The Criminalization of Immigration Contexts and Consequences

EDITED BY

Alissa R. Ackerman
University of Washington, Tacoma

AND

Rich Furman
University of Washington, Tacoma



CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2014 Carolina Academic Press All Rights Reserved

Ackerman, Alissa.

The Criminalization of immigration: contexts and consequences / edited by Alissa Ackerman and Rich Furman.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61163-356-6 (alk. paper)

1. Illegal aliens--United States. 2. Immigration enforcement--United States. 3. United States--Emigration and immigration--Government policy. I. Furman, Rich. II. Title.

JV6483.A25 2013 325'.1--dc23

2013030174

Carolina Academic Press 700 Kent Street Durham, North Carolina 27701 Telephone (919) 489-7486 Fax (919) 493-5668 www.cap-press.com

Printed in the United States of America

To my boys, Logan and Trevor ... you have stolen my heart! A.A.

To Slick, (1998–2013) What it is ... R.F.

Contents

Section 1: Introductory Chapters

Chapter One · Introduction: The Changing Tide of America	
and the Criminalization of Immigration	3
Alissa R. Ackerman & Rich Furman	
Section and Chapter Introductions	6
References	13
Chapter Two · The Problematization of Immigration	
as a Pacification Strategy	15
Michelle Sanchez, Rich Furman, & Alissa R. Ackerman	
Introduction	17
Pacification as a Strategy	17
Undocumented Immigration as a Tool of Pacification	20
Pacification Mechanism 1 — "Threats" of Illegal Immigrants	20
Pacification Mechanism 2 — Criminalizing Immigration	23
Pacification Mechanism 3 — Immigration Detention and the	
Incarcerative Industrial Complex	25
Conclusion	26
Discussion Question	27
References	27
Chapter Three · The Criminalization of the Immigrant	
and Deportation as a Theater of Cruelty	31
David C. Brotherton	
Introduction	31
Immigration Enforcement, Appeals and the Deportee	32
Theory, Drama and the Deportee	33
Theater of Cruelty in the Everyday Immigration Courts	35
Corporate Style and the Dictatorship of Texts	35
The Culture of Permanent Exclusion	37
The Artaudian Moment	39

viii CONTENTS

A Moment of Resistance	40
Lost in Translation—An Incomprehensible Moment	42
Conclusion	44
Discussion Questions	45
References	45
Section 2: State Laws	
Chapter Four · Undocumented Immigration Policy in Arizona	49
Susanna Jones	
Predecessors to SB 1070	51
SB 1070	54
Concerns about Constitutionality	55
Impacts and Consequences	56
Advocacy and Activist Responses	57
Conclusion	57
Discussion Questions	58
References	58
Chapter Five · Undocumented Immigrant Policy in Alabama	61
María Pabón López and Natasha Ann Lacoste	
Introduction	61
Examination and Context of the Litigation Surrounding	
Alabama's Immigration Laws	62
Alabama Law's Impact on the Education of Immigrant Youth	63
Primary Education	63
Postsecondary Education	64
Miscellaneous Provisions of Alabama's Law Presenting Obstacles	
of Immigrants	65
Registration of Those Who Are Not United States Citizens (Aliens)	65
Residing, Harboring and Renting	66
Enforcing or Recognizing Contracts	67
Discriminatory Practices	67
Data Collection and Privacy Concerns	68
Conclusion: H.B. 56/658's Effect on the Latino and	
Immigrant Population in Alabama	69
Consequences: Crops, Safety, Foreign Investment,	
Revenue and Licenses	69
Bettering the Lives of These Vulnerable Populations	
and the Misery Strategy	70

CONTENTS	1V
CONTENTS	IΛ

Discussion Questions References	71 71
Chapter Six · Crimmigration at the Crossroads of America	
or How Divisive Politics Tarnish the Heartland	75
Sujey Vega	
Discussion Questions	85
References	86
Section 3: Actors and Players: The Socio-Political Context of the Criminalization of Immigration	
Chapter Seven · Laborers or Criminals? The Impact of Crimmigration	
on Labor Standards Enforcement	89
Kati L. Griffith	
What Is Crimmigration in the Labor Context?	91
What Are the Potential Consequences of Crimmigration in the Labor	
Context?	93
Crimmigration and Employer Discrimination	94
Crimmigration and Employer Retaliation	95
Crimmigration and the Culture of Fear	96
Discussion Questions	97
References	97
Chapter Eight · Privatizing Immigration Detention Centers	101
Alissa R. Ackerman, Rich Furman, Britt Judy & Jeff Cohen	101
Introduction	101
The Private Prison and Its Profit Motive	102
Immigrant Detention: Health, Safety, and Psychosocial Risk	108
Conclusion	110
Discussion Questions	111
References	111
Chapter Nine · The Right and Undocumented Immigration:	
A Transatlantic Perspective	115
Ariane Chebel d'Appollonia	110
The Right's Platform on Undocumented Immigration	116
The Actual Influence of the Right on Immigration Policies	121
The Right's Political Dilemmas	124
Discussion Questions	126
References	127

