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Bordered and Borderless Realities:
The opening and closing of the U.S.-Mexico border to Mexican Nationals

By

Heidy Sarabia

A dissertation submitted in partial satisfaction of the

Requirements for the degree of

Doctor of Philosophy

in

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in the

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of the

University of California, Berkeley

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Professor Cybelle Fox

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Dedication

Para mi Mama y mi Papa

Por su amor, apoyo y ayuda incondicional, siempre.

Gracias por darme tanto y por cruzar la frontera para darnos mas oportunidades a mis hermanos y a mi. Estaremos eternamente agradecidos. Los amo.

Para mis hermanos Oscar y Antonio

Por ser extraordinarios y generosos.

Gracias por su amor y su apoyo. Estoy muy orgullosa de ustedes. Los amo.

Para mi esposo Mario

Por estar siempre conmigo. Por apoyarme y ayudarme a conseguir todos estos logros.

Gracias por acompañarme en esta vida.

Por todos los hermosos regalos que me has dado. Te amo.

Para mi hijo Ari

Porque me motivas e inspiras todos los días a ser mejor.

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Para la gente que cruza fronteras, para que un día estas desaparezcan
cuando el mundo no sea mundo, pero algo mejor.

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With infinite gratitude and love to all of you,
Heidy Sarabia

Abstract

Bordered and Borderless Realities:
The opening and closing of the U.S.-Mexico border to Mexican Nationals

By

Heidy Sarabia

Doctor of Philosophy in Sociology

University of California, Berkeley

Professor Irene Bloemraad, Chair

We live in an era of human mobility from which two different perspectives on borders have emerged. On the one hand, hyperglobalizers celebrate a borderless world where international borders are becoming obsolete. On the other hand, skeptics argue that nation-states continue to be powerful, regulating borders through the barricading and militarizing of international boundaries. I draw on data from 60 in-depth interviews with residents living in the border town of Mexicali, as well as ethnographic field data from 14 months of participant observation at a deportee center in Mexicali, Baja California, Mexico, to argue that the U.S.-Mexico border simultaneously embodies contradictory perspectives, as it stands neither completely sealed (through its militarization) nor completely opened (through the process of globalization). My research shows that an important element that shapes whether people experience the U.S.-Mexico border as open or closed is determined by their ability to cross the border legally. Thus, by juxtaposing the experiences of Mexican nationals with different legal relationships to the U.S. (as tourists, unauthorized migrants, and deportees), I demonstrate how these legal categories *differentiate* people. The process of legal *differentiation* shapes whether Mexican nationals experience the U.S.-Mexico border as a borderless site of opportunity and privilege, or as a bordered site of hardship and stigmatization. Moreover, I argue that this process of *differentiation* creates divergent identities and experiences of policing and violence along the border. Legal *differentiation* obscures convergent underlying similarities of normalized border violence and racialized experiences of Mexican nationals in the U.S. Ultimately, I show that the border is more than the territorial boundary of the state, where citizenship and legality are enforced, determining who is or who is not allowed into the United States. The border is also a site where state power is exercised, and this power is exercised through legal classifications. While other scholars have shown how the state directly shapes violence and identity, among other aspects of life, my dissertation contributes by showing one mechanism by which the state exerts power, namely, by establishing and enforcing legal categories. I show four arenas that exemplify how the state exercises power through legal classifications: by exerting violence, (Ch 2); by influencing identity, (Ch 3); by shaping what is considered normal, (Ch 4); and by structuring racialization, (Ch 5).

Chapter 1: Introduction

Introduction

The U.S.-Mexico border is a contradictory site of cross-border flows (of goods, merchandise, trade, tourists) and tall walls intended to stop other flows (of undocumented migrants and illegal substances). Walls and border controls are an inescapable reality at the U.S.-Mexico border, but it is certainly a site of crossings as well. In fact, the U.S.-Mexico border is considered a heavily militarized site, as well as the most frequently crossed border in the world. Both legal and clandestine crossings are frequent along the U.S.-Mexico border, making the border a site of contradictions, where some people benefit from economic opportunities and personal options, while others experience it as a site of violence and suffering.

Some are free to cross the border unfettered, while others are trapped on either side of the wall. For example, both Camilo and Xavier¹ live in Mexicali, Baja California, Mexico, a city along the U.S.-Mexico border. They have much in common living in a border city—both work in industries related to border services. Both wear U.S. brands, are fluent in English, and sprinkle English words throughout their conversations in Spanish. There is one important difference, however, only one of them can cross the border into the U.S.

Camilo is a middle-class Mexican citizen who holds a U.S. tourist visa and crosses the international boundary about once a week. A 26-year-old engineer working for a company that sells items to the U.S., he travels to the U.S. to shop for clothes, to watch movies, to eat at restaurants, to attend concerts, and to visit family. While he enjoys visiting the U.S., he does not plan, nor have a desire, to move there. Camilo thinks life in the U.S. is boring, monotonous, and too commercialized. Although Camilo thinks of his weekly trips to the U.S. as a sort of treat, or benefit, he has had some negative encounters crossing into the U.S. that he tells with mixed feelings. He recounts, annoyed, “Sometimes you have to wait in line for three hours [to cross] and then, they [U.S. Customs and Border Protection officers] ask you to get out of the car [to be checked further].”

In contrast to Camilo’s unfettered border-crossing practices is Xavier, a 21-year-old working-class Mexican citizen, who was taken to the U.S. by his parents at the age of five. In 2008, he was deported back to Mexico and settled in Mexicali, to be as close as possible to his family in the U.S. Now he works at a calling center in Mexicali, where he answers customer services calls from the U.S. He is unable to cross the border, but nonetheless feels a strong attachment to the U.S. Not only is his immediate family there: he has been socialized as American. Even though he is legally a Mexican national who migrated undocumented to the U.S. and has now been returned to his county of citizenship—Mexico—he self-identifies as Mexican-American, due to his personal attachments and socialization in the U.S.

In this dissertation, I juxtapose stories of border residents who are able to cross the border with visas, (like Camilo), with the stories of unauthorized migrants deported from the U.S. (like Xavier), who—after attempting to cross unauthorized or after living in the U.S. unauthorized, are unable to cross the border—to highlight the way in which different legal categories shape experiences of the border, of identity, of normalization of the border, and of racialization in the U.S. Social scientists have long investigated inequalities and hierarchies based on class, race and gender, but the study of legal inequalities in the United States is a much newer and emergent field. Moreover, legal status has been treated (implicitly) as a dichotomy between (legal)

¹ All the names used in this dissertation have been changed to protect the identities of the subjects.

citizens and (undocumented) aliens, a focus on the supposedly “ubiquitous division enacted between more or less ‘rightful’ members (citizens) and relatively rightless nonmembers (aliens)” of the nation-state (Nathalie Peutz & Nicholas DeGenova, 2010:7). Yet, there are gradations of status², and legal status might change over time³: in fact, legal status might not be permanent, nor are the rights associated with these different statuses guaranteed.

Immigration policing can be characterized as a series of “paired oppositions” (or contradictions) (Calavita, 1994), which at the border translate into an open and welcoming border, and a simultaneously hostile and deathly border. In this dissertation, I will argue that there is an underlying similar logic that informs these seemingly contradictory policies. Namely, the racialized production of Mexican nationals as “other.” Thus, Mexicans become racialized as the *illegal* other and become “suspects” (N. DeGenova, 2005), subject to the “racial state” that seeks to control their mobility, regardless of their legal status. Thus, even though the border fence is a failure (in terms of stopping unauthorized migration), it remains a viable policy--“the fence prevails as policy because it confirms and assuages the polity's fear of racial invasion; that it does little to prevent undocumented migration means that the economy can continue to exploit migrants' labor” (Morales, 2009).

The state is key in the study of multiple legal statuses, given that the state defines and shapes these legal definitions. Scholars have in fact documented the way in which the state and the law produce these undocumented migrants' status and identity, outside the sanction of the law, focusing on the study of *illegality* (N. P. DeGenova, 2002; Gonzales & Chavez, 2012; R. Gonzalez & Chavez, 2011; R. G. Gonzalez, 2008, 2011; Ngai, 2005; Natalie Peutz & Nicholas DeGenova, 2010). However, some scholars have shown how illegality is not a monolithic experience, (Abrego, 2011), but few studies have shown how the state produces different legal categories of *illegality*.

My dissertation examines both the phenomenon of the closing and opening of the border to individuals along the U.S.-Mexico border, focusing on individuals with different legal status vis-à-vis the U.S., while highlighting the effects of these legal categories. Given the frequent crossings along the border, both legally and unauthorized, how do the physical controls and policing along the border, as well as the legal categories and rules—those that allow some people into the U.S. while keeping others out, and forcibly removing yet others residing in the U.S.—affect people's views and understanding of the border, their experience of the border and *illegality*, and their notions of belonging and self-worth?

I focus on legal categories beyond the dual citizen/alien, highlighting different legal categories within the non-U.S.-citizen category, and I argue that the state, through these different legal categories of non-citizen, shapes violence, identity, normalization, and racialization. Focusing on the legal differentiation of people along the U.S.-Mexico border and the experiences of people who are categorized differently by the U.S. government, I make four arguments. First, everyday practices along the border obscure taken-for-granted practices of the nation-state that create legal violence. This study highlights how legal categories is one way the state produces

² If, at one end of the spectrum, there are citizens (with full rights), and, at the other end, there are undocumented immigrants (with no rights), in-between there are non-citizens (with some rights), such as legal permanent residents, temporary legal residents, (such as TPS and DACA recipients), tourists, refugees, etc.

³ An undocumented migrant might become a legal permanent resident and then a citizen; a legal permanent resident might be deported and become inadmissible to return to the U.S.

violence by differentiating people. Thus, given the particular way in which the U.S. controls and polices its border with Mexico, Mexican nationals experience this international boundary as a site of violence. In other words, experiences of violence along the border are shaped by the legal differentiation that Mexican nationals are subjected to by the U.S. government. Furthermore, using a comparative lens, comparing and contrasting the experiences of those who enter the U.S. documented, and those who enter undocumented, I argue that both fettered and unfettered flows are part of the same system of border control and surveillance that shapes and structures mobility.

Second, I argue that by differentiating people through legal categories, everyday experiences of the border shape identity (how people see themselves) and belonging (in the form of national attachments). This study shows the complicated ways in which the state simultaneously incorporates and marginalizes subjects into the national social fabric, both within its borders but also beyond them. Thus, I show one particular way in which extraterritoriality—that is the extension of U.S. legal system beyond its national territory (Raustiala, 2009:5)—shapes identity and belonging in Mexico. Third, I show that everyday practices along the border are one way the border, as an international boundary, becomes normalized. That is, through their everyday exposure to the physical controls and policing of the border, people come to see the particular way in which the U.S. controls and polices its border with Mexico as "normal" and "natural." This normalization of the border ultimately shapes the legitimacy of the boundary. Finally, I argue that, regardless of legal status vis-à-vis the U.S. (as documented or undocumented), Mexican nationals are seen as "suspects" in the U.S., due to their racialization in the U.S. as *Mexican Illegals*.

My dissertation makes three important contributions. First, I show how the policing of the border is predicated on the legal categories assigned to people, which in turn shape whether the border is experienced as open and welcoming, or as closed and hostile. This shatters monolithic views of the border as either completely open (due to globalization forces) or completely closed (through its militarization). This research highlights the importance of legal categories in shaping how the border is experienced and lived. Second, I show how these legal categories, which differentiate people, also shape social identity and national attachments, determining whether people become incorporated into the national fabric as insiders or outsiders. This highlights how national-state identities are shaped beyond the citizen/noncitizen binary, and beyond the confines of the nation-state, as well as how these legal categories have consequences for migrants even in their homeland. Finally, I show how legal categorizations—while creating different experiences of the border, different identities, and different attachments—become normalized, and therefore, acceptable. This normalization of border categorization and border policing in turn shapes the way in which people name abusive experiences, blame the perpetrators, and make claims to redress injustices along the U.S.-Mexico border. This highlights the extent to which the ideology of the border is cemented in the imaginary of people, which in turn shapes the range of actions deemed possible. In sum, legal categories create divergence along the border, as people have different experiences, identities, and attachments, based on whether or not they have the legal documents to cross into the U.S. Yet, there is also a process of convergence, as Mexican nationals are often treated as "suspects" in the U.S., regardless of their legal status. Ultimately, my research shows that border policies aimed at opening the border to tourists and closing the border to unauthorized migrants both result in the racialization of Mexican as "suspects"—unauthorized migrants are suspect illegalized subjects,

and tourists become suspect of trying to migrate⁴. In sum, legal status does little to buffer the treatment of Mexicans along the border as “suspects.”

