SIX

Deportation in an Era of Militarized Borders and Mass Incarceration

The truck was already packed and the refrigerator was empty when Mario and María Márquez's phone rang. It was their lawyer, calling with good news: immigration officials had granted them an extension, which meant that they and their four young sons wouldn't have to start the long drive back to Mexico that day in late November 1986. A couple of years before, the Márquezes had left their home in Los Mochis, in the northern Mexican state of Sinaloa, and entered the United States on six-month tourist visas to attend a Mormon conference in Salt Lake City, Utah. At the urging of a Mormon friend in Vermont, the family drove east, eventually settling in the 810-person town of Leicester, where Mario worked tending corn and alfalfa fields and fixing machinery on a dairy farm. María helped out as well, doing everything from washing machines to making piñatas for holiday parties and taking care of the kids. The family lived on the farm in a small two-bedroom trailer that had a television and tape player. Mario and María learned English through a home tutoring program, and the two eldest boys enrolled in the local elementary school. The Márquezes quickly became involved in the local church and community. And when their visas expired in the spring of 1985, they stayed. Everything was going well for the family until that fall when immigration agents showed up at their door.[1]

The Márquezes spent the next few years in deportation limbo as their cases moved through the labyrinthine immigration bureaucracy that was stretched well beyond capacity. In April 1986, an immigration judge ruled that the family had to leave the country via voluntary

departure by the end of the summer or face formal deportation proceedings. But thanks in part to their lawyer's efforts, the INS granted the Márquezes multiple extensions. The town also rallied around the family, organizing a petition and letter-writing campaign, in addition to a couple of large public gatherings. Around 200 people—a quarter of Leicester's population—showed up to an October 1986 rally in support of the Márquezes. "They were always doing things for the community. They were good neighbors. We wanted people like that in Leicester," one resident told a reporter. A thirty-five-year-old woman described the town's support by saying, "Our attitude was these were hard-working people. To us, it took a lot of brass for the government to go chasing down people who weren't asking for food stamps or anything like that. Why not just let them alone?" In November 1986, in the days leading up to when the Márquezes thought they would finally have to leave, townspeople stopped by their trailer to wish the family well and give them chocolates, a card that said "they were glad to have known [them]," and $130 they had collected. Republican representative Langdon Smith's support also aided the family. "I think the public and political pressure had a bearing on this case," the congressman said. "It definitely helped slow it down."[2]

While immigration officials' decision to repeatedly put off the family's deportation allowed them to remain in the country for the short term, changes to the immigration law presented people like the Márquezes with new legal avenues to regularize their status. In the fall of 1986, Congress passed and President Ronald Reagan signed the Immigration Reform and Control Act (IRCA), which provided legal status to anyone who could prove continuous residency in the United States since January 1, 1982. It also included a Special Agricultural Workers (SAW) provision for people who had toiled over perishable crops for at least ninety days between May 1, 1985 and May 1, 1986. The family didn't meet the residency requirement, but the SAW program presented them with a possible opportunity to escape expulsion. On June 24, 1987, Mario applied to become a permanent resident; a week later he got into the family's old brown station wagon and drove two hours to St. Albans, Vermont, for his INS interview.[3]

The drawn-out and uncertain process took a toll on the family. As Mario noted after his interview, "It's hard

again to wait and wait.... We have more than two years in this process. The boys sometimes [ask] what's going to happen. I don't know what to tell them." The low point came when they couldn't return to Mexico to see María's grandmother before she died.[4]

In February 1988, the INS approved Mario's application. "We were worried. We couldn't make any plans for the future. We didn't know if we were going to be able to stay or if we had to leave," Mario said after learning of the decision. "Now, we have hope and the security that we will be able to accomplish something." The family looked forward to visiting relatives in Mexico they had not seen in years. The local INS chief was also pleased with the outcome of the case, claiming that it was evidence that "the process works."[5]

However, as the Márquezes knew all too well, the immigration adjudication system was both complex and problematic, and IRCA's implementation was anything but smooth. Although the SAW provision covered Mario, they soon discovered that it did not apply to María or their children. Two and a half years after they had first been apprehended, the Márquezes found themselves in the precarious position of being a mixed-status family still in legal limbo.[6]

In many ways, the Márquezes' story offers insights into some of the core elements of immigration enforcement in the mid- to late 1980s and beyond. The INS targeted the vast majority of people for deportation because they entered the country without authorization or overstayed a visa. Most undocumented people could best be described as hard workers who formed an integral part of their communities. In some instances, widespread public support, legal representation, positive media coverage, and one or two powerful political allies could slow down or even halt a person's expulsion. Yet there was no guarantee of that and as cases worked their way through the immigration bureaucracy at a tortoise's pace, individuals and families were left to bear the ever-increasing psychological toll of knowing they might have to leave at any time. Moreover, because benefits weren't evenly distributed under IRCA, an increasing number of people in the country without authorization had immediate family members who were either US citizens or permanent residents. This in turn led to more division of families across borders whenever someone

was deported or coerced into leaving, while others stayed behind.

Although much remained the same over the course of the next few decades, significant changes in immigration law combined with the militarization of the US–Mexico border and the events of September 11, 2001, drastically altered the deportation machine. Immigration officials and legislators implemented policies and passed measures that further criminalized unauthorized migration and treated migrants as dangerous lawbreakers at best and potential terrorists at worst. The new regime led to a bonanza in enforcement funding and spending.

Lawmakers and immigration authorities also developed streamlined mechanisms to formally deport noncitizens, limiting any type of relief or discretion previously available to people like the Márquezes. Contrary to popular and scholarly belief, the number of total deportations has actually declined in the twenty-first century, dropping from an all-time high of more than 1.86 million in 2000 during the final year of Bill Clinton's presidency to just over 446,000 in 2016 at the end of Barack Obama's second term. Expulsions decreased in part because immigration officials' mechanism of choice changed. Between fiscal years 1986 and 2013, the number of formal deportations (known in bureaucratic parlance as "removals") rose from around 24,600 to a historic high of around 433,000, while the number of voluntary departures (or "returns") dropped from more than 1.58 million to just under 179,000. By 2011, formal deportations outnumbered voluntary departures for the first time in seven decades; five years later, they made up three out of every four expulsions from the United States. During this period, formal removals came to resemble voluntary departures in their expedited nature and their restrictions on due process—but they carried much harsher consequences. This shift in how officials deported people represented a radical break from the past century of immigration enforcement policy and practice (see figure 37).[7]

The transformation in the way officials deported people coincided with a shift in whom they deported. Mexicans remained the largest group by far, but Central Americans increasingly found themselves in the crosshairs as well. After 9/11, authorities turned their attention to people from—or perceived to be from—Arab, Muslim, and Middle Eastern countries.

Regardless of whom immigration officials targeted, their growing reliance on formal deportations has been a central part of the carceral state's expansion over the last few decades. As the number of immigration hearings, people held in detention, and average time detained increased, the federal government came to rely more heavily on private, multibillion-dollar prison companies. In turn, these companies came to play an influential role in lobbying for stricter immigration policies. At the same time, restrictionist politicians and think tanks developed and propagated local- and state-level legislative proposals meant to demonize immigrants and provoke widespread fear in hopes that doing so would result in an uptick in self-deportations.

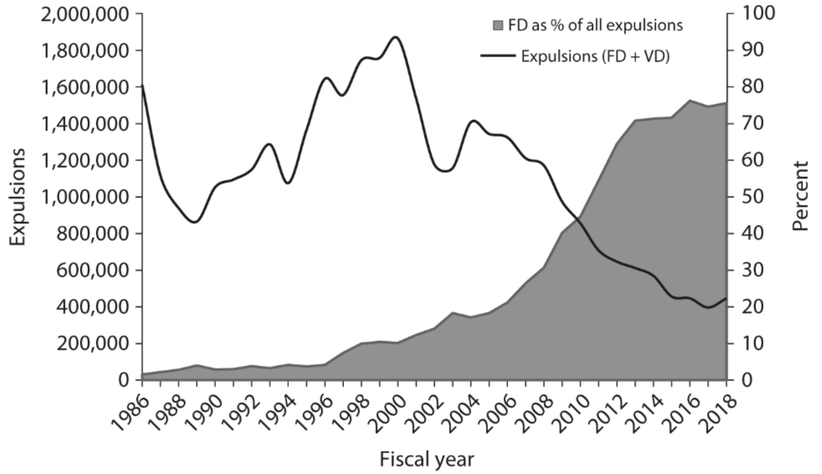


Figure 37. Expulsions and formal deportations as a percentage of all expulsions, fiscal years 1986–2018.

