied to Canadians and Mexicans with histories of criminal conduct or immigration infractions. See Siskin and Wasem 2008.

regards voluntary departure, the procedure is still widely used to deal with undocumented Mexican border crossers. However, through an initiative known as Operation Streamline, the DHS has also started criminally prosecuting immigrants (regardless of nationality but Mexicans are the most affected) for illegal entry (US CBP 2005; National Immigration Forum 2010). This castigatory practice started in the Del Rio, Texas border area in December 2005 and has now spread to much of the Southwest border. The DHS's premise is that routing immigrants through the federal criminal justice system and into prison, rather than simply removing them, serves to increase deterrence. First-time border crossers are generally charged with misdemeanors punishable by up to six months in jail, while those who enter after being deported can be charged with felonies carrying a maximum penalty of twenty years in prison.

The post-9/11 policing of the border, then, involves deterring undocumented migration by simultaneously making it more difficult to cross clandestinely into the United States and punishing migrants who dare to trespass. A primary solution to the illegal immigration "problem" has thus been to install a rigid apparatus of control and surveillance across the Southwest border in order to prevent illegal incursions and thus keep putatively "threatening" individuals out of the body politic. It has been to build walls and barriers and turn the United States into a veritable fortified enclave. As with the government of crime more generally, the rationale for managing undocumented migrants through police and punitive measures is that the public must be protected from the would-be criminals or "dangerous people" who threaten their security and contentment (US CBP 2009a, 13).

THE BORDER AS A MOBILE TECHNOLOGY

Along with the continued expansion of border enforcement, the federal government has recently (since the early 2000s) intensified its policing of the nation's interior.¹⁶ Indeed, interior policing, led by ICE, has become a central component of the border fight against "terror" and "illegal" immigration. Basically, the border, as a regime of security and immigration control (Cunningham 2009), has been deterritorialized and projected into the nation's interior (Euskirchen, Lebuhn, and Ray 2009). Put otherwise, there has been a "disaggregation of border functions"—basically the policing and control of mobility—away from the physical border (Walters 2006, 193). As part of this border disaggregation, certain spaces of everyday life—workplaces, homes, neighborhoods, and a variety of public spaces—have been identified as strategic sites and become subject to intensified policing. Numerous locales across the interior of the United States have thus been turned into border zones of enforcement. The border, then, is no longer simply (if it ever really was) a location at the nation's edge where the regulation of movement takes place; it is also a mobile technology: a portable, diffused, and decentered control apparatus interwoven throughout the nation.¹⁷ Indeed, we are in the presence of the border at any time when and in any space where immigration policing and control take place.

16. Interior policing is, of course, not new. However, it has intensified in the post-9/11 context. See Coleman 2007.

17. For a discussion of neoliberalism as a mobile technology, see Ong 2007.