This summary is really effective, but it’s repetitive, in that you mostly just stated *almost* the same thing in your four arguments. You asked me to point out when that was the case.

Everyday practices

Using both ethnographic field data and in-depth interviews, I turn to the analysis of everyday practices along the U.S.-Mexico border in order to uncover the ways the border, as a social construction, shapes everyday life. The analysis of everyday practices highlights how “[t]he world of everyday life is not only taken for granted as reality by the ordinary members of society in the subjectively meaningful conduct of their lives. It is a world that originates in their thoughts and actions, and is maintained as real by these” (Berger and Luckmann 1966:19-20). Considering everyday practices is important, because these legitimate both the institutionalization and normalization of the border as an international boundary, as well as obscure the way legal categories become the mechanism by which the border shapes everyday life along the border—by determining who and how people cross. Examining every day practices allows us to see how the U.S.-Mexico border has become “natural,” “normal” and legitimate for people; how it is that the wall has become part of the natural landscape and everyday life; and how the daily consequences are understood by those who live adjacent to the wall.

Violence and legal categories

I contend that the *institutionalization* and *normalization* of the border, through everyday practices, is a process that obscures the violence that takes place along the border—both symbolic and physical violence. More specifically, the focus of this study is to highlight how ‘legal categories’ is one way the state produces violence.

The assignment of different legal categories to Mexican nationals crossing into the U.S. is one way that the state *normalizes* and legitimizes the border. The assignment of these legal categories, which *normalizes* the border as a legitimate site where movement can be controlled and policed, creates identities that then help obscure way in which the state produces violence. For example, a U.S. citizen has a legitimate right to enter the U.S., but a non-citizen must have the legitimate document to be allowed to enter the U.S. (under the conditions, in terms of time and space limitations, that the U.S. determines); otherwise, an unauthorized noncitizen might be subject to penalties due to the transgression of the international boundary. Thus, these legal categories obscure the violence of the state by preventing people from naming their injuries, blaming the perpetrators, and mobilizing to claim redress (Raustiala, 2009:5).

My definition of violence combines two definitions: the World Health Organization (WHO)’s definition of violence,⁵ and Jackman’s definition of violence, which includes “intentional,” and assumes that violence is motivated by “hostility and the willful intent to cause harm” (Felstiner, Abel, & Sarat, 1980).⁶ I find that by combining these two definitions, I am able to capture a better conceptualization of violence.

⁴ Preliminary data from the interviews with U.S. citizens suggests that even U.S. citizens of Mexican descent become suspects of trying to carry, and cross, illicit substances into the U.S.

⁵ “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation” (ABP, 2009).

⁶ Actions that inflict, threaten, or cause injury. Actions may be corporal, written, or verbal.

My synthesis, then, posits violence as:

The intentional, or unintentional, use of force or power that inflicts, threatens, or causes injury, against individuals, a group, or a community. Violence may be corporal, psychological, material, or social.

This definition is particularly helpful because (1) it highlights that violence is produced both by action (force) as well as through relations (of power); (2) this definition also emphasizes that violence can be enacted against individuals as well as against groups or communities; and finally, (3) this definition encompasses a broad range of consequences of violence, including corporal, psychological, material, or social consequences.

According to Max Weber, what defines the state is “the monopoly of the legitimate use of physical force within a given territory” (Jackman, 2002:388). Simultaneously, one of the visible indicators of the state are its borders, which correspond to the “lines on maps and areas of legal authority” (Weber, 1946:78); therefore, the state has the discretion to secure, defend, and maintain its borders (*ibid*), using force as it sees fit. How the resources of the state are spent in policing its border is a matter of policy. Thus, it is useful to consider Benjamin Walter’s distinction between law-making and law-preserving violence. For Walter, and for the purposes of this research, I will be addressing law-preserving violence, which “has the function of maintain and perpetuating the authority of the existing legal system,” (Newman, 2004:572), namely, of current immigration laws.

Furthermore, in order to understand the consequences of law-preserving violence, I use Menjivar and Abrego's conceptualization of “legal violence,” which is: the “mutually reinforcing forms of violence that the law makes possible and amplifies” (2012:1384). In other words, the law acts as a conduit of violence through the legal definitions of “illegality” and through its application; thus, the law makes possible and amplifies violence by simultaneously defining unauthorized migrants as “accountable to the law, but also excluded from legal protections and rights”(1385). In my research, I document how the legal status of non-citizen (regardless of whether it is defined as legal or illegalized by the law) remains a temporary, tenuous, and vulnerable category, as even those legally in the U.S. can be subject to removal (Coutin, 2013:114). Menjivar and Abrego argue that “legal violence captures the suffering that results from and is made possible through the implementation of the body of laws that delimit and shape individuals’ lives on a routine basis,” defined as “mutually reinforcing forms of violence that the law makes possible and amplifies” (2012:1387), a focus that highlights the way legal violence creates “insecurity and suffering” (1387). Focusing on outcomes (suffering), as opposed to intent, is a way to expand the conceptualization of violence, and thus shed light on how “social practices (individual, collective, and institutionalized) that harm humans constitute violence” (Nevins 2003:184).

The focus of this study is to highlight how legal categories is one way the state produces violence. While scholars have typically focused on the legal consciousness and claims-making of unauthorized migrants already in the U.S., my research shows that this process of legal consciousness with respect to the label of “illegal alien” begins early (in Mexico), before migrants cross the border, as legal categories differentiate people in Mexico, and highlight the fact that Mexican nationals reflect upon and make decisions (whether to cross and how to cross)

based on these legal categories. This is one example in which extraterritoriality shapes individuals beyond the confines of the U.S. territory.

Institutionalization and Normalization

The focus on everyday practices along the border highlights both the institutionalization and normalization of the border. First, the border becomes legitimated through everyday practices, since these are not only manifestations of the system, but also provide meaning to the institutionalization of the border. Second, everyday practices create a sense of familiarity and lawfulness about the border that obscures the fact that the current configuration of the border, and the way it is policed, is historically and contextually specific. The border has not always been as it is today, but has become "routinely embedded in the matrices of already existing, socially patterned, knowledge and practices" (May & Finch, 2009:540). It is through everyday practices that the border becomes a "natural" or "normal" part of the landscape.

The framings of the border highlight the extent to which it has been normalized. Frameworks shape our "interpretation and understanding, often in a very practical unconscious way, and [those] things enable us to make sense of what is going on around us, what our position is, and what we are likely to do" (Neuman, 2005). Thus, frameworks shape how we interpret our social world⁷.

Racialization

Finally, my last argument is about how the border is a particular site where racialization takes place. Here, I argue that "illegality" is more than a legal categorization: it is deeply embedded in ideas about Mexicans. *Illegality*, therefore, is not just about unauthorized presence in the U.S., but Mexican illegality—whereby people of Mexican appearance become "suspect" of being *illegal*. In the context of the border, the suspicion of "illegality" and the legal status of non-citizens become a particularly dangerous combination for Mexican nationals without U.S.-citizenship, as *deportability* becomes a possible outcome for all non-U.S.-citizens (including Legal Permanent Residents, non-migrants with visas, and of course, unauthorized migrants).

Scholarly debates about whether Latinos (and Mexicans) should be considered an ethnic⁸ or a racial⁹ group are not new. The difference, according to Haney Lopez, is that "utilizing ethnicity focuses our attention on the experience of being constructed as culturally removed from the norm [of whiteness]; using race forces us to assess the imposition of an inferior identity constructed in immutable terms" (Haney-Lopez, 1997:283). In this work, I use the lens of racial formation to discuss the racialization of Mexicans across the U.S.-Mexico border as they experience *illegality*—a form of racialization—both in Mexico and in the U.S. The racial formation lens is useful for three reasons:

- (a) It views the meaning of race and the content of racial identities as unstable and politically contested; (b) It understands racial formation as the intersection/conflict of racial "projects" that combine representational/discursive elements with

⁷ Frameworks, like language, are not neutral, as frameworks (much like language) are associated with the power to name things—by naming things, these become "regimes of truth" as they become "the types of discourse [society] harbors and causes to function as true" (Foucault 1976, p. 112; 13).

⁸ Scholarship that argues that Latinos are an ethnic group includes: (Brest & Oshige, 1995; Frank D. Bean & Tienda, 1988; Keefe, 1987; Ramirez, 1995; Wright, 1995).

⁹ Scholars that argue that Latinos are a racial group include: (Domínguez, 2005; Haney-Lopez, 1997; Juan F. Perea, 2003).

structural/institutional ones; (c) It sees these intersections as iterative sequences of interpretations (articulations) of the meaning of race that are open to many types of agency, from the individual to the organizational, from the local to the global (Winant, 2000:182).

Thus, the meaning of race is not fixed or stable, and my project seeks to illustrate how race becomes articulated as legal rather than biological difference; how these legal articulations of difference become structural/institutional axes of inequality that then become discursive elements used to justify and obscure racial inequality. Finally, a racial formation as a lens also gives credit to the agency of subjects that resist and challenge racial “projects.”

For Mexicans in the U.S., the “racial state” (Omi & Winant, 1986) has played an important role in their racialization through the construction of *illegality* (N. P. DeGenova, 2002).

Racialization is the social and historical process of assigning individuals and groups socially constructed racial identity and status. As populations compete for land, status and resources they build hierarchies based on clusters of phenotypical biological factors which are then assumed to represent archetypes for members of particular groups (Rodriguez 2002a:7, cited in Domínguez, 2005).

Illegality has been used as a tool to racialized Mexicans as racialization involves a process whereby “institutional arrangements are constructed and supported with an ideology [in this case the law] that gives legitimacy, stability, and continuity to a system of exploitation based on class, race, ethnicity, and gender” (Karenga, 2002).

Historically, scholars have documented the fluid and fragmented racialization of Mexicans in the U.S. For example, in the 19th century, racialization was strongly shaped by the annexation of the Mexican territory. Lopez Haney, for example, argued that “Mexican” changed from a nationality to a race in the 1840s, in part, to justify the annexation of the Mexican territory in 1848. In this context, Mexicans were described as “indolent, slothful, cruel, and cowardly” (Hall & Ohara, 1984) before annexation. Once the Mexican territory was annexed, two decades later, when most Mexicans had lost their land, Mexicans were described as “naturally industrious and faithful” (ibid: 199). During this time, “white migrants actually assigned Mexicans an intermediate location in the new society” (Almaguer, 2008:45) and “Mexicans became an ethnic group akin to European migrants, in the sense that the basic process of differentiation was rooted in culture, not race” (Domínguez, 2005:76). By the end of the 19th century, as domination of the Mexican population in the Southwest had been established and control of the land had been secured, the process of racialization was also cemented. “Mexican” then became “a racial category rather than an ethnic descriptor” (Ibid: 77).

In the 1930s, legal status became central in the racialization of Mexicans, as mass repatriation campaigns effectively expelled close to one million Mexicans back to Mexico. During this time, the issue of legal status “raised the issue of who occupied a lower racial status within the Mexican community in the U.S.” (Balderrama & Rodriguez, 1995). Subsequently, conflicts between “‘Spanish’ Mexicans and ‘Indian’ Mexicans arose as some Mexicans sought to distance themselves from the lower racial category (Almaguer, 2008). Eventually, “the term ‘Mexican’ had become so racialized that Mexican Americans preferred to be described as “Spanish’ or ‘Hispanic,’ rather than as ‘Mexican’” (Domínguez, 2005:92). Through the lobbying efforts of Mexican-American organizations (like LULAC), Mexicans maintained their “white” categorization. By 1940, Mexicans were no longer a separate race, and were categorized as white by the U.S. Census (Haney-Lopez, 2000: 198). Nevertheless, race has never been a

rigid system of stratification for Mexicans as it has been for African Americans in the U.S., as an individual's generational status, skin color or class has shaped whether a Mexican was considered white or not (Hochschild & Powell, 2008). In some contexts, Mexicans were awarded the benefits of whiteness, while in other contexts they faced segregation and exclusion as non-whites (ibid).