On the left *Y*-axis is the number of total expulsions (the sum of formal deportations and voluntary departures). On the right *Y*-axis are formal deportations as a percentage of total expulsions. While total expulsions dropped over time, formal deportations rose dramatically. DHS, *YOIS: 2018*, 103. Graph by author.

The criminalization of migrants, growth of immigration detention, and concurrent militarization of the border meant that deportation represented a more permanent separation than ever before. Immigrant activists, advocates, and allies employed an array of protest strategies in response, including

mass marches, protests, direct action, civil disobedience, and sophisticated social media campaigns. They won important gains in many cases, stopping deportations for some and winning temporary legal status for hundreds of thousands of others. But the dramatic changes to the methods of deportation had an enduring influence on individuals, families, communities, and the nation. Only through a combination of quantitative and qualitative analyses, situated within the shifting domestic and geopolitical context of the time, can we understand the deportation machine's punitive turn in the late twentieth and early twenty-first centuries—a trend reinforced by the policies of both Republican and Democratic administrations.

The Militarization of the Border and the Criminalization of Immigrants

A "new era of Mexican migration" began in November 1986 when President Reagan signed into law the most far-reaching immigration reform legislation in more than two decades. IRCA's enactment had been anything but certain since legislators, business interests, labor groups, and ethnic organizations had all repeatedly rejected previous bills that sought to overhaul the system. But public pressure to restrict immigration and the persistence of the bill's sponsors, Republican senator Alan Simpson of Wyoming and Democratic representative Romano Mazzoli from Kentucky, finally led lawmakers and the White House to strike a compromise. The act resulted in the legalization of approximately 3 million people—some 1.7 million who regularized their status by proving long-term residency, and another 1.3 million who did so through the SAW program meant to appease growers. In all, Mexicans made up 2.3 million, or 75 percent, of the total. As a result, IRCA is commonly thought of as a generous and liberal act, which one political scientist has described as "the largest amnesty program for undocumented aliens of any country to date."[8]

Obtaining legal status changed migrants' lives in consequential ways. People who became permanent residents not only could stay and work in the United States—they could also return to Mexico. Fernanda Camacho and her sister Claudia grew up in a small pueblo in Jalisco where most people made their living off the

land and, starting in the middle of the twentieth century, many ventured off to the United States in search of better economic opportunities. The Camachos first went to California as teenagers in the 1970s. Though they returned to their town on occasion, their undocumented status meant that they ran the risk of apprehension each time they crossed back into the United States. After IRCA, Fernanda and Claudia visited a couple of times a year to celebrate holidays and to see their younger sister, Gabriela, the only one of the family's eight siblings who stayed in Mexico. However, not all of the Camacho siblings became legal residents or citizens under IRCA. "It has been fifteen years since I last saw my sister Conchita. And my youngest brother, three years," Gabriela said in 2013, as tears wetted her cheeks. "I want to see them."[9]

While IRCA provided a path to regularization for people like Mario Márquez and facilitated reunification for families like the Camachos, it also ramped up enforcement and guided the deportation machine in a more punitive direction. The law implemented long-proposed sanctions on employers who hired unauthorized workers, including fines of up to $10,000 and possible criminal prosecution, though they were not enforced evenly or with regularity, which rendered the policy ineffective. But employer sanctions were just one of a number of punitive stipulations contained in the new law. In the lead-up to IRCA's passage, and in the context of the Cold War, President Reagan scapegoated immigrants for the nation's economic woes and painted them as potential terrorists and threats to national security. Playing on such fears, Congress included provisions in IRCA to stop future unauthorized migration—or, the "invasion," in the parlance of many politicians and media outlets. The new law gave the Border Patrol $400 million to hire more agents in 1987 and 1988, provided the Department of Labor with new funds to carry out workplace inspections, and authorized the president to use $35 million for any future "immigration emergencies."[10] However, more than anything, an exhaustive study by two leading policy scholars concluded that IRCA "emphasizes the appearance of control while in fact failing to stop substantial undocumented flows," a reflection of the "curiously contradictory character" of US immigration policy toward unauthorized Mexican migration.[11]

In specific regard to deportation, beginning with IRCA the laws became, in the words of legal scholar Daniel Kanstroom, "harsher, less forgiving, and more insulated from judicial review." The result was the creation of "an exceptionally rigid legal regime … riven with discretionary executive authority, and increasingly immune from meaningful oversight." Internal pressure within the INS led to increased attention on deporting "criminal aliens," and a provision within IRCA called on the agency to do so "as expeditiously as possible." To facilitate this, the service used funds the law allocated to implement, and then expand, the Alien Criminal Apprehension Program.[12]

The INS's efforts to deport "criminals" became more intense in the years following IRCA. In 1988 the Anti-Drug Abuse Act created the legal category of "aggravated felony," under which a person convicted of such a crime would be formally deported and would face "severe criminal sanctions" if apprehended again after reentering the United States without authorization. While murder, drug trafficking, and illicit trafficking in firearms were the only offenses that counted as aggravated felonies at first, the category expanded over time, resulting in stiffer penal consequences for an increasing number of unauthorized migrants. The 1990 Immigration Act made money laundering and "(nonpolitical) 'crimes of violence' " aggravated felonies. Immigration authorities deemed people convicted of such crimes to be ineligible for asylum and lacking "good moral character," which meant they could not receive discretionary relief. The act also retroactively eliminated judges' ability to halt expulsions through "Judicial Recommendations against Deportation," thus further reducing the possibility of relief from removal. Moreover, anyone convicted of an aggravated felony and deported faced an automatic twenty-year bar to reentering the United States.[13]

Regardless of the measures Congress and the INS implemented, unauthorized migration from Mexico continued—and even increased—in the late 1980s and early 1990s. This trend affected few, if any, places more than Southern California, which remained the primary crossing point for most migrants. Between 1960 and 1990 California's foreign-born population increased from 1.3 million to 6.5 million, going from 9 percent to 22 percent of the state's population. Even though San Diego remained majority white until 2000, the rising number

of immigrants, both documented and undocumented, and the growing ethnic Mexican population created heightened tensions in the city in the last decades of the twentieth century. To deflect blame and win votes, politicians adopted the time-tested tactic of scapegoating immigrants for the state's financial woes. Nobody did so more than Pete Wilson, the Republican governor and former San Diego mayor, who pinned California's $12.6 billion deficit on unauthorized migrants who supposedly drained the state's welfare coffers. Wilson and other local and state politicians also faulted the federal government for its inaction and inability to control the US–Mexico border.[14]

The expansion of liberal trade policies and integration of the North American economies fueled the growth in undocumented Mexican migration to the United States. Mexico's entrance into the General Agreement on Tariffs and Trade (GATT) in 1986 and the signing of the North American Free Trade Agreement (NAFTA) six years later had serious negative repercussions on ordinary Mexicans and the Mexican economy as a whole. NAFTA, which went into effect on January 1, 1994, allowed US companies to relocate factories south of the border and export corn and other staple crops to Mexico. The trilateral agreement between the United States, Mexico, and Canada integrated all economic factors but one: labor. As a comprehensive overview of Mexican migration noted, after NAFTA the United States "pursue[d] a politics of contradiction —simultaneously moving toward integration while insisting on separation."[15] Without protectionist agricultural policies, Mexicans who made their living from working the land could not compete with US-based companies receiving government subsidies. Soon they began emigrating north in large numbers in search of work. From 1994 to 2000 the number of Mexicans leaving for the United States increased by nearly 80 percent, going from 430,000 to 770,000. And between 1990 and 2000, Mexican-born residents living in the country more than doubled, going from 4.5 million to 9.4 million. NAFTA actually helped to halt Mexican economic growth. In December 1994, the value of the peso fell by almost half and Mexico lost nearly 10 percent of its gross domestic product over the course of the next six months. Moreover, on a smaller scale the adoption of free trade policies did nothing to improve individual Mexicans' economic well-being. In fact, poverty rates rose in the two years

following NAFTA, and nearly two decades later had not changed from pre-NAFTA levels.[16]