X CONTENTS

Chapter Ten · White Supremacist Stigma Management	
and Legitimation via Anti-Immigration Activism: The Case	
of the Keystone State Skinheads	129
Stanislav Vysotsk & Eric Madfis	
White Supremacist Movement Sectors — Political, Religious,	
and Countercultural	130
Stigma and Stigma Management of White Supremacist Identity	131
From the Keystone State Skinheads to Keystone United and the	
European American Action Coalition	134
Immigration Concerns and Legitimation	136
Conclusion	138
Discussion Questions	140
References	141
Section 4: Immigration, Transnational Migration, and International Context	
Chapter Eleven · Human Rights and the War on Immigration	147
David Androff	
Migrants' Rights Are Human Rights	149
International Human Rights Law	149
International Labor Organization (ILO) Instruments	151
International Convention on the Rights of All Migrant Workers	
and Their Families	152
Additional Tools for Migrant Rights	153
Human Rights Violations against Migrants	154
Violations of the Right to Life	155
Violations in Court	156
Violations in Detention	156
Violations Related to Deportation	157
Violations of the Right to an Adequate Standard of Living	157
Conclusions for Human Rights-Based Immigration Policy	158
Discussion Questions	159
References	159

CONTENTS xi

Chapter Twelve · Transnational Dimensions of Mexican Migration	
at the Cusp of Comprehensive Immigration Reform	163
William Haller	
Introduction	163
Background: The Border Region and its History	165
Driven Underground: Rupturing the Circulation and Continuity	
of Mexican Migrant Labor	167
Two Sides of Mexican/US Transnationalism	171
Discussion Questions	173
References	173
Chapter Thirteen · The "Maras": The Making of a Transnational Issue	175
Sonja Wolf	177
The Origins of the <i>Maras</i>	177
The Maras' Development in Northern Central America	178
Anti-Gang Strategies in Central America	180
Anti-Gang Strategies in the United States	182
The Maras' Transnational Dimension	184
Transnational Anti-Gang Initiatives	185
Conclusion	187
Discussion Questions	189
References	189
Chapter Fourteen · The Criminalization of Immigration	
in the United Kingdom	193
Ana Aliverti	
The Foundations of Britain's System of Immigration Controls	194
Expanding the Category of Exclusionable Aliens:	
Commonwealth Citizens	196
The Asylum Crisis and the (Re)discovery of the Criminal Law	
for Immigration Purposes	198
Shifting the Sight: Inland Controls and	
Immigration-Criminal Enforcement	201
Conclusion	202
Discussion Questions	203
References	204

xii CONTENTS

Section 5: Case Examples: The Human Cost of the Criminalization of Immigration

Chapter Fifteen · Systemic Parallels: The Impact	
of Criminalizing Immigration on Work with Asian Victims	
of Intimate Partner Violence	209
Tien Ung, MSW, PhD, LICSW	
Working with Asian Survivors: The Professional Landscape	210
An Alternative Landscape: Exploring Systemic Parallels to	
Manage Work with Asian Victims	213
Fear Begets Fear, Isolation, and Stagnancy:	
The Consequences of Criminalization	215
Conclusion	218
Discussion Questions	219
References	220
Chapter Sixteen · The Crime of Presence: Latino Meatpacking	
Workers in Iowa	223
Mark A. Grey, Ph.D. and Michele Devlin, D.P.H	
Discussion Questions	236
References	236
Chapter Seventeen · Children of the Unauthorized:	
Domains of Compromise in Development	239
Carola Suárez-Orozco, Marcelo Suárez-Orozco, Dalal Katsiaficas	
Compromised Access to Resources	241
Living in the Shadow of Illegality	243
The Ever-Present Threat of Deportation	244
Liminal Status & Perpetual Outsider-Hood	246
Resiliency & DREAMing for the Future	247
Conclusion	248
Discussion Questions	249
References	249
Chapter Eighteen · No Somos Vagabundos ("We Are Not Loiterers"):	
The Impact of Anti-Immigrant Policies on the Lives of Latino	
Day Laborers in the United States	255
Nalini Negi & Neely Mahapatra	
Literature Review	256
Day Laborers in the United States	256

CONTENTS	xiii
Anti-Solicitation Policies and LDLs	259
Vignette: The Case of a LDL in a Large City in the Southwest	263
Discussion	264
Social Service Implications	265
Human Rights Implications	266
Discussion Questions	267
References	267
Chapter Nineteen · The Impact of Detaining Immigrants on a Detention Officer: An Autoethnography Doug Epps	271
Introduction	271
Becoming a Detention Officer — Motivations and Consternation	272
Psychosocial Repercussions	272
Changing View of Immigration and Immigrants	278
Othering (Structural Dehumanization)	279
Conclusion	281
Discussion Questions	282
Acknowledgements	282

283

Index