According to Massey, the racialization of Mexicans in the U.S. has intensified in the last 50 years. "Beginning in the 1970s, however, and accelerating in the 1980s and 1990s, Mexicans were increasingly subject to processes of racialization that have rendered them more exploitable and excludable than ever before... [s] Mexicans have steadily been racialized to label them socially as a dehumanized and vulnerable out-group" (Massey, 2009).

Haney Lopez established how the law has shaped racial identity by determining who was considered "white" (Haney-Lopez, 1996). My study seeks to provide a nuanced understanding of racialization along the axis of legal categories of non-citizens, in order to provide a better understanding how racialization of Mexicans in the U.S. is shaped by the issue of *illegality*. I seek to contribute to the literature on the racialization of Mexicans in the U.S. by focusing on the way legal ideology (the law in general, and immigration law in particular) shapes racialization today. If racialization during the early 20th century was shaped and justified by ideas about "biologized difference" (Domínguez, 2005:95), racial difference is shaped and justified by ideas about law and legality today. In other words, racialization was justified and normalized during the 20th century: racial differences were argued to be biological. These biological differences have now been debunked; as the ideology of a "post-racial society" takes hold in the U.S., difference and inequality becomes justified and normalized in other ways, one of which is the legal ideology of the *illegal*.

Bonilla-Silva has argued that today's color-blind racism shapes white's ideas and beliefs about racial inequality in the U.S., and he demonstrated how white Americans normalize and justify African American's lack of equal access. In my study, by addressing the experiences of Mexican non-citizens in the U.S. and in Mexico, I seek to illustrate how ideas about legal status shape—not only in the U.S., but extraterritorially in Mexico as well—the process of racialization of Mexicans.

Policing The Border Through Legal Differentiation

Policing the border is about the regulation of flows—both authorized and unauthorized. Therefore, policing includes both the regulation of authorized flows across the border, and the prevention and detention of unauthorized cross-border traffic that takes place along the U.S.-Mexico border. How the border has been policed has changed throughout the years. The policies of border enforcement and policing have been contradictory at times, by both welcoming and expelling Mexicans. Legal differentiations of Mexican nationals have justified these seemingly contradictory policies.

The history of how the U.S.-Mexico border has been policed throughout the years shows how time-specific and context-specific the policing of this boundary has been. Nevins (2002) argues that from 1848 to 1970, the frontier became an international boundary: "the 'border' became not only the physical line separating Mexico from the United States, but also a social and legal division that empowered U.S. authorities to carry out all sorts of acts under the rubric of the law" (36). Thus, it was through enforcement of the law and the enactment of legal differentiations—by providing or denying legal permits to Mexican nationals to cross into the U.S.—that allowed the U.S. to justify its contradictory policies of welcoming and expelling Mexican nationals repeatedly.

From 1848 to 1910, the U.S.-Mexico border was both a relatively unregulated open space, but also a place sometimes characterized by despotic policing. Payan (2006) describes "[t]he Southwest of the United States [as] a place of open spaces and expressions of freedom" (6)—where cross-border flows were not regulated. Nevins (2002), however, cautions that during this first time-period, the policing of the border could also be described as a place of despotic violence, that is, "actions which the elite is empowered to undertake without routine, institutionalized negotiation with civil society groups" (20). Thus, despotic violence prevailed during this time-period as the primary tactic to police the border.

The enforcement of immigration laws focused on immigration as an issue of labor and economic development, since immigration services were located under the Labor and Commerce Department (Payan 2006:100). From the 1900's to 1929, "numerical limitations were never applied to Mexico, whose nationals were free to enter without quantitative restriction and did so in larger numbers" (Massey et al., 2002: 29).

The period from 1910 to the 1940s was shaped by three important events—the Mexican Revolution, the prohibition era, and World War I (Payan, 2006). Payan argues that these events influenced the closing of the border by restricting the movement of people and the traffic of commercial goods. In fact, "it was not until 1919 that Mexicans entering the United States were required to apply for admission at lawfully designated ports of entry" (Ngai, 2005, p. 82). It is during this period, in 1924, that the U.S. Border Patrol is established. K. L. Hernandez (2010) shows how in the early days, when the U.S. Border Patrol was first established, the policing of Mexican bodies was not their foremost priority. Instead, the focus of Border Patrol was to prevent Chinese migrants from entering the U.S.—mainly because of the Chinese Exclusion Act of 1882. She argues that through distinct border policing practices and specific interpretations of U.S.-immigration law, the U.S. Border Patrol reconfigured Mexican migrants as the primary focus, and target, of border policing and immigration law enforcement. Hernandez uses the term "Mexican Brown" to explain the focus of Border Patrol during its consolidation as a policing force along the border since, "it was Mexican Browns rather than abstract Mexicans who lived within the Border Patrol's sphere of suspicion" (Fox & Guglielmo, 2012: 335).

Policing of the border has been historically implemented in cycles that revolved around trying to attract Mexican workers at certain times, and expulsing these workers at other times. For example, during the hard economic times of the Great Depression, from "1929 to 1937 some 458,000 Mexicans were arrested and forcibly expelled from the United States" (Massey, Durand, & Malone, 2003, p. 34). But soon after this period of expulsions, legal migration resumed, when, "[i]n early 1942 the Roosevelt administration negotiated a bi-national treaty for the temporary importation of Mexican farm workers" (Massey et al., 2003, p. 35): the *bracero* program was launched. By granting permits during certain periods, the U.S. allowed Mexicans to cross the border legally. Yet, by 1954, the U.S. managed to remove more than one million Mexican nationals back to Mexico during its Operation Wetback campaign.

The cycles of encouraging Mexican workers to come to the U.S., and deporting them later, was altered in 1965, when national quotas for legal admissions were imposed on the Western hemisphere. This, in effect, begins the process of *illegalization* of Mexican migration (Ngai, 2005); the numbers of unauthorized migrants from Mexico soars, due to the limited numbers of visas available. It is during this period that unauthorized immigration becomes reconfigured as a problem of *illegality*. The sizable unauthorized immigration and the lack of permits, makes *illegality* the focal point of border policing (Ackerman, 2012).

In the context of a large undocumented population in the U.S., the period from the 1980s to 2001 is characterized by the legalization and the criminalization of unauthorized immigration. The Immigration Reform and Control Act of 1986 had three major components. First, it was a federal program that effectively legalized about three million migrants. Second, it established employer sanctions. Finally, it gave the Border Patrol a 50% budget increase, setting the tone for funding the Border Patrol to deal with unauthorized immigration. IRCA and the legalization program of 1986 were also accompanied by the merging of the war on drugs and the subsequent war on "illegal" immigration. This process has, on the one hand, increased the criminal penalties associated with unauthorized immigration, while on the other hand, integrated the efforts of the war on drugs and the war against unauthorized immigration. The process began as early as the 1940s, when the Immigration and Naturalization Services (INS) was moved from the Department of Labor to the Department of Justice. This era of enforcement, however, was consolidated in the 1980s and the 1990s. The Aggravated Felon Act of 1988 and the Illegal Immigration Reform and Migrant Responsibility Act of 1996 effectively "focused the legal and then organizational attention of the INS on applying the mechanisms of exclusion and deportation to drug and drug-related crime" (Heyman, 1999, p. 432). In the 1990s, border policing became tightly linked with the war on drugs (Parenti, 2000); the policing of the border became militarized (Dunn, 1996); and the enforcement of immigration laws became more punitive (Fregomen, 1997). During this period, unauthorized immigration began to be reconfigured as an issue of criminality. This new focus on criminality, according to Parenti (2000), involved three features:

[N]ew draconian federal laws that mandate the arrest, detention and deportation of all non-naturalized immigrants [with or without legal residency] who have ever committed a felony or broken an immigration law. The second is increased inter-agency cooperation between immigration officials and the police. The third feature is intensified computerized surveillance and increased networking between law enforcement and intelligence systems (142-3).

Finally, the period inaugurated by the attacks on September 11th 2001 to the present is characterized by a focus on the "securitization" of all border issues (Payan 2006: 13). During this new era, border issues become issues of national security, and are pushed to the local level. Criminalization of immigration during this era is characterized by the "hand[ling] of migration control through the criminal justice system," and "[t]he ongoing erosion of the procedural rights of these criminal defendants [in the immigration system]" (Chacon, 2009, p. 148)¹⁰. This era also highlights the impressive share of resources that the Department of Homeland Security has amassed in general, and the U.S. Border Patrol, in particular¹¹. Finally, during this era there is a particular focus on the detention and deportation of "criminal aliens." While the DHS has reported that only a small percentage of those deported have committed serious crimes (such as aggravated felonies), the majority of those deported as "criminal aliens" have been convicted of

¹⁰ One of the characteristics of this new immigration regime has been the reduced discretionary power of judges (who are limited as to how they can interpret immigration law to prevent/avoid deportation), and the increased discretionary power of officers on the ground (ICE and Border Patrol, as well as police officers), who can determine whether or not a person will be put on the path of deportation. (Jackman, 2002:405)

¹¹ Border patrol operations had a budget of \$1.1 billion dollars, and by 2012, it had tripled to \$3.5 billion dollars, and included 21,394 border patrol agents (USBP, 2012a, 2012b).

drug- or immigration-related offenses. This focus on the deportation of “criminal aliens” has further pushed migrants outside of the law, given that those deported as “criminal aliens” are banned from returning to the U.S. for life—a permanent ban punished with jail time and further deportations, when violated. During this period, immigration enforcement is pushed locally, as police agencies adopt programs such as 287(g) programs¹² and Secure Communities¹³. This push to the local level has resulted in the “multiplier effect” (Kanstroom, 2012), and subsequently, to a mass deportation of migrants—adding to more than two million thus far (Vicens, 2014).

While policing the U.S.-Mexico border has changed since the border was established in 1848, today the focus on policing has two fronts: at official ports of entry (for authorized entrants), and elsewhere (for unauthorized entrants). By illustrating (word choice: focusing on; depicting; studying; researching;) the everyday experiences of Mexican nationals both at official ports of entry (as legal entrants to the U.S.) and elsewhere (as clandestine border crossers), my research seeks to provide a more nuanced understanding of the role of legal categories on the policing of bodies along the border, showing how the enforcement of immigration laws are enacted in this most recent era of “securitization,” and illustrating the consequences of immigration law for Mexican nationals with and without legal documents, to enter into the U.S.

In sum, even though the policing of the U.S.-Mexico border has changed in form throughout the years, what has remained constant is the state's creation of *legal* and *illegal* flows through the different legal categorizations of people. It has been the legal differentiation of people that has made the U.S.'s contradictory practices of simultaneously opening the border—by encouraging and welcoming Mexican workers, and closing the border—by limiting legal permits, creating a sizable unauthorized labor force, and deporting large number of Mexican nationals, plausible. Thus, not only do state policies determine whether borders will be open or closed (Zolberg, 1999), but the state determines for whom the border will be open and for whom it will be closed. Along the U.S.-Mexico border, documents and permits granted by the U.S. government play an important role in categorizing people and defining *legality* and *illegality*.

Conceptualizing the Border

Today, the U.S.-Mexico border reflects a global phenomenon of barricading (K. L. Hernandez, 2010a:10) that, nevertheless, materializes in specific ways at the local level. Thus, while the U.S.-Mexico border is ubiquitous along the 1,950 miles of terrain it covers, the way it is patrolled and policed is site-specific. Borders, in general, are a social, cultural, political, and legal construction that are historic and site specific. For example, even though the U.S. has two borders—one with Mexico and one with Canada—the way in which these two borders are viewed and policed is significantly different. The U.S.-Canada border has 24 bridges and tunnels, such as the “Peace Bridge,” (Ontario-New York), “Rainbow Bridge,” (Ontario-New

¹² 287(g) programs allows state and local law enforcement entities to enter into a partnership with U.S. Immigration and Customs Enforcement (ICE) in order to arrest and detail “criminal aliens.”