Heightened levels of unauthorized Mexican migration, US domestic economic woes, and rising political conservatism contributed to anti-immigrant sentiment peaking in the lead-up to the 1994 midterm elections. In hopes of garnering more votes, Governor Wilson focused his campaign around Proposition 187. Drafted by a group of restrictionist activists and former INS officials at an Orange County country club in October 1993, Proposition 187 excluded unauthorized immigrants from social services and benefits, including nonemergency health care and education.[17] Ultimately, Wilson hoped that the proposal, known as the "Save Our State" initiative, would ease California's budget shortfall by reducing the number of unauthorized immigrants living in the state. "If it's clear to you that you cannot be employed, and that you and your family are ineligible for services, you will self-deport," the governor explained.[18] Though most people stayed, the widespread anti-immigrant rhetoric and climate of fear affected undocumented immigrants' everyday lives. And some indeed decided to leave the state or the country altogether. Silvia Alfaro, a twenty-year-old indigenous Mixtec woman living in Oxnard, California, with her fiancé and two infant US citizen sons, decided to return to her small, mountainous town in the southern Mexican state of Oaxaca. "I walk in fear.... I'm afraid to take my children to the doctor. I'm afraid to wait for the bus. I'm afraid to leave my house," she told a *Los Angeles Times* reporter in November 1994. "My oldest son will soon be 4 years old, and I'm scared to put him in school," she continued. "They say they will use the children to find parents who are here illegally." Although she knew that her children wouldn't have the same educational opportunities or healthcare resources, Alfaro explained her decision to leave the United States in straightforward terms: "I was tired of hiding, of feeling unwanted in this country." Rather than returning to Mexico with them, her fiancé decided to move to Minnesota, where jobs were supposedly available and where no anti-immigration laws were on the books. After a follow-up article on Alfaro readjusting to life in Mexico ran, a reader asserted in a letter to the *Times*, "I guess in a small way Proposition 187 is starting to work."[19]



Figure 38. El Paso Border Patrol Chief Silvestre Reyes briefs (right to left) President Bill Clinton, Vice President Al Gore, INS Commissioner Doris Meissner, Secretary of Labor Robert Reich, and Attorney General Janet Reno, February 1995.

Official White House Photo/USCISHOL.

In addition to promoting legislation that would harm the quality of life of people in the country without authorization, Governor Wilson also demanded that the federal government act to control migration across the US–Mexico border. What he had in mind was something like Operation Hold the Line. Launched in the fall of 1993 by El Paso Border Patrol Chief Silvestre Reyes (and originally named Operation Blockade), the initiative was meant to stop migrants from crossing into the United States near the city (see figure 38). Some 400 Border Patrol agents patrolled a twenty-mile section of the border with Ciudad Juárez, resulting in a dramatic drop in apprehensions. Operation Hold the Line received national attention and, hoping that a similar strategy could be applied in other densely populated border areas, Southern Californian politicians, including Wilson, pushed the federal government to implement a version of it in the San Diego sector. In the summer of 1994, in large part in response to public pressure, the Border Patrol's strategic plan announced the new strategy of "prevention through deterrence," and stated that the agency would "control the borders of the United States between the ports of entry, restoring our Nation's confidence in the integrity of the border." It also stressed that "a well-managed border will enhance national security and safeguard our immigration heritage." A few months later, on October 1, 1994, immigration authorities implemented Operation Gatekeeper along the San Diego border.[20]

Under Operation Gatekeeper the federal government began an unprecedented militarization campaign of the US–Mexico border that continues to this day. Whereas the San Diego sector had only nineteen miles of border wall before the operation commenced, some five years later fifty-two miles of walls demarcated the divide, including fourteen miles of ten-foot-high primary walls (made from steel landing mats from the Vietnam War) and two fifteen-foot-tall backup walls—the first made of concrete pillars, the second of wire mesh and support beams, and both topped with barbed wire. The rapid erection of border walls in the post-NAFTA era was a response to the increased flow of consumer goods, capital, illegal drugs, and people, and the realization that the United States could not fully regulate these flows. Immigration authorities also installed high-intensity stadium lights, surveillance cameras, and high-tech motion sensors. And the number of Border Patrol agents stationed in the San Diego sector increased from 980 before Operation Gatekeeper to more than 2,250 in June 1998. The result, according to geographer Joseph Nevins, was that "a semblance of control and order … replaced the image of chaos that once seemed to reign in the urbanized border region of the San Diego sector."[21] But, as in the past, the INS's control of the border remained incomplete.

The policies and laws implemented in the 1980s and 1990s increased the INS's importance within the federal bureaucracy. Whereas the service's budget was around $474 million in 1986, a decade later it had shot up to nearly $2.6 billion (some $1.8 billion controlling for inflation), and $4.2 billion ($2.7 billion controlling for inflation) by the year 2000. Meanwhile, the Border Patrol went from "a backwater agency with a budget smaller than that of many municipal police departments … to a large and powerful organization with more officers licensed to carry weapons than any other branch of the federal government save the military." From 1986 to 2000 the Border Patrol's budget increased by a factor of seven, going from $151 million to more than $1 billion. During that same period, the number of Border Patrol officers spiked from under 3,700 to more than 9,200, and the number of linewatch hours more than tripled.[22]

The ramping up of border and immigration enforcement did not stop unauthorized migration to the United States. It did, however, make migrating costlier, in both physical and financial terms. Enhanced

enforcement near urban centers forced migrants to cross the border in more desolate and dangerous areas. So while apprehensions dropped in the Chula Vista/San Diego (from around 532,000 in 1993 to 248,000 in 1998) and El Paso (from some 286,000 to 125,000) sectors, they rose sharply in the El Centro, California sector (30,000 to 227,000) and the Tucson (93,000 to 387,000) and Yuma (23,500 to 76,000), Arizona sectors.[23]

Instead of stopping undocumented migration, Operation Hold the Line and Operation Gatekeeper just moved it from public view. These policies had a devastating impact on migrants. First, they forced migrants to rely more heavily on coyotes, or migrant smugglers, who doubled or tripled their fees in accordance with the newfound demand. Second, they increased the amount of time it took to cross the border. While entering near San Diego might have only taken ten or fifteen minutes, traversing deserts, mountains, and canyons generally took at least twelve hours and up to four days. Ultimately, the United States government's prevention through deterrence strategy resulted in more migrant deaths than ever before. In 1994 officers recovered the remains of twenty-three people along the California–Mexico border. Two had died of hypothermia or heatstroke and nine of drowning. Just four years later authorities recorded 145 deaths—including sixty-eight of hypothermia or heatstroke and fifty-two of drowning—along that same stretch, although the actual number was certainly higher, since agents never found some of the dead.[24] Even after immigration officials realized that prevention through deterrence would make crossing more dangerous, but would not stop people from migrating, they chose to stay the course. "I will be absolutely frank with you," Doris Meissner, INS commissioner from 1993 to 2000, later told an interviewer. "The idea of abandoning any kind of strengthened border enforcement because of [the dangers of the desert] was not … a point of serious discussion."[25] The death toll rose dramatically in the decades ahead: More than 7,500 people died trying to cross the US–Mexico border in the quarter century after authorities started cracking down.[26]

The year 1994 also ended up marking an important shift in the history of US–Mexico relations, Mexican migration, and US immigration enforcement. Less than a year after NAFTA became law, Governor Pete Wilson

handily won reelection in California and Proposition 187 passed with 59 percent of the vote. Even though a federal district court later struck down Proposition 187 on constitutional grounds, its passage and Wilson's victory foreshadowed local and state politicians' efforts to take federal immigration policy into their own hands in the years to come.[27] Furthermore, Operation Gatekeeper proved to be the beginning of what has become an intractable campaign to "secure" the US–Mexico border. These developments, combined with the passage of a series of draconian laws two years later, fundamentally changed how officials deported people, in addition to the consequences of being expelled.

A New Harshness

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) has done more to reshape the deportation machine than any other law over the last half-century. Signed by Democratic president Bill Clinton as part of his get-tough-on-crime reelection campaign, the law broadened the scope of who the United States could formally deport; made it easier for authorities to apprehend, detain, and expel people; and rolled back the rights of individuals facing deportation. IIRIRA expanded the number of "aggravated felonies" resulting in mandatory detention and formal deportation to twenty-eight, including any offense that carried at least a one-year prison sentence—even if it were as insignificant as shoplifting or low-level drug possession, or as vague as a crime of "moral turpitude" or any "crime of violence." IIRIRA applied retroactively, which meant that authorities could remove someone for a crime that was a deportable offense under the new law, but not at the time of conviction. As one legal scholar put it, the INS adopted a "take-no-prisoners approach with regard to the deportation of criminal aliens"—with "criminal aliens" now encompassing a much broader group of people.[28]

IIRIRA also established three new streamlined administrative procedures to formally expel people that fundamentally altered how the deportation machine worked. "Expedited removals" and "reinstatement of removal" gave immigration officers the power to arrest, charge, and formally deport people without bringing them before a judge or conducting any real investigation of their cases. The former applied to anyone authorities

apprehended within one hundred miles of the border whom they deemed inadmissible at the time of entry, while the latter encompassed individuals with prior formal deportations or voluntary departures. Under "stipulated removal" noncitizens already in deportation proceedings could forgo their right to a hearing, which allowed an immigration judge to order their formal expulsion without ever seeing them face to face. By creating these three summary removal mechanisms and expanding the number and type of deportable classes, IIRIRA resulted in the ramping up of formal expulsions to previously unknown levels (see figure 39). After 1996, migrants whom officials would have once expelled via voluntary departure now found themselves subject to formal deportation, bans on reentry ranging from five years to life, and possible felony criminal charges for returning to the United States.[29]

Under IIRIRA, *all* noncitizens, including many long-term, legal permanent residents, found themselves subject to formal deportation. Standing in opposition to core values that undergirded US immigration policies, the law's elimination of relief hearings prevented immigration judges from considering personal or family circumstances, including the best interests of US citizen spouses and children.[30] Danny Kozuba moved to the United States from Canada with his parents and brother when he was five and became a permanent resident in 1958. He went on to serve in the US Army during the Vietnam War and later worked designing and installing custom kitchens in a suburb east of Dallas, Texas. After spending a few years in prison on drug possession charges in the early 1990s, an immigration judge granted him a waiver of deportation given his community ties, four decades in the country, and the fact that his wife was a US citizen. But the INS appealed this decision and, in 1997, Kozuba found himself in deportation proceedings after IIRIRA made people like him ineligible for any kind of relief. Thirty-five-year-old Charlie Jaramillo found himself in a similar situation. He faced deportation to Colombia for pleading guilty to a minor drug charge in 1989, despite the fact that he had been in the United States since he was eight months old, didn't speak Spanish, and had a wife and two teenage sons, all US citizens.[31]

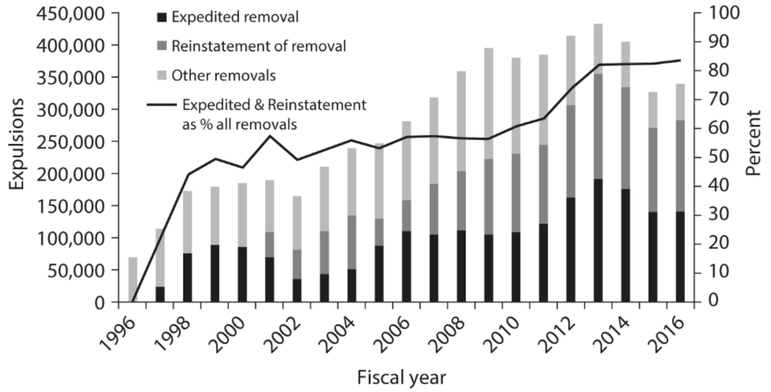


Figure 39. Formal deportations by type and "expedited removals" + "reinstatement of removal" as percentage of all formal deportations, fiscal years 1996–2016.

After IIRIRA, the number of fast-track formal deportations via "expedited removal" and "reinstatement of removal" steadily increased, making up more than half of all removals from fiscal year 1998 on, and more than 80 percent of all removals in fiscal years 2013–16. At the same time, voluntary departures decreased dramatically between fiscal years 2000 and 2016. Statistics for "reinstatement of removal" are unavailable prior to 2001; statistics on stipulated removal are unavailable. DHS, "Immigration Enforcement Actions," 2004, 2010, and 2016. Calculations and graph by author.

The immigration act of 1996 allocated more money for enforcement at the border and in the interior. In the six years after Congress passed the legislation, detention and deportation spending increased by more than 160 percent, reaching nearly $1.28 billion in fiscal year 2002. The law also implemented a web-based system (later renamed E-Verify) that allowed employers to instantaneously verify workers' employment eligibility. And it provided for the construction of border walls and the hiring of 1,000 Border Patrol agents a year over a five-year period, leading some to refer to it as the "Mexican Exclusion Act." Moreover, in 2000, officials started fingerprinting all adults apprehended in the Southwest. Entering migrants' biometric data into a central database made it easier to identify—and punish—people with previous expulsions. These new enforcement practices and the fortification of the US–Mexico border made it more expensive and dangerous for migrants to reenter the United States, increasing the human costs of deportation and making family separation more prevalent and more permanent.[32]

The same year Clinton signed IIRIRA, he also signed two other pieces of legislation into law as part of his centrist-Democrat agenda to reclaim law enforcement from Republicans. These acts magnified IIRIRA's severe impact

on unauthorized migrants. Along with the Personal Responsibility and Work Opportunity Reconciliation Act —the "end welfare as we know it" act, which barred undocumented migrants from access to public services and most federal, state, and local benefits—IIRIRA effectively implemented Proposition 187 on a national scale. They required the INS to verify individuals' legal status before granting them federal benefits, and they gave states more power to determine eligibility rules. IIRIRA also included Section 287(g), which allowed local and state law enforcement officers to carry out immigration enforcement in collaboration with the INS. And IIRIRA combined with the Antiterrorism and Effective Death Penalty Act to eliminate undocumented migrants' due process rights and any chance of judicial review in expulsion cases. This led one scholar to describe 1996 as "the year in which the rule of deportation law died."[33]

The consequences of being deported became even harsher after the events of September 11, 2001. In the wake of the attacks that brought down the World Trade Center towers in New York City and damaged the Pentagon, Congress hastily passed and Republican president George W. Bush signed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. The USA PATRIOT Act, as it is known, broadened the definition of what constituted "terrorist activity," limited the rights of foreigners already in the country, and authorized officials to indefinitely detain noncitizens. As anthropologist Nicholas De Genova has noted, in the aftermath of 9/11 " 'terrorism' [came] to ubiquitously serve the same ideological role of pervasive and imminent external threat to the stability and security of the United States that 'communism' previously did during the Cold War." Less than two years later, the newly created Department of Homeland Security (DHS) absorbed the INS as part of what the White House called "the most extensive reorganization of the federal government in the past fifty years."[34]

Immigration policies during the post-9/11 Bush administration became more restrictive and prioritized security over human rights and civil liberties. The rhetorical shift from the Immigration and Naturalization Service to the Department of Homeland Security made the bureaucracy's priorities clear. The restructuring

further boosted the agency's prominence and resulted in a sharp spike in its enforcement budget.[35] In 2003, DHS announced Endgame, a ten-year strategic enforcement plan whose goal was "the removal of all removable aliens."[36] These changes had a profound effect on both border control and interior enforcement, which are inextricably linked. "Although homeland security may strive to cordon off the nation as a domestic space from external foreign threats," Amy Kaplan insightfully argues, "it is actually about breaking down the boundaries between inside and outside, about seeing the homeland in a state of constant emergency from threats within and without."[37] This in turn served to justify the racial profiling and persecution of Muslims, Arabs, South Asians, and unauthorized immigrants—regardless of whether they lived in the United States or not.