¹³ Under the Secure Communities Program, the “FBI automatically sends the fingerprints to DHS to check against its immigration databases. If these checks reveal that an individual is unlawfully present in the United States or otherwise removable due to a criminal conviction, ICE takes enforcement action – prioritizing the removal of individuals who present the most significant threats to public safety as determined by the severity of their crime, their criminal history, and other factors – as well as those who have repeatedly violated immigration laws” (ICE, 2014b).

York), and the "Ambassador Bridge" (Ontario-Michigan). In contrast, the U.S.-Mexico border is well known for the walls and barriers that distinguish it. To the North, the U.S. builds bridges; to the South, the U.S. builds walls. The differences in how the border with Canada and Mexico are policed are vast. Moreover, the extent and influence of the national boundary extend well beyond the confines of the boundary line that separates the U.S. from its Canadian neighbors in the North and its Mexican neighbors in the South.

In order to better understand the role of the U.S.-Mexican border in shaping experiences along the border that emphasize identity, belonging, normalization, and racialization, I focus on three different configurations of the border. These three different dimensions of the border are: the physical structure, (the wall delineating the nation-state); the cultural facet, (as a boundary separating the "us" and "them"); and the legal ideology, (the rule of law categorizing people as citizens and non-citizens, documented and undocumented.). It is important to distinguish between these different facets and dimensions of the border, because along the U.S.-Mexico international boundary, the border is *not* a continuous wall, or always a bright boundary of separation, or a legally indisputable reality. By taking into account these three facets of the border, we can better understand how the ideology of the border operates in everyday life along this international boundary.

First, the U.S.-Mexico border is a physical separation between two countries—a wall. In 2006, there were only 74.8 miles of fence along the border (MPI, 2006). However, in 2005 and 2006, the U.S. Congress and Senate passed bills that called for the construction of 700 miles of new fence. "When finished, the Department will have constructed a total of approximately 670 miles of pedestrian and vehicle fence along the Southwest Border" (DHS, 2009). This physical fence looks different, depending upon the site. In some places, it stands as a triple barrier (as in Tijuana-San Diego, and in others, is non-existent (as in the Arizona desert).¹⁴ In fact, the border is so fragmented, that according to Peter Skerry, the U.S.-Mexico fence is "neither as draconian and militarized as critics claim, nor as effective as supporters would like" (Brown, 2010). The unevenness of the border, however, is not random. Today, most fences have been built in the same urban areas migrants used to cross on a regular basis in the past. This U.S.-Mexico border wall is patrolled by the U.S. Customs and Border Protection (CBP) agency at authorized ports of entry, and by the U.S. Border Patrol agency elsewhere (especially at non-authorized ports of entry)—both agencies operate under the umbrella of the Department of Homeland Security (DHS). When the U.S. Border Patrol was established in 1924, its initial focus was to prevent unauthorized Chinese migrants from crossing into U.S. territory. In time, however, Mexicans became the target of patrolling along the U.S.-Mexico border (Skerry, 2006).

Second, the U.S.-Mexico border is a cultural boundary that demarcates the separation of two entities: the U.S. and Mexico—the "us" and the "them." As a boundary, it signals the "strict line of separation between two (at least theoretically) distinct territories" (Nevins, 2002:8)—with different languages, different histories, and different cultures. This region is "the area of interaction and gradual division between two separate political entities" (Nevis)—an area defined in 1983 by the La Paz Agreements signed by both countries for Cooperation for the Protection and Improvement of the Environment in the Border Area as a "border region." This border region, encompassing 62.5 miles (100 kilometers) on each side of the international border, "is home to 12 million people, [and] extends more than 2,000 miles (3,100 kilometers) from the

14. For pictures of fences found along the U.S.-Mexico border see:
http://nemo.cbp.gov/borderpatrol/2435_southwest.pdf

Gulf of Mexico to the Pacific Ocean" (K. L. Hernandez, 2010a) (See Picture 1 of border region in the Appendix B). This border region is also defined by secondary checkpoints in the interior of the U.S. which function as a secondary filter to try to capture unauthorized migrants traveling further into the interior (see Picture 2 of permanent secondary checkpoints along the border region in Appendix B).

Checkpoints, established by Border Patrol, are "the third layer in the Border Patrol's three-tiered border enforcement strategy. The other two layers are located at or near the border, and consist of line watch and roving patrol" (GAO 2009). While the borderline was drawn in 1848, with the Treaty of Guadalupe Hidalgo, the boundary was solidified in 1993, according to Nevins. By creating the Mexican as the "other," the cultural boundary of difference was solidified—through operations like Blockade and Gatekeeper that intended to close the border to unauthorized migrants.

Finally, the U.S.-Mexico border is a legal construction, whereby the rule of the law produces citizens and non-citizens, as well as documented and undocumented non-citizens. Through legal categories, the state creates subjects inside and outside the legal parameters of the law. From this perspective, the laws delineate the migrant's status and identity outside the sanction of the law (EPA, 2009). This legal construction of the border has expanded into the interior of the U.S. through interior enforcement of immigration laws, and has solidified with the emergence of the "illegal alien." With the creation of the U.S. Immigration and Customs Enforcement (ICE) in 2003 to implement immigration policy in the U.S. interior, the capacity to apprehend, detain, and remove unauthorized migrants has significantly expanded. In addition, with the implementation of programs such as 287g and Secure Communities, the DHS has been able to better locate and remove unauthorized migrants (see Picture 3 in the Appendix B for a map of detention centers in the U.S.).

A commonality among these three different dimensions of the border has been the focus on Mexicans—both foreign migrants and U.S. citizens—as targets of surveillance. At the wall, the U.S. border patrol has focused on apprehending unauthorized Mexican migrants (N. P. DeGenova, 2002). In the border zone, Mexicans have been constructed as the "other" (K. L. Hernandez, 2010a), defined by their *illegality*, as outside of the legal parameters of the law. Finally, within the U.S., Mexicans have also been constructed as perpetual illegal aliens, as *citizen aliens* (Nevins, 2002).

Mexicali-Calexico

There is not a single border, but "different border environments" (Vila, 1997:148). While Vila only describes four border environments—(1) Tijuana-San Diego-Los Angeles, (2) Sonora-Arizona, (3) Juarez-El Paso, and (4) the Lower Valley-Tamaulipas—the Mexicali-Calexico border is different than these other four border environments (especially different from the Tijuana-San Diego-Los Angeles) for three important reasons. First, unlike the Tijuana-San Diego border, the Mexicali-Calexico border is a metropolitan area separated by the border. While downtown San Diego is actually 15 miles away from the Tijuana border and one must actually "drive" to the border, both Mexicali's and Calexico's downtown streets are adjacent to the border. The proximity between Mexicali and Calexico is much more intimate than that between Tijuana and San Diego. Second, Mexicali and Calexico are much more homogenous than Tijuana-San Diego. San Diego has a 28.8% Latino population, while Calexico has a 96.8% Latino population. Thus, creating a different and distinct border culture and environment along this border. Finally, because the U.S.-Mexico border has a fragmented, and locally specific history, the Mexicali-Calexico border wall differs from the Tijuana-San Diego border wall. For

example, the Mexicali-Calexico border environment has been strongly shaped by its desert and mountainous environment, as well as by the presence of the All-American canal, and the interconnectedness of the agricultural industry in the south Salton Valley that includes both the Imperial Valley in the U.S. and the Mexicali valley in Mexico.

It is estimated that about 13 million people live on both sides of the U.S.-Mexico border (Ngai, 2005). A little more than a million live in the twin cities where I conducted my research—about 936,826 people live in Mexicali, (INEGI 2010), and 106,123 people live in Calexico, El Centro, and Brawley (US Census 2010)—the three U.S. cities closest to the Mexicali-Calexico port of entry.

In Mexicali, the border wall between the U.S. and Mexico stands as a long and tall fence that runs at the edge of the city. Mexicali and Calexico are a metropolitan area; therefore, the fence only seems to divide this metropolitan area into two segments—given that streets, schools, and commerce stand next to the wall on both sides (see an aerial view of Calexico and Mexicali in Picture 4 in the Appendix B). In Mexicali, the border wall stands at the edge of the city, and a street (Ave. Cristóbal Colón) runs parallel to the wall. Thus, as cars wait to be inspected to enter the U.S., passengers see the border wall on their right-hand side. The wall reminding Mexicans of the boundary is the first point of inspection for Mexican nationals attempting to cross into the U.S. with permits (as U.S. citizens, Permanent Legal Residents, or those with work or tourist visas).

The wall, which stands as a tall barrier separating the two countries, is both prominent and hidden to residents of Mexicali. It is prominent, because if you need to take the street Ave. Cristóbal Colón, you will unavoidably see the tall fence. In addition, because the border-crossing point is located in downtown Mexicali, businesses cater to border-crossers. For example, there are many *casas de cambio*,¹⁵ as well as bars,¹⁶ hotels, and restaurants (many with bilingual signs), that cater to a bi-national clientele. Yet, if you walk two blocks away from the border, the wall itself seems non-existent because you can't see it anymore. For an outsider, the migrants from the South walking on the streets, the cars with U.S. license plates, the bilingual signs, and the *casas de cambio*--these are all reminders that the border is ever so close and present. For border residents, all that seems unique to a border city becomes *normalized* with the daily routine.

The tall steel fence separating Mexicali-Calexico was erected in the 1990s. Before, it was a mesh border that allowed residents a clear view of the other side; it was so fluid, that border residents crossed it often (even when they did not have the proper legal documents to cross). One border resident recalls how he used to simply “jump” the fence and go to the U.S. to swim and play in the canal. During the 1990's, the U.S. established a new border culture and system of border policing that created a palpable separation with the construction of the tall steel fence. In this dissertation, I document how the fence has become *normalized* and a “natural” part of the landscape today.

Legal Categories: Differentiation Along the Border

15. Money exchange businesses.

16. Mexican bars that cater to U.S. residents have had a historical presence in the border, as they were first established during prohibition. Today, these establishments continue to have an important presence along the border.

The U.S.-Mexico border performs one important function: it differentiates people. According to Kearney (2004), one of the missions of boundaries and their corresponding border regimes is *classificatory*,

In the sense of defining, categorizing and otherwise affecting the *identities* of persons who are circumscribed and divided by borders and who cross them. Such kinds of identity are ethnicity, nationality, the cultural experience, markers of social class and so on (pp. 133).

Kearney's work focuses mainly on the differentiation between the Anglo self and the Mexican other; while Vila's focus on identities along the border also emphasizes local and national identities, such as "transfronterizo," "white," "African-American," and "Mexican-American," as well as and others (IBWC, 2012; Vila, 1997). My research informs these previous studies by focusing on distinct legal categories vis-à-vis the U.S. Thus, I provide a nuanced understanding of how people are legally differentiated along the border, and the consequences of these legal categories. In other words, it is not just national and racial ideas about difference that shapes racialization in the U.S.; legal categories play an important role in shaping *illegality* along the border.

In terms of migration, the United States uses two important categories to differentiate people: citizens and foreigners (aliens) (see Table 1 in Appendix A). In this dissertation, I focus on two groups, nonimmigrants (who cross the border authorized with tourist visas) and unauthorized migrants (who cross the border unauthorized) (see Table 1A in Appendix A). "The Immigration and Nationality Act (INA) broadly defines an migrant as any alien in the United States," that is, "any person not a citizen or national of the United States " (USCIS 1). Foreigners, in turn, are classified into two distinct categories—those who wish to immigrate into the U.S. and those who do not. Those who do not wish to immigrate are categorized as non-migrant. There are 34 categories of non-migrant visas, and in 2012, the U.S. Department of State granted 8.9 million non-migrant visas, and 1.7 million (19%) of these visas were issued to Mexican nationals (Vila, 2000)—I call these Mexicans who do not wish to migrate to the U.S., but have visas to cross into the U.S. as unfettered Cosmopolitans¹⁷. These are mostly middle-class Mexican nationals, since visas tend to go to the middle class, or those who can show economic stability in Mexico. Those who wish to immigrate to the U.S. may do so legally or unauthorized. There are four visa categories¹⁸ that allow an individual to apply to immigrate legally to the U.S.; in 2012, 482,300 visas were issued to foreigners to immigrate to the U.S., and only 15.9% were issued to Mexican nationals¹⁹ (USDS, 2012b). Given the class restriction for tourist visas and the small number of visas issued to Mexican nationals to immigrate legally to the U.S.²⁰, a large number of migrants do so unauthorized.