Although the people apprehended and deported to majority-Muslim countries remained small in real numbers, the existential threat members of Congress and DHS officials thought they posed exerted a tremendous influence over policy. Lawmakers relied on the conflation of immigrants as potential terrorists to rationalize the targeting of people perceived to be Arab, Muslim, or Middle Eastern.[38] The criminalization of migration and elevated fears about domestic terrorism produced a pervasive sense of insecurity that justified expanding DHS's influence and unchecked power, as well as a "specter of guilt" around unauthorized migrants that legitimized the violation of their rights and liberties. Nothing better represented this new enforcement context than the increased surveillance of Muslims. In 2002, the federal government created the National Security Entry-Exit Registration System, which required men from certain countries determined to be harboring terrorists to register and periodically check in with homeland security officials. Authorities detained an increasing number of Muslims as well, and held some indefinitely.[39]

Linking immigration and terrorism also allowed DHS to secure additional resources from Congress. The Customs and Border Protection (CBP) budget spiked from $5.9 billion in 2003 to $13.6 billion in 2016, and the number of Border Patrol agents more than doubled, going from 9,200 to more than 23,000 (some 90 percent of whom patrolled the southwestern border). During that same period, the Immigration and Customs Enforcement (ICE) budget grew by 50 percent, reaching an unprecedented

$6.3 billion in 2016.[40] This funding boom facilitated the deportation machine's punitive turn because it enabled the INS/DHS to formally deport more people than ever before, just as the 1996 immigration act called for. It also furthered the agency's self-deportation efforts by contributing to what Nadine Naber has described as the "internment of the psyche," in which Arabs and Muslims in the post-9/11 United States experienced an "internal incarceration" based on "the sense that, at any moment, one may be picked up, locked up, or disappeared."[41]

Legislative proposals and new DHS policies contributed to the criminalization of migrants as well. In December 2005, the House passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437), known as the Sensenbrenner Bill, which sought to make being in the United States without authorization a felony offense instead of a civil violation. That same month, DHS implemented Operation Streamline, which called for the criminal prosecution of unauthorized entry and reentry before placing people in removal proceedings and implemented a "zero tolerance" policy that reduced the number of voluntary departures. Eight years later, unauthorized border crossings made up around half of all federal criminal prosecutions, whether immigration-related or not. In 2006, after the Sensenbrenner Bill died in the Senate, Congress passed and George W. Bush signed the Secure Fence Act, providing funding for 700 miles of walls on the US–Mexico border and authorizing the purchase of new sensors, cameras, lighting, vehicle barriers, checkpoints, and drones.[42]

The following year, ICE launched the Secure Communities program. Similar to 287(g), Secure Communities called for the cooperation of law enforcement officials at every level to carry out immigration enforcement. It integrated local, state, and federal databases, which meant that any interaction an undocumented migrant had with a law enforcement official could result in that person's deportation. As a result, the number of ICE apprehensions in the interior of the country quadrupled between 2007 and 2011, going from around 84,000 to a high of more than 338,000. Whereas the Obama administration at first offered localities the option of participating in Secure Communities, it later announced that the program would extend nationwide by 2013, with no choice of opting out. Some mayors and cities protested, citing the detrimental

effects the program had on police–community relations and the reduced likelihood that undocumented people would report domestic violence and other crimes. The Obama administration justified the program by claiming that it targeted hard criminals. But during the first two years of Secure Communities more than three-quarters of all people identified by the program had no record at all or just a traffic violation or some other minor offense. The farming out of immigration enforcement to local law enforcement officials—including Sheriff Joe Arpaio in Maricopa County, Arizona—made it nearly impossible to implement a uniform, top-down policy. These new trends also led to further racial profiling, the criminalization of Latinos regardless of legal status, and ultimately an increase in interior apprehensions in established communities (both in real numbers and relative to border apprehensions). Programs like Secure Communities propagated fear in the undocumented community—ultimately making communities less secure.[43]

The criminalization of immigrants and growth of the homeland security state helped spur a resurgence of virulent nativism, as evidenced by the formation of "Minutemen" militias that began patrolling the US–Mexico border in the early 2000s and the rising power and influence of anti-immigration think tanks and lobby groups.[44] Right-wing restrictionist organizations like the Center for Immigration Studies (CIS) and Numbers USA —both of which could be traced back to John Tanton —and individuals like former Kansas secretary of state Kris Kobach drove through draconian state laws meant to coerce people into self-deporting from places like Arizona and Alabama. Large, attention-grabbing raids, like the apprehension of nearly 400 people at a meatpacking plant in Postville, Iowa, in 2008, further heightened anxiety levels in immigrant communities. Restrictionists pushed self-deportation as a "third way" between legalization and mass expulsion. Their goal, as a 2003 CIS report put it, was to do everything possible to make immigrants' lives miserable, in hopes of "squeezing the illegal population so that it declines over time, through attrition." Expanding on this in a 2008 article, Kobach asserted that "the twelve to twenty million illegal aliens in the United States need not be rounded up and forcibly removed through direct government action." Instead, he continued, "illegal aliens can be encouraged to depart the United States on their own, through a concerted strategy of attrition through

enforcement.... If the risks of detention or involuntary removal go up, and the probability of being able to obtain unauthorized employment goes down, then at some point, the only rational decision is to return home." However, as had long been true, rather than returning people to their "homes," self-deportation campaigns in fact tore long-term undocumented residents from them.[45]

Rejecting Refugees and Externalizing Migration Control

While self-deportation campaigns were meant to make the lives of people already in the United States miserable in hopes of coercing them into leaving, officials also implemented tactics aimed at preventing immigrants from arriving in the first place. The externalization of migration control especially targeted individuals who came from countries other than Mexico and Canada. Though the practice's roots go back to the nineteenth century, when transportation companies and later US officials stationed abroad began screening people before they left their countries of origin, it took on a new guise in the 1980s, when Central Americans started migrating in increasing numbers. The majority of Central Americans were refugees fleeing civil wars—funded by billions of dollars of US aid to right-wing governments in El Salvador and Guatemala—that left at least a quarter of a million people dead and three million more displaced throughout the region.[46] Overwhelmed by ongoing mass migration from Mexico and the spike in Central American asylum applications, US officials started pressuring and paying Mexico to carry out its dirty work. According to Larry Richardson, the US Border Patrol chief in McAllen, Texas, at the time, "the United States ha[d] quietly been paying Mexicans to deport Central Americans to Guatemala" since 1981. The INS also "organized a spy ring in Mexico to assist in intercepting Central Americans headed for the United States" and to offer immigration enforcement training to Mexican officials. For at least three years in the early 1990s, the US Congress appropriated $350,000 a year to pay Mexico to deport transit migrants. In 2001, as part of Mexican President Vicente Fox's "Plan Frontera Sur," the United States offered its southern neighbor as much as $2 million per year to deport Central Americans

to their home countries instead of just across the border to Guatemala.[47]

The Mexican government, to be sure, was not just a puppet for the United States. Mexican officials had their own reasons and motivations for cracking down on Central American refugees, including unemployment and general economic hardship in the wake of the 1982 debt crisis. As Bill Frelick, a senior policy analyst with the US Committee for Refugees, put it, in the years leading up to NAFTA, there existed "an unspoken, but clearly understood, quid pro quo: You stop these Central Americans, says the United States, and we will be sympathetic toward you on matters like trade barriers and debt."[48] This confluence of US and Mexican interests —clearly shaped by the United States' pressure on its southern neighbor—altered the dynamics of immigration enforcement in consequential ways. As a representative of the Catholic Church observed, by the 1990s the border had "moved south. It [was] no longer between Mexico and the United States but between Guatemala and Mexico."[49]

The United States' outsourcing of deportation to Mexico was part of a larger strategy of preventing all refugees from reaching US soil, effectively denying people their human right to seek asylum. In 1981, the same year that the Reagan administration started paying Mexico to crack down on Central Americans headed north, it also authorized the Coast Guard to intercept boats thought to be carrying Haitians, and then return anyone they found to Port au Prince. The Clinton administration continued this policy of interdiction and redirected boats of refugees to other countries in order to skirt the asylum process. Then, in 1997, the INS launched Operation Global Reach, an $8.2-million initiative based on "combating illegal immigration through emphasis on overseas deterrence." Between 1997 and 2001 the service established forty overseas offices, staffed by 150 US government employees who focused on intelligence gathering, reducing migrant smuggling, and training foreign law enforcement and airline officials to identify fraudulent documents. During the operation's first four years, the INS trained more than 45,000 foreign officials around the globe, from West Africa to Western Europe, from East and South Asia to Latin America—including San Salvador, Tegucigalpa, Guatemala City, Mexico City, Ciudad Juárez, and Tijuana. Reporting on the inauguration of Operation Global Reach, two *Los Angeles Times* journalists zeroed in on the impetus

behind it (and outsourcing deportation in general): "It is much cheaper to deter people from migrating illegally from abroad rather than attempt to find, detain and deport them once they are here." By 2016, DHS spent $123 million a year to station some 300 officials in sixty-three different offices in forty-nine countries around the world.[50]

The externalization of immigration control came at a high physical, psychological, and financial cost to Central American refugees. Despite a reputation as a country that welcomed exiles, Mexico was not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees, nor the subsequent 1967 protocol. Moreover, under Article 33 of the Mexican Constitution the government had the right to deport foreigners without due process. As a result, migrants faced abuse from Mexican migration officials, police, and criminals alike. As a migrant advocate in Mexico's religious community noted in the mid-1990s, "The government of Mexico was always complaining about the treatment of Mexicans in the US. But they don't look here.… There are more human-rights violations here in one day than there are in a year in the United States."[51] Drug cartels' increasing control over the migration routes and illicit border crossing only upped the stakes. By the 2010s, Central Americans paid up to $7,000 to traverse Mexico and reach the United States. Between 60 and 80 percent of women were raped or sexually assaulted while en route. As many as 20,000 migrants were kidnapped in Mexico in a single year alone. Cartel killings, like the Zetas' 2010 massacre of seventy-two migrants in San Fernando, Tamaulipas, were not uncommon and almost always went unpunished. Well aware that many Mexican officials robbed migrants, or worse, few Central Americans turned to Mexican authorities for help. According to Salvadoran journalist Óscar Martínez, doing so would have been like "a soldier asking for a sip of water at enemy headquarters."[52]

Those who managed to make it through Mexico and successfully cross into the United States faced additional challenges upon arriving. US officials denied the asylum claims of nearly all of the people from El Salvador, Guatemala, and Honduras. Recognizing the legitimacy of such claims would have amounted to the United States admitting its own culpability in funding the repressive regimes that forced Central Americans to flee. The United States approved just 3 percent of Salvadoran and

Guatemalan asylum applications in the 1980s. Moreover, most Central Americans did not qualify for legalization under IRCA since the January 1, 1982 cutoff date was before the vast majority had arrived. The best Salvadorans could hope for was Temporary Protected Status (TPS), a provision of the 1990 Immigration Act signed by President George H. W. Bush that granted short-term relief from the threat of deportation to people the government determined were unable to return to their home countries because of political unrest or natural disaster. Some 187,000 Salvadorans received TPS for an initial period of eighteen months, which the US government extended multiple times in the years and decades ahead. Although the status provided some security, it also left recipients in what sociologist Cecilia Menjívar has referred to as a state of "liminal legality" characterized by inherent ambiguity. People with TPS fell into a gray area of being neither documented nor undocumented and constantly faced with the possibility that their temporary status might soon come to an end. Living with a tenuous legal status had a significant impact on a person's educational and employment opportunities, access to health care and housing, and personal safety since many undocumented immigrants and TPS recipients were hesitant to call the police. Many people who had come to the United States as adults experienced a visceral fear of being apprehended, while individuals who had arrived as children felt stigma and shame because of their uncertain legal status.[53]

US immigration officials' increased targeting of Central Americans in the 2000s both coincided with and was a product of shifting patterns of Mexican migration. Starting around 2008, the economic recession in the United States, combined with lower birth rates in Mexico and the elevated costs and heightened risks of unauthorized migration, resulted in a significant drop in the number of Mexicans going north. "The largest wave of immigration in history from a single country to the United States has come to a standstill," a leading research center reported.[54] Mexicans as a percent of overall apprehensions declined considerably: Whereas they represented 90 percent or more of all apprehensions from the mid-1970s to the mid-2000s, they made up just half of all apprehensions by fiscal year 2016. During Barack Obama's presidency, immigration officials apprehended record numbers of non-Mexicans, referred to as "Other

Than Mexicans," or OTMs, in agency lingo. The vast majority were Central American men. Whereas people from El Salvador, Guatemala, and Honduras represented just 9 percent of all apprehensions in 2008, they made up more than 42 percent by 2016, while people from the rest of the world comprised just 6 to 9 percent (see figure 40). Enhanced enforcement affected all undocumented immigrants, but it singled out some groups more than others.[55]

Heightened levels of violence in the region during Obama's second term led hundreds of thousands of people to flee. Sensational media coverage describing brutal killings carried out by tattoo-covered gang members helped create inaccurate yet pervasive stereotypes equating Central Americans and dangerous criminals. In reality, the emergence of transnational gangs was, in part, a problem of the United States' own making. The roots of the ongoing political and economic instability go back to the US-backed civil wars of the 1970s to 1990s, and the rise of transnational gangs began in 1980s Los Angeles. In fact, gangs like La Mara Salvatrucha, or MS-13, only gained a foothold in Central America after US officials started deporting its members.[56] Yet rather than offering humanitarian solutions to a crisis that the United States helped create, the Obama administration slashed refugee admissions, increased detention capacity, expedited deportations, and expanded efforts to stop people from reaching the United States altogether—as if continuing to push the problem out of sight and out of mind might solve it. In fiscal year 2014 alone, US Border Patrol officers apprehended more than 237,000 Salvadorans, Guatemalans, and Hondurans, including nearly 52,000 unaccompanied children and over 61,000 people who arrived with their families. They also formally deported more than 121,000 people from these three countries, 70 percent of whom the government classified as "non-criminals."[57] The following year, the US Border Patrol apprehended half as many Central Americans, leading some people to declare that the "surge" had ended. In reality, however, the decline in apprehensions was a product of the US government outsourcing to Mexico the deportation of asylum seekers. From 2014 to 2015, the number of people Mexico deported to Central America shot up from 91,000 to more than 165,000, more than making up for the nearly 40 percent drop in US deportations to the region. When considered

together, the number of people the United States and Mexico deported to El Salvador, Guatemala, and Honduras actually increased, from 213,000 to more than 251,000. The difference was whereas the United States accounted for more than half of all deportations in fiscal year 2014, Mexico was responsible for two-thirds of the deportations in 2015.[58]

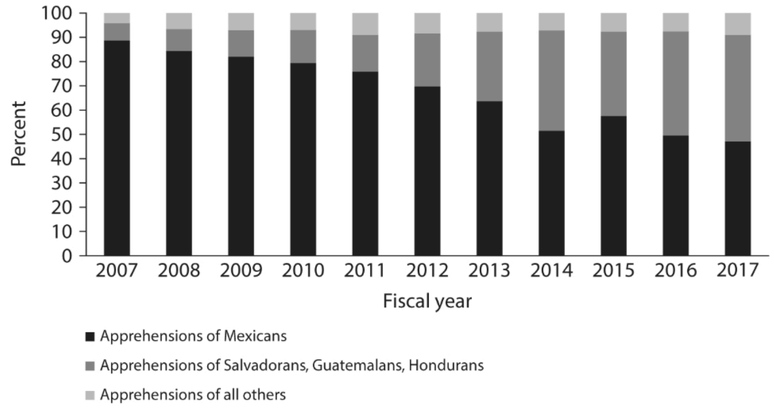


Figure 40. DHS apprehensions by nationality, fiscal years 2007–17.

DHS, *YOIS: 2017*, 92. Calculations and graph by author.