¹⁷ Most Mexicans (88.2%) are issued B-1, 2/BCC and B-1, 2/BCV visas; this study does not include other visas, like visas for temporary workers or student visas.

¹⁸ These four categories are: immediate relative and family sponsored; employment-based, special immigrants (e.g. Iraqi or Afghan translators, interpreters or workers for/on behalf of the U.S. government),; and Diversity Visa program (Chacon, 2013b).

¹⁹ These categories do not necessarily capture in-between/liminal status like TOPS (USDS, 2012d) or Deferred Action for Childhood Arrivals (DACA).

²⁰ Currently, the Department of State is processing the following Family-Sponsored applications from Mexico: applications filed on or before October 15, 1993 for categories F1 (Unmarried Sons and Daughters of U.S. Citizens); applications filed on or before April 15, 2012 for

In 2012, there were more than 41 million documented pedestrian crossings along the U.S.-Mexico border—5.1 million of these crossings took place in the Mexicali-Calexico point of entry—the third busiest pedestrian cross-border site after San Ysidro/Tijuana and El Paso/Ciudad Juarez (USDS, 2012a). Along the U.S.-Mexico border, legal categories in relationship to the U.S. are important, because these determine whether people are able to cross into the U.S. legally. In turn, these legal categories shape how people see themselves and others (identity), how people feel about their place (belonging), and their cross-border practices. These legal categories range from U.S. citizen (a permanent status and with full privileges to cross into the U.S.) to unauthorized migrants (a tenuous status with no rights to cross into the U.S.). In between are U.S. permanent legal residents, individuals with work or tourist visas, migrants who have been removed or returned from the U.S., and inadmissible migrants barred from entering into the U.S., among others. Two important axes that shape cross-border practices are migratory/visa status and socio-economic class/resources. In my work, I focus on the experiences of two particular groups that fit into this matrix: middle-class non-migrants, who I call *cosmopolitans*, and poor/working-class, unauthorized deported migrants (see Table 2 in Appendix A).

These categories are fluid and unstable. People often enter and leave these legal categories multiple times during the course of their lives. For example, a cosmopolitan non-migrant might overstay her/his visa and become an unauthorized migrant in the U.S., who might later adjust her/his status and become a Legal Permanent Resident, and subsequently, a U.S. Citizen. Likewise, a Legal Permanent Resident might lose her/his residency and become an inadmissible migrant.

These categories are important, nevertheless, for two reasons. First, these serve as a heuristic device that help us conceptualize how legal categories affect people differently. For example, using these categories, we can investigate how the experiences of non-migrant *cosmopolitans* are similar and different from inadmissible deported migrants. Second, by focusing on these distinct legal categories, we can conceptualize the effect of the border (the tangible place where these legal categories are enforced) on the identities, experiences, and practices of people defined and affected by these legal categories.

Migrants: Unauthorized and Authorized Migrants

Unauthorized Migrants

The focus of this study is on poor/working class migrants who cross into the U.S. unauthorized. While the U.S. admits a large number of visitors legally every year, it also detains a large number of migrants attempting to cross into the U.S. clandestinely every year²¹. Migrants who attempt to cross into the U.S. might be either returned or removed from U.S. territory. Historically, migrants “found” along the border have been “returned” to Mexico. The DHS defines “return” as “the confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal” (BTS, 2013). In 2011, the U.S. returned 323,542 migrants to their homeland: 63.6% of these migrants were returned to Mexico (DHS,

categories F2A (Spouses and Children of Permanent Residents); applications filed on or before May 1, 1993 for category F3 (Married Sons and Daughters of U.S. Citizens); and application filed on or before November 15, 1996 for category F4 (Brothers and Sisters of Adult U.S. Citizens (Menjivar, 2006).

²¹ In 2011, the U.S. government apprehended 642,000 foreign nationals for immigration violations: 76% were Mexican nationals (USDS, 2014a).

2011a). The other option is to formally “remove” migrants. The DHS defines “removals” as “the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal. An alien who is removed has administrative or criminal consequences placed on subsequent reentry owing to the fact of the removal”(DHS, 2010d). In 2011, the U.S. government removed 391,953 migrants: 75.0% of these migrants were ‘removed’ to Mexico (DHS, 2011a). Before 1997, deportation and exclusion were distinct removal procedures, “after April 1, 1997, aliens in and admitted to the United States may be subject to removal based on deportability” (USCIS, 2012b).

Deported migrants are either apprehended by U.S. Border Patrol along the border, or in the interior, by ICE²². During my ethnographic fieldwork along the border, I met unauthorized migrants who were handled by the Border Patrol, as well as those handled by ICE. For the most part, those handled by the Border Patrol were attempting to cross into the U.S. unauthorized, while those handled by ICE were already living in the U.S. I use the term unauthorized migrant to refer to people who are in the process of moving into the U.S. or living in the U.S.—temporarily or permanently—without the proper legal documentation from the U.S. government to cross into or live within its territory. I use the term unauthorized or undocumented, rather than *illegal*, for two reasons. First, I wish to bring attention to the fact that the state grants permits to cross the border legally; therefore, people who cross clandestinely do so because they lack the authorization or documentation granted by the state. In other words, they are unauthorized migrants because the state did not grant them authorization; the state created their legal conundrum. Second, following the AP Stylebook, I focus on the label placed on the action by the state (the state sanctions the action of crossing the border unauthorized as “illegal,” that is, forbidden by law), thus turning the focus away from labeling the person as “illegal” (DHS, 2011d).

Once returned or removed from the U.S., the migrant becomes inadmissible to enter the U.S.—this inadmissibility might last 5-, 10-, or 20-years, or might even become permanent. The DHS defines an inadmissible migrant as, “An alien seeking admission at a port of entry who does not meet the criteria in the INA for admission. The alien may be placed in removal proceedings or, under certain circumstances, allowed to withdraw his or her application for admission” (AP, 2013). Furthermore, even if migrants are not removed or returned to their country of birth, the act of living in the U.S. unauthorized carries the sanction of being unable to adjust their legal status within the U.S. territory (if the entry into the U.S. was unauthorized).

I use the term inadmissible migrant to refer exclusively to people who have lived in the U.S. (they immigrated to the U.S. in the past), but are currently living in Mexico, along the border. In addition, they are inadmissible to return to the U.S. either because they were returned or removed, but also because they lived in the U.S. unauthorized. In my study, I differentiate between unauthorized migrants from inadmissible migrants; for unauthorized migrants, their recent deportation is the most salient experience at the time of the interview. For inadmissible migrants, their inadmissibility (that is, their inability to return to the U.S.) is the most salient

²² In 2011, 53% of deportations were handled by the U.S. Border Patrol and 47% were handled by ICE (DHS, 2011a).

experience at the time of the interview. According to the DHS, most migrants found inadmissible were from Mexico²³.

Authorized Migrants

Socioeconomic resources shape the options available to Mexican nationals who wish to immigrate to the U.S. Upper/Middle-class Mexican nationals who wish to immigrate to the U.S. have at their disposal several visas, such as E-2, EB-5, NAFTA visas, etc. According to Forbes Magazine, the U.S. Embassy issued 4,000 investor visas (E-2) to Mexican nationals in 2012—“the third most in the world, behind only Japan and Germany” (DHS, 2013). For these wealthy migrants, creating 10 jobs and investing \$1 million dollars (or \$500,000 in a high-unemployment area) guarantees the availability of these visas. For example, it is estimated that about 50,000 of these upper/middle-class Mexican nationals now live permanently in San Antonio (Estevez, 2013). It has been estimated that since 2010, “Mexican investors have poured nearly \$45 million into Dallas, via the EB-5” visa (Hennessy-Fiske, 2013). In Houston, for example, “Toll Brothers sold some 20% of their luxury homes to Mexican nationals” (Ibid). This group serves as a comparison group to undocumented poor/working-class migrants, but my study does not focus on this population; I did not conduct any interviews with this population. Harriet Romo, sociologist at the University of Texas at San Diego, has been studying these families.

Nonmigrants: Cosmopolitans and Locals

Middle-Class Cosmopolitan Border Residents

The U.S. also admits a large number of (nonmigrant) visitors every year. In 2011, more than 159 million foreign visitors were admitted into the U.S. At the top of the list, Mexican nationals accounted for 32% of all visitors (Nickell, 2013)—these numbers include those arriving by plane or through a land entry. In 2012, more than 156 million people crossed the border legally²⁴. In 2012, about 1.7 million²⁵ Mexican nationals were given non-migrant visas to travel to the U.S. While the U.S. has 34 different categories of nonmigrant visas (DHS, 2011b), about 90% of Mexicans who receive a visa do so under three categories²⁶. Moreover, 62% of these visas were issued along the border.

I use the name *cosmopolitans* to refer to those visitors who have temporary visitor's visas to travel to the U.S., but who have no plans to immigrate temporarily or permanently to the U.S. These nonmigrants are defined by the Department of Homeland Security as, “alien[s] who seek temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the nonmigrant classification sought” (USDS, 2012c). I use the term *cosmopolitans* in order to contrast these experiences with the *locals*, and to highlight the role of the visa in shaping everyday experiences along the border. *Cosmopolitan* also refers to their cosmopolitan life-style—namely, their ability to travel freely across international borders, and their personal sense of not being limited by nation-state borders. Because citizens of the Global South are likely to be required to have visas to travel to the Global North, having a visa to travel to the North is a necessary element of being a *cosmopolitan* in

²³ In 2011, “Mexican nationals accounted for 32 percent of inadmissible aliens, followed by Canada (15 percent), the Philippines (12 percent) and China (8 percent). These four countries accounted for 67 percent of all inadmissible” (DHS, 2011c).

²⁴ This included 41 million pedestrians and more than 115 million passengers (in vehicles).

²⁵ The exact number is 1,693,133.

²⁶ These three categories are B-1/B-2 (Temporary visitor for business and pleasure); B-1/B-2/BCC (Combination B1/B2 and Border Crossing Card); and B-1/B-2/BCV (a Lincoln Foil).

Mexico. These border residents have a legal permit—a visa—to travel to the U.S., and have not lived in the U.S. I use the terms Global North and Global South as geographical references. Given that these cosmopolitans are from Global South, I also use the term *Global South Cosmopolitans*. For these Mexican nationals, therefore, the visas are an important element that allows them a cosmopolitan life-style.

The *cosmopolitans* addressed in this work are located along the U.S.-Mexico border, and are undoubtedly different than other cosmopolitans. Their positionality—that is, their proximity to the U.S., creates unique experiences and opportunities that other cosmopolitans in Mexico (say, in Mexico City,) do not experience. In this work, I highlight the unique opportunities and challenges that these border cosmopolitans face as Global South Cosmopolitans living along the border.

Poor/Working-Class Local Border Residents

Mexicali had a population of approximately 936,826 in 2010 (INEGI 2010). It has been estimated that along the border, about half of the population has a visa to travel to the U.S.; not everyone has the opportunity to cross into the U.S. I use the term *locals* to refer to border residents who do not have a permit (that is, a visa) to travel to the U.S. Before 1994, the border was porous enough that border residents used to cross on a regular basis without permits. After the build-up of border policing in the mid-1990s, with Operation Blockade and Gatekeeper, the only population prevented from crossing unauthorized were local border residents without permits to cross (DHS, 2013); unauthorized immigration flows did not decrease.

In 1996, the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) established new eligibility requirements for the Border Crossing visa. The old Mexican Border Crossing Cards (BCCs), valid until October 1, 2002, required "about a year of residence in Tijuana to become eligible for a BCC, and only residence and employment in Baja California were required to apply" (Muria and Chavez, 2011:361). The new Border Crossing Cards (B-1/B-2 Visa/BCC) were different than previous BCCs, because these visas required that border residents "meet the eligibility standards for B1/B2 visas," which meant that, "they [border residents] must demonstrate that they have ties to Mexico that would compel them to return after a temporary stay in the United States" (USDS, 2010a). Thus, IIRIRA institutionalized the class-bifurcation of Border Crossing Cards—benefitting those with economic resources and effectively blocking the transit of locals without economic resources.