Punishment and Profits over People's Well-Being Redux

Another key component of the deportation machine's post-1986 punitive turn was the dramatic expansion of immigration detention. The imprisonment of immigrants is part of the longer, broader history of human caging and settler colonialism in the United States. Along with expulsion, incarceration has served as a tool to eliminate from society—if not the country altogether—anyone deemed to be a racial, economic, or cultural outsider.[59] Despite its deep roots, the incarceration boom did not occur until the last decades of the twentieth century. Up until the 1970s, the United States had an incarceration rate on par with other liberal democracies. That changed when Democrats and Republicans alike began implementing a series of get-tough policies cracking down on crime.[60] Between 1972 and 1997, the country's general incarceration rate increased by a factor of five.[61] More than 3 percent of all adults in the United States "were under some form of correctional custody" by the end of that period. As legal scholar Jonathan Simon observed, "No other society in history ha[d] ever tried to govern such a large proportion of its population through prisons or their specter."[62] The statistics support this assertion. The United States

has imprisoned more people since 1970 than any other country in the world.[63] By the mid-2010s, the country warehoused nearly one out of every four prisoners on the planet even though just 5 percent of the global population lived there.[64]

The immigration detention system also underwent significant transformations around the same time.[65] In fact, the growth of immigration detention also stemmed from the sharp increase in the number of incarcerated US citizens. In order to free up bed space for the mostly black and Latino men targeted by the rapidly expanding war on drugs, officials sped up the deportation of immigrants held in overcrowded local jails and state and federal prisons. However, rather than reducing the number of immigrants held in detention, the 1980s and 1990s laws' criminalization of unauthorized reentry after expulsion turned deportation into what sociologist Patrisia Macías-Rojas has referred to as a "pipeline to prison."[66] Whereas the service detained an average of just under 6,800 people each day in 1994, that number grew to more than 37,000 by 2006. Between 1980 and 2011, immigrants went from representing less than 4 percent of the federal inmate population to constituting more than one out of every three federal convictions—around 75 percent of them for immigration violations. By 2016, the United States detained around 360,000 immigrants each year in more than 600 facilities in all fifty states, in addition to Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands. The average length of detention was thirty-five days, at a daily rate of $126.[67]

The growth of immigration detention also had to do with its shifting geography and the Cold War politics of the time. While INS detention camps had historically been concentrated on the US–Mexico border in places like in El Centro, California, and Port Isabel, Texas, the arrival of as many as 125,000 Cubans to South Florida during the 1980 Mariel boatlift, combined with thousands of Haitian asylum seekers in years prior, led the agency to shift its attention and enforcement resources east to the Caribbean. The US government and media racialized Cubans and Haitians, depicting them as criminals, homosexuals, and undeserving economic migrants, rather than refugees fleeing repressive regimes deserving of humanitarian assistance. US officials developed an onshore–offshore system of interdiction and migrant detention in hopes of deterring future asylum seekers.

The INS held Cubans and Haitians at military bases like Fort Chaffee in Arkansas and at abysmal detention centers like Krome in Miami. At the end of July 1981, the Reagan administration announced that it would stop releasing Haitians while they awaited their exclusion hearings. The growing detention population that resulted from the new policy, combined with the closing of Fort Chaffee around the same time, led officials to propose dozens of other possible sites, including Ellis Island in New York, Alcatraz Island in California, Fort Allen in Puerto Rico, and a number of military sites in the Rocky Mountain states and along the Canadian border. The majority were never used, though, and officials ended up transferring Cubans and Haitians to federal prisons across the country. In the years ahead, the number of permanent INS facilities multiplied and new detention centers popped up in remote places like Oakdale, Louisiana, whose representatives and community members lobbied hard to be chosen. The deportation machine provided small, struggling cities like Oakdale, which had an unemployment rate of close to 30 percent, with an opportunity to revitalize their economies. “Our unemployed are in critical need of this facility,” a group of local and state politicians wrote to Associate Attorney General Rudolph Giuliani in April 1982 before a final decision had been made about the location. Over time, the US government came to rely on offshore detention sites. By September 1994, nearly 48,000 Cubans and Haitians were being held at the US naval base at Guantánamo Bay. As the geography of migrant detention became decentralized, Mexican, Cuban, Haitian, and Central American detainees found themselves farther away from family, friends, and legal aid, which put them in increasingly precarious positions.[68]

Despite the expansion of federal facilities, insufficient detention space forced US officials to subcontract immigrant imprisonment to local governments and private third parties. By 1998 the INS had detention agreements with more than 1,000 county jails across the country. For-profit companies also sought out these contracts and spent tens of millions of dollars on political lobbying to influence DHS policy and state-level immigration laws. Large international detention conglomerates with immigrant and nonimmigrant facilities across the country and around the world—and their shareholders—have financially benefited from

detaining more migrants for longer periods of time. The two largest such companies, CoreCivic (formerly known as the Corrections Corporation of America) and the GEO Group, first opened immigrant detention facilities in 1984 and expanded their portfolios in the years to come.[69] Thirty years later these two corporations operated eight of the ten largest immigrant detention centers in the country, and accounted for 45 percent of all ICE detention beds and almost three-quarters of all privately contracted detention beds.[70] In 2016, CoreCivic and the GEO Group operated 113 correctional facilities and immigration detention centers in total and reported annual revenues of $1.85 billion and $2.18 billion, respectively, a 200 percent increase from a decade earlier.[71]

Public policies propelled the boom in immigration detention and the growth of the enforcement bureaucracy, helping to make the system more profitable than ever. In 2009, Congress implemented a quota that eventually required as many as 34,000 immigration detention beds to be available on a daily basis, irrespective of need. Bed mandates created an artificial floor on detentions. They also incentivized harsher enforcement policies by limiting the government's ability to rely on less costly, more humane alternatives to detention that could have saved up to $1.44 billion a year. Instead, CoreCivic and GEO Group's shareholders have lined their pockets while taxpayers have footed the bill. By the last year of Barack Obama's presidency, DHS's detention and deportation operations cost some $3.3 billion, or more than $9 million per day.[72]

Immigrants have of course paid the steepest price of all. People held in immigration detention have limited rights and little means of recourse. Noncitizens have frequently been transferred to remote facilities across the country that are far from their loved ones and lawyers. The map of internal and international airlifts is so extensive that some have described it as "look[ing] like a page from a commercial carrier's in-flight magazine." (In fiscal year 2016 alone, US officials deported more than 110,000 people on chartered planes and 6,100 on commercial flights.)[73]

Many immigrants have also been held in local jails, which have not always had to meet federal detention standards. Immigration officials have been willing to accept or overlook this. As the service's senior counsel for field operations explained in May 1998, "It's not in the

INS's interest to force the jails to meet certain standards because we need the space."[74] Private detention centers have not proven any better and have become notorious for their treacherous conditions, systematic cover-ups of negligent medical care, and widespread abuse at the hands of guards. At least 180 people have died in immigration custody since October 2003.[75]

Mobilizing against the Machine

Building on the strategies and struggles of the past, migrants and their allies mobilized in the face of increasing militarization of the border and criminalization, detention, and formal deportation of people in the country without authorization. In the summer of 1981, Jim Corbett, a Quaker from Tucson, Arizona, launched what would soon become known as the sanctuary movement. Disturbed by Central Americans' plight and the US government's involvement in creating and perpetuating the crisis, Corbett began taking people in on his ranch, in addition to organizing other safe houses and support networks for people seeking refuge. The following spring, Tucson's social justice–minded Southside Presbyterian Church and five churches in Berkeley, California, declared themselves sanctuaries after criticizing the US policy of deporting Salvadorans and Guatemalans to their deaths, rather than granting them asylum. The movement spread quickly in the years to come: by the end of 1987 there were 450 places of sanctuary and some 70,000 active participants spanning the country. Beyond providing physical sanctuary, the movement's symbolic importance raised public awareness and support that contributed to far-reaching legal victories in the courts. In January 1991, the US District Court for the Northern District of California approved a settlement agreement in *American Baptist Churches v. Thornburgh*, a lawsuit originally brought by eighty religious groups and refugee aid organizations six years earlier that claimed the government had discriminated against Salvadorans and Guatemalans who had requested asylum. The agreement stayed the deportation of eligible class members and granted them new asylum hearings. Some 240,000 people eventually benefited from the settlement.[76]

In 1994, grassroots activists in California and national Latino and immigrant rights groups organized against