Most of the *locals* in my study are poor/working-class border residents who are not able to obtain visas. While the group I categorize as *locals* serves as a comparison group to the Cosmopolitans who do have the visas to cross into the U.S., my work does not really address the experiences of these local residents in-depth. Overall, I interviewed six locals.

Data

About 13 million people live in the Border area, and "92 percent of these people live in or near the fourteen sister or twin cities along the border" (Spener, 2009:49). The Mexicali-Calexico border twin cities are the third largest, after Tijuana-San Diego and Ciudad Juarez-El Paso, with a combined population of about one million habitants. My research took place in the border town of Mexicali, a city that borders Calexico, California—about 100 miles from the Tijuana-San Diego border. In order to highlight the role that legal documents have for the way by which everyday practices are carried out along to the border, I was interested in the experiences of those crossing with documents and those crossing without documents. In order to record the experiences of those crossing with documents, I interviewed border residents; to document the experiences of those crossing without documents, I conducted participant

observations at a migrant help center for deported migrants (see Table A in Appendix A, for a summary of the data collected).

Interviews

I conducted in-depth interviews with 63 Mexican citizens living along the U.S.-Mexico border in the city of Mexicali. I employed a stratified, purposive sample to cover a range of experiences with the border. Interviews lasted from 30 minutes to 3 hours, and were conducted in Spanish. Six interviewees were local residents without visas who had never been to the U.S.; three were U.S. citizens; 23 interviewees were inadmissible migrants living along the border; 30 interviewees had documents (in the form of visas granted by the U.S. government) to cross the international boundary at some point. At the time of the interview, 19 had valid tourist visas and 11 had visas in the past, which had been revoked by the U.S. government: this is the group I call Cosmopolitans. The average age of Cosmopolitans was 34.6 years, with an average 13.5 years of education; 50% were men, and 50% were women; most (70%) self-identified as upper or middle class, and only 30% self-identified as working class (see Table 4 in Appendix A for a summary of the interviews and general descriptive data.) Those who had lived in the U.S. at some point and were now settled and living in Mexicali, who I call inadmissibles, had an average age of 25 years and an average 11.3 years of education; 52% were men and 48% were women; only 26% self-identified as upper/middle class; and most (74%) self identified as poor/working class— see Table 5 in Appendix for a summary of the interviews and general descriptive data.

Ethnography

I also volunteered at a center, *Modulo Fronterizo "Juntos en el Camino"* (Border Center "Together on the Journey"), where services are provided to migrants deported from the U.S. While the center is located across from Calexico, California, migrants attempting to cross both through California and Arizona are released at this port—Mexicali. Here, I collected ethnographic data from June 2009 to August 2010. The center provides for basic necessities, such as food, drinks, and clothing, as well as more substantial aid, like making national or international phone calls, getting referrals to shelters in the city, obtaining free bus tickets to the migrant's hometowns, and helping to place complaints against Mexican or U.S. authorities.

Deported migrants from the U.S. are initially taken from the custody of the U.S. Border Patrol to the INM (Mexican National Institute of Migration), where they are registered. Thereafter, volunteers from the center invite migrants to stop by the center and get something to eat. Once in the center, migrants are offered the full range of services. I interacted with migrants from a 5 minute conversation while they were eating a soup or drinking coffee, to a total of 3 days while they were getting a bus ticket, or even for an entire week, as they were trying to collect enough money from family members to try to cross again or get home. The center opens daily, Monday through Friday, from 9 a.m. to 6 p.m., and while I was in Mexicali, it also opened Tuesdays and Thursdays from 8 p.m. to midnight, to attend the two bus-loads full of deported migrants that would show up during these nights.

From January 2009 to December 2009²⁷, 485,661 migrants were returned to Mexico, according to the Mexican National Institute of Migration (INM). Of these, 41,315, or about 8.5% were returned to Mexicali (US-MX-CC, 1997). During this year, 12,358 people were “observed” by the Migrant Help Center (about 29.9% of all deportations to Mexicali.) Every

²⁷ I lived in Mexicali and conducted the ethnographic fieldwork from June 2009 to August 2010; however, in order to use annual statistics, I will only address the general statistics available annually from January 2009 to December 2009.

time that a bus comes to drop off migrants, the volunteers at the center record the number of “observations.” The volunteers at the center hope that by “observing” the moment of deportation, they can help prevent the abuse of migrants. The limited number of deportations is due to the fact that the center only opens Monday through Friday from 9 a.m. to 5 p.m. Many deportations occur during the night or during the weekend. Once a bus has dropped off the deported migrants, and the Mexican Institute of Migration has released the migrants, the volunteers at the help center encourage migrants to come to the help center and get services (like food, water, clothing, etc.). In 2009, 6,888 people were served at the center—about 55.7% of all migrants “observed” during deportation. When services are provided to migrants, the volunteers sometimes conduct surveys. These surveys are used for two purposes. On the one hand, volunteers want to identify the details of the migrant’s immediate situation, to determine their needs, and to identify what others services they might be able to provide. On the other hand, the volunteers also want to show donors and the Catholic Church the work they do in order to maintain their funding. I collected all the surveys administered at the Migrant Help Center from February to May 2009 as a sample of the population that is served by the center. I will only provide descriptive statistics, since the sample is not random. However, the sample of 624 is large enough to get a sense of migrants who typically use the services at the center—and therefore, the migrants that I interacted with and interviewed during my ethnography. I used SPSS to analyze the survey data.

The migrants surveyed at the Migrant Help Center had an average age of 30.89 years; the vast majority were men (98.1%); most were married or cohabitating (58.8%), and 30.1% were single or divorced; most (51.6%) had only gone to Elementary school (1-6 grade); 23.4% had attended middle school (7-9 grade); 12.5% had attended high school (10-12 grade); and 12.5% had schooling beyond high school, with an average 7.24 years of education.

Roadmap

The dissertation is organized into two parts. The first part, “Differentiating People,” is composed of two chapters, where I show how legal categorizations differentiate people—creating different experiences of the border and different identities in the borderlands. In the first chapter, “Policing and Violence,” I show how legal differentiation and policing shape two different experiences of the border. For those with visas, they cross, experiencing an open and welcoming border. Those without visas cross experiencing a closed and hostile border. Consequently, those with visas enjoy economic and cultural benefits from their privilege, while unauthorized migrants face physical, psychological, and legal violence due to their legal status. These opposite/contradictory practices (of opening and closing the border) are shaped by (1) the ideology of legal classification and (2) class differentiation—thus highlighting how the legal status and economic resources are intimately linked to how people experience the border and *illegality*. In the second chapter, “Categorization and Identity,” I show how different legal categories result in divergent ways of being hybrid along the border, maintaining boundaries of identity, and belonging to the nation-state, highlighting the extra-territorial extent of U.S. legal ideology that shapes identity and belonging both in the U.S. and Mexico.

In the second part, “Underlying Similarities,” also composed of two chapters, I show how even though legal differentiation creates different experiences of the border and shapes identities differently, it ultimately structures certain underlying similarities, regardless of legal status vis-à-vis the U.S. In the first chapter, “Normalization of Border/Violence,” I show how those with permits and without permits ultimately see the border as a normal part of the landscape. As a result, visas and violence become obscure. I argue that the normalization of border

categorizations and border policing, in turn, limit the way people mobilize against injustices suffered along the border. In the second chapter, “Illegality and Racialization,” I show how Mexican nationals in the U.S. become *racialized* as Mexican “illegals,” regardless of legal status. As a result, I argue, the boundaries of *illegality* and *deportability* have been stretched and solidified to include Mexican nationals on both sides of the border.

Chapter 2: Policing and Violence

Introduction

We live in an era of human mobility, both legal and unauthorized²⁸. The cross-border practices of the authorized tourists and unauthorized migrants reflect the fact that, with and without legal permits, people cross borders frequently. The state plays an important role in shaping both authorized and unauthorized crossings. In fact, “Borders are not just hard territorial lines – they are institutions that result from bordering policies – they are thus about people; and for most settled territories they are predominantly about inclusion and exclusion, as they are woven into varied cultural, economic and political fabrics” (Brunet-Jailly, 2011:3). The practice of inclusion or exclusion is exercised through the legal permits (or lack thereof) to cross the border, which legally differentiates people. While the legal differentiation does not shape whether people cross the border or not—people will cross the border with or without documents—crossing the border as a tourist with a visa or as a unauthorized migrant are completely different experiences.

Research about borders, in general, and the U.S.-Mexico border specifically, has either focused on the diminished importance of borders,²⁹ or the increased hardening and militarization of the boundary (especially around the West)³⁰. While few have addressed the simultaneous “debordering” and “rebordering” (Andreas & Biersteker, 2003), scholars have not really addressed the factors that shape whether individuals experience “debordering” or “rebordering.” My focus on legal categories, shaped by economic resources, seeks to illustrate how—through the process of “debordering” and “rebordering”—the border becomes a site of economic and cultural opportunities for legal flows, while simultaneously becoming a site of legal violence for the unauthorized flows that are policed and held back.

In this chapter, I demonstrate how legal categorization and differentiation shapes how people experience the U.S.-Mexico border. For example, Carmen and Sandra are both Mexican nationals who have crossed the U.S.-Mexico border repeatedly. But they have vastly different experiences crossing the border. Carmen—a cosmopolitan—lives along the border, visits the U.S. on a regular basis, usually once a week with a tourist visa, and typically likes to shop at the mall and watch movies in the U.S.³¹ Sandra, on the other hand, is an unauthorized migrant trying to get into the U.S. Sandra applied for a visa; when it was denied, she decided to go to the U.S. unauthorized with her family—a husband and two daughters—to be reunited with her mother and a sick sister, who reside in the U.S. Sandra has attempted, and failed, to cross into the U.S. seventeen times. She has tried to cross through the Arizona desert and the California mountains;

²⁸ In 2012, more than one billion international tourists crossed international borders worldwide, with the U.S. receiving 67 million visitors (DHS, 2011a). Moreover, according to the U.N., in 2010 approximately 3.1% of the world population were international migrants—that is 214 million people (UNWTO, 2013). In the U.S., there are 40.4 million immigrants, 11.1 million of whom are unauthorized in the country (UN, 2009).

²⁹ Authors who focus on a diminished importance of borders include: Friedman (2006), Ohmae (1995), Kaplan (2001), and Horsman and Marshall (1994), among others.

³⁰ Authors who focus on the increased hardening of borders include: Brown (2010), Nevins (2002), Dunn (1996), among others.

³¹ Unless other wise specified, quotations from Mexican nationals are from personal interviews conducted from June 2009 to August 2010 by the author.

she almost drowned in the All-American Canal, and has spent 15 days detained, in Arizona. Yet, Sandra is determined to keep trying to cross to be reunited with her family in the U.S.³²

The different experiences of the border—open and welcoming to Mexicans with visas, and closed and hostile to undocumented migrants—highlight the fact that the state is not monolithic, as two different strategies are pursued along the border. The task of patrolling the border is dedicated to encouraging and regulating certain cross-border flows (capital, trade, and tourism), while also discouraging and policing unauthorized migration and illicit substances. Patrolling the border is both an attempt to manage and facilitate desirable (authorized) crossings, and discourage and prevent undesirable (unauthorized) crossings. Therefore, the way the border is enforced differs significantly when dealing with authorized and unauthorized cross-border flows. Today's state practices are considered a simultaneous “debordering” and “rebordering” (Andreas, 2000b), a process that materializes in a “tension between accounts which emphasize the openness and/or the transcendability of borders as a feature of globalization and accounts which draw attention to massive processes of securitized rebordering” (Rumford, 2006:157).

In this chapter, I compare the experiences of documented and unauthorized border crossers, people like Carmen and Sandra, to show how legal categories shape the way people experience the border and how legal differentiation has important consequences for those crossing the border. The chapter is organized into two parts. In the first section, I present the how cosmopolitans—like Carmen—experience an open border due to their visas, and how their crossings are managed by the state through mostly non-invasive techniques of surveillance. In the second part, I show a contrasting experience of a border closed to unauthorized migrants—like Sandra—and how their crossings are policed mostly through violence. In this chapter, I use interviews with cosmopolitans and ethnographic field data I collected at the migrant center. I compare the stories of Mexican nationals who cross the border with visas and those who cross the border unauthorized, because I want to highlight the effects of legal differentiation in how the border is experienced. In showing the process of “debordering and rebordering” along the U.S.-Mexico border, I demonstrate that economic resources largely determine legal categories. In turn, I show how legal differentiation (based on legal categories) has important consequences. While cosmopolitans benefit from economic and cultural opportunities, unauthorized migrants undergo violence—physical, psychological, and legal—while attempting to cross the border. Ultimately, I argue that the process of “debordering and rebordering” occurs through the legal categorization of individuals. As a result, the state ultimately engenders violence through the legal differentiation and stratification that effectively closes the border to the poor.

I. Policing the Border at Points of Entry: The Fast Track

Many people are authorized to cross the border. U.S. citizens can freely cross the international boundary; some have working permits or agricultural visas, and others have student or tourist visas. In my research I focused on those who cross with a tourist visa, and I call these frequent border-crossers ‘cosmopolitans.’ I focus on cosmopolitans for two reasons. First, cosmopolitans have the legal permit to cross into the U.S.—which allows for a comparison between their experiences crossing the border as authorized nonimmigrants, and those who cross the border unauthorized—thus highlighting the effects of legal status in shaping differing cross-border experiences. Second, given that they are non-citizens in the U.S. and therefore subject to

³² Unless otherwise stated, all the data about unauthorized border crossings comes from ethnographic field notes collected by the author at a migrant help center from June 2009 to August 2010.

deportability, even if they are allowed (legally) to be in the U.S. territory, as non-citizens they remain subject to removal at the discretion of immigration agents. This possibility of deportability allows me to highlight the way in which their experiences in the U.S. might ultimately be similar to those of unauthorized non-citizens³³.

Authorized cross-border flows enter the U.S. through ports of entry. Overall, there are 329 official ports of entry by land, air, and sea (INM, 2009). Along the U.S.-Mexico border, there are 52 crossing points³⁴. The U.S. Customs and Border Protection (CBP), under the umbrella of the Department of Homeland Security (DHS), guards and manages flows at these official ports of entry. It is at these official ports of entry that the process of “debordering” has taken place, reflecting the trend that “[m]arket expansion and access, not territorial conquest and acquisition, is now the game across much of the globe” (Andreas, 2000b:2). Due to the free trade agreements (like NAFTA); the deregulation of imports into and exports from the U.S.; and the issuing of an increasing number of border crossing cards, the flow of authorized capital, goods, and people is at an all time high along the U.S.-Mexico border. In economic terms, for example, trade between the two countries has increased significantly since NAFTA.³⁵

Economic flows have increased, but the movement of people across the border has not been facilitated to the same extent. In fact, human mobility—in particular labor—was always “off the table” during the NAFTA negotiations. Although a new visa category for Mexicans was established through NAFTA³⁶, few have benefitted from this new category³⁷. Compared to the flows of capital and goods, the number of visas available to people has been minimal. Thus, the trade agreement has been successful in terms of opening the signatories’ borders to trade and investment, but not necessarily to people, in particular, those from Mexico.

While the trade agreement did not completely open the border to people, other factors have contributed to this end, however. The mid-1990s marks the beginning of an era easing border crossing along the Mexican-U.S. border for certain categories of individuals. The opening of the border due to NAFTA and the continued issuing of border crossing cards have

³³ I address deportability of authorized nonimmigrants in Chapter 4.

³⁴ These official ports of entry include: 8 rail lines, 43 roadways (24 bridges, 2 dams, and 17 roads), and 1 ferry (PHC, 2013).

³⁵ The United States is, by far, Mexico's leading partner in merchandise trade. U.S. exports to Mexico increased rapidly after NAFTA, increasing from \$41.6 billion in 1993 to \$216.3 billion in 2012, an increase of 420%. U.S. imports from Mexico increased from \$39.9 billion in 1993 to \$277.7 billion in 2012, an increase of 596%. The trade balance with Mexico went from a surplus of \$1.7 billion in 1993 to a deficit of \$61.4 billion in 2012. In 2012, 14% of total U.S. merchandise exports were destined for Mexico, and 12% of U.S. merchandise imports came from Mexico. In services, the United States had a surplus of \$11.5 billion in 2011 in trade with Mexico. U.S. private services exports to Mexico increased from \$10.4 billion in 1993 to \$25.2 billion in 2011. U.S. private services imports from Mexico increased from \$7.4 billion in 1993 to \$13.7 billion in 2011 (Rose & Davidson, 2010).

³⁶ “The nonimmigrant NAFTA Professional (TN) visa allows citizens of Canada and Mexico, as NAFTA professionals, to work in the U.S. in a prearranged business activity for a U.S. or foreign employer” (Villarreal & Fergusson, 2013: 1).

³⁷ In 1994, only 22 TN/TD³⁷ visas were granted to Mexican nationals; in 2010, only 5,449 TN/TD visas were granted under this category. From 1994 to 2010, there have been a total of 50,742 such visas granted (USDS, 2010c).

allowed an increasing number of Mexicans to move relatively unfettered across the border. In 1992, about 125,000 visas were issued at the border; by 2000, more than a million tourist visas were being issued at the border (CBP, 2012a).

Mexican nationals who live along the border and cross with a visa are issued Border Crossing Cards (BCC). These biometric cards, the size of a credit card, contain information such as “the cardholder’s name, photo, and fingerprint on the front, but the back of the new card has a mirror-like optical stripe. Embedded in the optical stripe is the person’s biographical data, digital photo, fingerprints, and a control number” (Schulman 2002:5), as well as a vicinity radio frequency (RF) technology used to “store and transmit a unique number that can be used by CBP to retrieve information about the cardholder” (GAO, 2010:6). These technologies, in effect, manage and track the flow of legal Mexican nationals across the U.S. Mexico border. In 2005, the DHS expanded the use of the US-VISIT database, one of the world’s largest biometric databases (Koslowski, 2011:16), to include land border ports, but Mexican nationals with a BCC are not enrolled in and are not required to have I-94 forms (documenting their exit from U.S. territory), the biometric techniques of surveillance are extremely effective. For example, it is estimated that only 1.7% of Mexican nationals entering with nonimmigrant visas overstay their visas to become unauthorized migrants (PHC, 2006).

In 1998, the Department of State, the agency in charge of issuing the Border Crossing Card (BCC), began replacing the BCC with the “Laser Visa,” which combines the B-1/B-2 nonimmigrant visa with the BCC. As a result, the process of obtaining the Laser Visa became more difficult and expensive. In terms of cost, “there is a \$45 fee attached to the “Laser Visa”; the Border Crossing Card costs \$26. Critics point out that obtaining a “Laser Visa is more inconvenient and costly today than obtaining a Border Crossing Card was previously” (CRS 1998:6). These inconveniences, however, affect only those with few economic resources, and those not able to show their economic standing in Mexico.

For those with the economic means to obtain a Laser Visa, border crossing is not only encouraged, but also facilitated. The Laser Visa provides an open border; other initiatives have been established to further facilitate the border crossing experiences of those with resources. For example, while the *Western Hemisphere Travel Initiative*³⁸ requires “all travelers to present a passport or other document that denotes identity and citizenship when entering the United States,” (USDS, 2009b), certain programs “allow expedited clearance for pre-approved, low-risk travelers upon arrival in the United States” (USDS, 2013c). These programs, such as “Global Entry” (for general travelers), “NEXUS” (for Canadian travelers),³⁹ and “SENTRI” (for Mexican travelers), allow people to cross U.S. borders more easily, and faster.

Mexican nationals with the economic resources can pay for an easier and faster lane, SENTRI. The Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program for Mexican nationals allows border crossers easy entry into the U.S. for a total fee of \$122.25 per

³⁸ The Western Hemisphere Initiative is the result of the Intelligence Reform and Terrorism Act of 2004, passed by Congress. The air travel requirements went into effect January 27, 2007, and the land/sea requirements went into effect June 1, 2009.

³⁹ NEXUS was formerly part of the Frequent Traveler Program, and is now part of the Trusted Traveler Program.

person per year. SENTRI⁴⁰ allows border crossers to enter into the U.S. in a car through a commuter lane that is only available to those with SENTRI cards—these cards are Radio Frequency Identification Documents (RFID) that are read without personal inspection. While not all border-crossers with Visas have SENTRI, this initiative highlights the fact that easy (and fast) entry is available to those with resources. SENTRI provides expedited CBP processing for pre-approved, low-risk travelers. Applicants must voluntarily undergo a thorough biographical background check against criminal, law enforcement, customs, immigration, and terrorist indices; a 10-fingerprint law enforcement check; and a personal interview with a CBP Officer (CBP, 2012b). While signing up for SENTRI is a somewhat complicated and expensive process, it provides the benefit of easy and fast entry into the U.S. First implemented in 1995, SENTRI operates today at most official ports of entry⁴¹. Cars get a sticker,⁴² and each passenger is required to have a SENTRI card; with these, the vehicle can cross from Mexico into the U.S. without inspection (since the car would be registered and the passengers would be considered frequent crossers).

SENTRI allows for easy and fast entry; even those without SENTRI, but with U.S. visas, typically have a relatively easy experience when crossing the border into the U.S. For example, when Camilo crosses the border, he typically drives up to the border crossing in Mexicali, handing over his Border Crossing Card—“a laminated card, which has enhanced graphics and technology, similar to the size of a credit card. It is valid for travel until the expiration date on the front of the card, usually ten years after issuance” (CBP, 2013b). Sometimes agents interrogate Camilo, and sometimes the crossing is fast, without many questions—the typical questions are, where are you going and how long will you be staying there? Camilo crosses about once a week, and is usually waved into the U.S. as a visitor. The relatively ease of Camilo’s crossing underscores his cosmopolitan status.

Cosmopolitans, like Camilo, tend to cross the border on a regular basis, and therefore see the border wall frequently. As they sit in their car to cross into the U.S., the U.S.-Mexico border wall stands to their right. The border, a tall brown fence, is both ubiquitous and unavoidable. For pedestrians crossing in Mexicali, the border is a bit more camouflaged. First, pedestrians must cross a tunnel full of Mexican commerce; then, they must enter the U.S. office, where their documents are checked. While the wait in Mexicali is in the open, once you are near the U.S. office, you must wait in line, surrounded by a fence. You do not see the U.S.-Mexico border wall, so the border wall is not as apparent as it is for vehicle passengers, but the amount of time people must wait to cross into the U.S. is not insignificant. Vehicle passengers can wait for as

⁴⁰ There are 338,967 SENTRI members and they account for 15% of the southern border cross-border traffic. In the SENTRI program, there are 239 active Canadians; 99,542 active Mexicans; 190,174 active U.S. citizens; and 2,225 active persons from all other countries (USDS, 2009a).

⁴¹ The Otay Mesa, California port of entry, El Paso, TX; San Ysidro, CA; Calexico, CA; Nogales, AZ; Hidalgo, TX; Brownsville, TX; Anzalduas, TX; Laredo, TX; and San Luis, AZ. (USCBP, 2013)

⁴² Stickers are no longer given out to cars, since U.S. authorities discovered that people were being used as “blind mules”—people crossing got drugs placed in their cars to cross without their knowledge. In order to prevent this practice, giving stickers for cars was temporarily suspended (CBP, 2013b).

little as 12 minutes to more than an hour to cross in a car⁴³. Sundays are particularly busy times to cross; the maximum waiting-time to cross can be up to 180 minutes. Pedestrians sometimes cross without waiting at all, or they might wait as long as 42 minutes on a Wednesday morning (at 9am)⁴⁴. Pedestrian crossings are more popular on Wednesdays: from 8-11 am, the maximum wait-time to cross can reach a maximum of 150 minutes (USDS, 2010a). Busy times, on weekdays in the morning, reflect the fact that many Mexican nationals live in Mexico, but go to school, work, or shop in Calexico, El Centro and Brawley.