Proposition 187. However, tensions existed within the campaign and the strategies of how to fight the measure sharply diverged. Although they ultimately failed to convince enough people to vote against the proposition, a broad coalition of rights, labor, religious, educational, and medical groups immediately filed legal challenges (consolidated as the *League of United Latin American Citizens, et al. v. Wilson*) that prevented it from ever being implemented.[77]

Both before and after the midterm elections artists offered biting critiques of the ballot initiative and the anti-Mexican and anti-immigrant fear mongering that propelled it. In the months leading up to the vote satirists Lalo Alcaraz and Esteban Zul created the character "Dr. Daniel Portado," whose first initial and last name, "D. Portado," sounded like the Spanish word for deportee when said together. Portado was supposedly a representative of the made-up "Hispanics for Wilson" advisory committee of the National Pochisimo Institute. A September 1994 press release Alcaraz and Zul sent to media outlets announced a "reverse-immigration" border run and rally to "Get Out the Vote and Get Out the Immigrants" in support of the governor's reelection campaign. In addition, the group proposed to create "Self Deportation Centers" that would "encourage all Hispanics regardless of citizenship status, especially their elderly relatives, to return to their countries of origin." (The announcement stated that all of the committee's members would also leave voluntarily after Wilson won the election.) The act fooled some mainstream outlets and the duo appeared—Alcaraz as D. Portado and Zul as his bodyguard—on Spanish-language television station Telemundo the week of the election.[78]

Performance artist Guillermo Gómez-Peña also tackled self-deportation, but through a dystopian rather than comical lens. In 1995, he penned a short essay imagining an "angry white man" who witnesses the aftermath of "an epic self-deportation program" in which Latinos departed the United States en masse, leaving the service, construction, taxi, and tourist industries in disarray, crops rotting in the fields, cities bankrupt, and the country paralyzed. "A nervous President Clinton is pleading for all unemployed Anglos and African-Americans to show up immediately to the closest emergency labor recruitment center." But they don't. "The unemployed 'citizens' were clearly not inspired

by the idea of working for minimum wage and no benefits," Gómez-Peña wrote. Clinton, in a last-ditch act of desperation, begs the remaining Mexicans to stay in broken Spanglish. The piece concludes with a question to the nativist politicians and citizens groups who used immigrants as scapegoats to stoke people's fears about crime, the economy, and the "uncertain future": "Are you guys truly, truly aware of the logical consequences of your anti-immigrant politics?"[79]

A decade later, immigrants and activists protested en masse against policies that sought to ramp up border and interior enforcement. In the spring of 2006, after the Sensenbrenner Bill passed the House, as many as 5 million people—including hundreds of thousands during single marches—took to the streets of more than 160 cities across the country. These mass marches demanded justice and equal rights for migrants and proved key to preventing the Senate from passing the draconian measure.[80] In the years that followed, immigrants and their allies directed their energies against policies and programs like 287(g) and Secure Communities that generated fear and resulted in family separation. Youth immigrant activists were at the forefront of this movement. After Congress repeatedly failed to pass the Development, Relief, and Education for Alien Minors Act (first introduced in 2001 and known as the DREAM Act), which would have granted legal status and the possibility of citizenship to some young people, undocumented teenagers and twenty-somethings organized. This diverse group, some of whom referred to themselves as Dreamers, formed organizations like United We Dream, DreamActivist, the National Immigrant Youth Alliance, and the Immigrant Youth Justice League, which deployed an array of sophisticated political tactics. Taking inspiration from the civil rights and LGBTQ movements, they staged sit-ins in senators' offices, undertook hunger strikes, engaged in acts of nonviolent civil disobedience in front of ICE offices and state capitols, orchestrated a "Trail of Dreams" march from Florida to Washington, DC, and a cross-country Freedom Dream Ride bus trip, and held "coming out of the shadows" events in which they publicly identified as undocumented and unafraid. Many of the groups used social media as a mobilizing tool to gain support for their cause and, in some cases, stop the deportation of their friends and family members (see figures 41 and 42).[81]

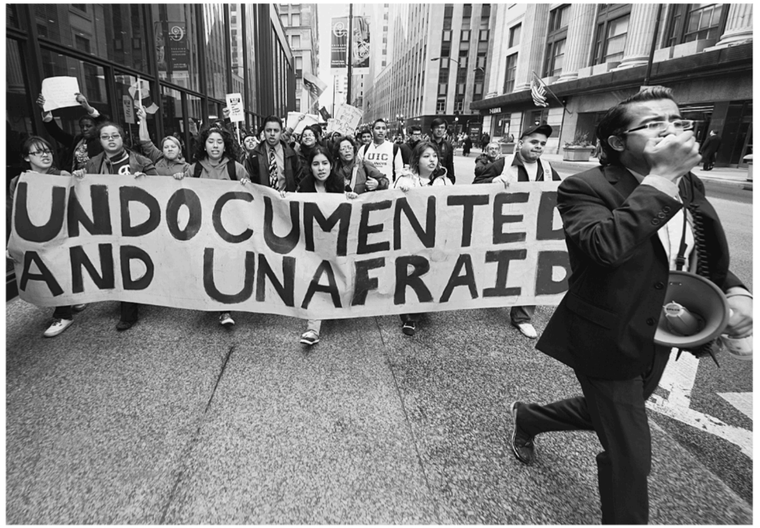


Figure 41. Young people march through the streets of Chicago during a 2010 "Coming Out of the Shadows" rally.

Photo: Peter Holderness.



Figure 42. Chicagoans and members of Undocumented Illinois participate in a November 2013 direct action blocking a DHS bus from transporting immigrants to O'Hare Airport for deportation.

Photo: Stephen Pavey/Hope In Focus.

Although youth immigrant activists did not succeed in pushing Congress to pass the DREAM Act or comprehensive immigration reform, they pressured the Obama administration into implementing broad prosecutorial discretion in June 2011 (which offered some protection to people not considered to be enforcement priorities) and Deferred Action for Childhood Arrivals

(DACA) the following summer. DACA provided young undocumented people who were brought to the United States as children with the opportunity to remain in the country and work without the threat of deportation, albeit temporarily, if they met certain requirements. More than 800,000 people applied for DACA over the course of the next four years, and officials approved 87 percent of those applications. (In November 2014, Obama also tried to roll out Deferred Action for Parents of US Citizens and Lawful Permanent Residents [DAPA], but more than twenty-five states filed a lawsuit blocking it.) Rifts between organizations about where to focus attention or how to most effectively push for change existed, but didn't impede the movement from winning impressive victories that expanded the rights and improved the lives of undocumented people, their families, and their communities.[82]

Despite renewed activism and enhanced efforts in defense of the undocumented community, federal officials expelled millions of people and deportation became harsher than ever between 1986 and 2016. Ironically, the fortification of the border meant that more migrants stayed in the United States since it became more expensive and more dangerous to reenter the country after expulsion. The result was more permanent family separation and a growing deportee population living in dire conditions along the Mexican side of the border. Some deportees, including fifty deported veterans in Tijuana who had served in the US military and whose families still lived north of the border, organized in hopes on drawing attention to their cause and winning a reprieve. Children bore a considerable burden when they or one of their family members were removed or faced the prospect of being removed.[83] Between 2005 and 2010, some 1.4 million people—half of them children born in the United States—returned to Mexico either by choice, coercion, or force. Deportees who grew up in the United States faced a variety of challenges when trying to find their place in countries they had only lived in as infants. The best many could do was use their English language skills to get a job in a call center that a US company had relocated for economic reasons. Many struggled, despite the efforts of a growing number of Mexican civil society organizations geared toward assisting returned and deported migrants.[84]

In his second term, some migrant activists and advocates took to calling Barack Obama the "Deporter-in-Chief." The moniker stemmed from the fact that formal deportations reached unprecedented levels during his presidency.[85] But total expulsions dropped. Assigning responsibility to a particular president or solely focusing on how many people he expelled does not explain immigration enforcement's punitive turn. It is only by examining the cumulative policy changes under both Republican and Democratic administrations since 1986—from the unprecedented spending on enforcement, militarization of the border, and increased reliance on expedited formal deportations to the criminalization of migration, externalization of migration control, and expansion of immigration detention—that we can begin to understand the recent transformation of the deportation machine.