Economic Benefits

Cosmopolitans reap economic benefits from living along the US-Mexico border and having a visa to travel to the U.S. Hilda explains other economic benefits of living along the border, "When you live along the border, if you find a good job, it is better paid, compared to other places in Mexico. There are more opportunities; you can buy cheaper things in the U.S. For example, clothing is very cheap in the U.S." Hilda explains that the economy of the border region is significantly different than that of the interior, as jobs pay more, products are cheaper, and opportunities seem to abound. Pedro, a 20-year-old college student, also explains some of the benefits of living along the border, "I think that economically, there are more jobs, more *maquiladoras*, and the work force is more educated; and since there are more bilingual people, ...there are more jobs. My job is here along the border because it needs bilingual people." Thus, there is an implicit, and often explicit, association between the proximity to the U.S., the adoption of another language (English), the economic benefits of U.S. investment in Mexico, and the need for a bilingual workforce along the border⁴⁵.

At a personal level, cross-border practices also provide economic benefits to those who are able to cross the international boundary. Arturo explains,

For me, living along the border is an advantage... because you have a lot of benefits; it is like having two options, you have the option in Mexico and you have an option in the United States. For example, with gas, it might be cheaper here or it might be cheaper there, and it is like that for everything you want to buy. So I always consider, is it cheaper here or is it cheaper on the other side, so we always have the two options for everything, and that is very good because you have the option of choosing.

Becoming a cosmopolitan, with a visa, is not only beneficial, but a particular socio-economic position that allows "flexibility." Ong reminds us that, "In their quest to accumulate capital and social prestige in the global arena, subjects emphasize, and are regulated by, practices favoring flexibility, mobility, and repositioning in relation to markets, governments, and cultural regimes" (1999: 6). Thus, for these middle-class Mexicans, the visa becomes the instrument that allows them to have not only mobility, but also economic and cultural "flexibility." Comparing Mexicali to other non-border states in Mexico, Omar describes, "There are lots of jobs here and they pay well; there is more opportunity for personal development. You can buy properties, it is

⁴³ On the average, the wait to cross is 12 minutes on a Thursday at 1 am, to as much as 74 minutes on a Sunday at 10 pm.

⁴⁴ Busy crossing times on Wednesday mornings have to do with: students who cross to study in the U.S., workers who cross to their employment, and shoppers who want to take advantage of the Wednesday specials in the U.S.

⁴⁵ In 2000, it was estimated that there were more than 185 *maquiladoras* in Mexicali that employed more than 60,000 workers (S. D. Martinez, 2013).

easier to buy a car, especially imported cars, and clothing is cheaper." For cosmopolitans, their ability to cross the border definitely translates into economic opportunities and benefits.

Highlighting the economic benefits of being able to shop to the U.S., Arnoldo says, "I really like to live here [along the border] because I can cross into the U.S., I can go shopping and visit family on the other side [in the U.S.]" (CTR, 2013). Cosmopolitans along the U.S.-Mexico border, with tourist visas to cross, experience a welcoming and open border, especially because they often have the economic means to go shopping and use their buying power in the U.S. According to Jorge Cervantes Arenas, president of Conaco (Mexicali's Chamber of Commerce), Mexican nationals spend \$3 million dollars daily in Calexico and El Centro—\$2 million wholesale and \$1 million in retail.

For those with visas to cross the U.S.-Mexico border without any problems, having the two options—to select and buy products that are cheaper—is an advantage often capitalized on. Moises explains,

I go twice a month; I am *malinchista*,⁴⁶ that is how we are called, no? We, the ones who go shopping over there (to the U.S.). But for example, I buy baby diapers, they are so much cheaper than here, even if the dollar is at 23 pesos.⁴⁷ Here, the box of baby diapers, the one that has 40 diapers costs 250 pesos [about \$20 USD], but in the U.S., there is a box with 80 diapers that costs \$7 dollars. Even if the dollar is expensive, even if it is at 15 pesos, it is cheaper over there. Even the box of baby wipes [is cheaper], a box that has 4 sets of baby wipes is about \$13 dollars, here that costs about 300 pesos [\$25 USD] (Fragoso, 2012).

Moises' example shows how the benefits of living along the border translate into specific economic benefits for those able to cross the border—as they benefit from cheaper merchandise in the U.S. Moises adds:

For those of us with a visa, we can go to the US to buy our groceries that are cheaper than here in Mexicali. There, you can buy by the pound or by the dollar. [I can ask] give me a dollar of ham, give me a dollar of bacon, give me a dollar of anything, of chicken, and for a dollar they give you a bunch of bacon in a bag... everything is cheaper over there (ibid).

These examples demonstrate the benefits of the Matthew effect⁴⁸: those with resources who are able to get visas, also benefit from being able to shop in the U.S., where products are cheaper. Sandra also concludes, "If you have a visa, you can go to the other side and buy better things, cheaper things." Even when the same store is on both sides of the border—for example, Wal-Mart—cosmopolitans with visas repeatedly expressed that items were cheaper in the U.S. Wal-

46. Malinchista is a term typically referred to people who prefer foreign things—people, products, culture, etc. The term comes from La Malinche, or Malintzin, a native woman who acted as an interpreter to Hernan Cortez during the Spanish conquest of Mexico. She has historically been viewed a traitor who betrayed her peoples in favor of the foreigners. Alternative views of La Malinche by Chicana feminists can be found in the writings of Sandra Cisneros, Gloria Anzaldua, Helena Maria Viramontes, and Ana Castillo.

47. At the time of the interview, the exchange rate was about \$12 pesos per dollar.

⁴⁸ Malcom Gladwell summarizes the "Matthew effect" as "those who are successful...who are most likely to be given the kinds of special opportunities that lead to further success. It's the rich who get the biggest tax breaks. It's the best student who get the best teaching and most attention...success is the result of what sociologists like to call 'accumulative advantage.'" (Almaraz-Alavarado, 2004:181)

Mart than in Mexican Wal-Mart. Even while Mexico exports gas to the U.S., several people reported crossing to the U.S. to buy cheaper gas.

Benefits of Mobility

Globalization has increased the interconnectedness among societies as well as the flows of people across the globe, and tourism is “a privileged form of mobility, [that] cannot be disaggregated from globalization as a complex social phenomenon”. Yet, there is not one single “tourist gaze” but instead, “multiple gazes,” as globalization has increased the “proliferation of countless discourses, forms and embodiments of tourists gazes” (Burns & Novelli, 2008: xix). Contemporary tourism, in fact, is becoming increasingly diversified and segmented as the number of travelers from non-Western countries increase, specially “as prosperity spreads in populous countries of the non-Western world, [and] travel demands soars” (Urry, 2001). Given the proximity of Mexico and the U.S., the proliferation of tourism has been particularly intense between these two countries. Yet, the category of ‘tourist’ is not monolithic: one thing that unifies tourist experiences, and that most definitively shapes the Global South Cosmopolitans in my study, is their desire for temporary leisure mobility (Cohen, 2008:333).

Beyond the economic realm of benefitting from having a visa is the benefit of mobility itself. Camilo explains why he likes living along the border, “We are close to Calexico, and we can go shopping often, go buy groceries, we can visit, we can go to touristy sites, or even get a flight”⁴⁹ (Burns & Novelli, 2008). He goes on to further elaborate, “If there is a war, *nos brincamos* [we can jump to the other side], or then can come here. If there are natural disasters, we can count with their help and can quickly received the aid.” Camilio, who has a visa, reflects on the benefits of being mobile and living along the border, where you can easily and promptly leave Mexico in case of necessity or emergency⁵⁰.

Living along the border with a visa allows people to cross easily into the U.S., and this shapes how cosmopolitans experience the border. For example, when reflecting on what he likes about the border, Alfonso explains, “What I like most [of living along the border] is that it is easy to cross to the U.S., so we can travel to more places, not only in Mexico”. Alfonso, like many other border residents with visas, conflates living along the border and being able to cross, as well as highlighting the benefits of a visa that allows him to visit other places as a tourist. For cosmopolitans, the border is so open and welcoming they see the advantages of crossing beyond the economic realm.

Cultural Benefits

In addition to the economic benefits and the benefit of mobility, cultural hybridity also has important benefits for these border cosmopolitans. Pedro explains that living along the border and having a visa is more than a reflection of his economic standing (as middle class), as it allows him to have a particular lifestyle—allowing him to travel unfettered and get the best of both worlds.

What I like most [of living along the border] is that I can go shopping, or go places like San Diego. I can choose any city [I want to visit] over there [in the U.S.], it is easier [to go visit the U.S.] than if I lived [elsewhere in Mexico]... [living along the border] is more than an experience, is a life style, it is easy, because you can see life in Mexico and the

⁵⁰ Recent reports suggest that an increasing number of Mexican nationals have moved to border cities in the U.S. to avoid violence and insecurity in Mexico (Gladwell, 2011:30).

U.S., and you can take the best. The only difference [between Mexico and the U.S.] is that you pay in dollars over there and in pesos in here.

Maritza also explains, "Here everything is more expensive, but wages are better. Clothing is cheaper... cars are cheaper... there is also more diversity, life is more multicultural, like food." Maritza not only highlights the economic benefits of living along the border, but also the benefits of becoming more "multicultural" and culturally hybrid—in the context of the border. Camilo continues explaining, "The other [reason I like to live along the border] is that we copy the U.S. a lot, we imitate them, and that creates our style, our culture. Otherwise, we would be like the other Central American countries." Thus, for Camilo and other cosmopolitans, access to the U.S. is not only about having economic power, but also about changing and Americanizing. They look to the U.S., and not Central America, as a means of cultivating modernity and wealth.

Karla echoes the sentiment of thinking about the border as a site where she can become more hybrid, "I like that I have more opportunities to see both sides, both cultures...there are bilingual schools and I have a broader vision. Sometimes I think that I am more American than Mexican, because I have the opportunity to hang out with more people." Alfonso also explains, "[here at the border] there is a lot of tourism, we have tourists, and we can go visit other cities [in the U.S.]. Here, we have contact with people from the U.S., and they have contact with us." Hybridity is both about having contact with those from the U.S. who visit the Mexican borderlands, and also about cosmopolitans' ability to travel to the U.S.

In sum, for these cosmopolitans with legal permits to cross into the U.S., experiences of an open and welcoming border are common. As they become bilingual and bicultural, these Mexican nationals with visas to cross into the United States benefit from living along the U.S.-Mexico border, because they are able to take advantage of the economic differences between these two countries. Cosmopolitans experience the border as a site of economic and cultural benefits.

Visa availability shapes whether border residents are able to take advantage of their positionality in this uniquely situated global space. These visas shape whether the border is experienced as an open and welcoming door to the U.S. or as a closed door that cages people in Mexico; class determines, to a large degree, whether people will get visas to cross the U.S.-Mexico border. Thus, along the U.S.-Mexico border, having a visa shapes whether one can take advantage of certain economic opportunities along the border or not. Therefore, along the border, the visa perpetuates class differences and (dis) advantages. Thus, those with economic resources and visas experience the border as a site of advantage and opportunities, since they are able to increase their economic and human capital; those with fewer resources and without visas experience the border as a site of limited opportunities and potential violence. While the U.S.-Mexico border is a unique globalizing place full of possibilities, not everyone is able to take advantage of these opportunities. In sharp contrast to these experiences of an open and welcoming border, are the experiences of unauthorized migrants without the legal permits to cross the border.

II. Policing the Border Elsewhere: The Militarization of the Border

While cosmopolitans encounter an open and welcoming border, undocumented migrants confront a closed and hostile border. For example, in a study of Muria and Chavez (2011), when comparing middle-class and working class border crossers, they found that "people who cross the border with the purpose to work are criminalized, while those who consume are encouraged and protected" (371). In my research, I focus on the legal differences between crossing with a

tourist visa and crossing unauthorized, in order to highlight the role of legal categories in shaping border-crossing experiences.

Cosmopolitans, for the most part, confront the policing of the border at official ports of entry, where they must show the document (a visa) that allows them legal entry into the U.S. For those without the legal documents to enter the U.S., a clandestine entry means trying to cross (illegally) through ports of entry or other sites. For these Mexican nationals, the entire border is policed (albeit differently); their attempts to cross unauthorized, their (potential) detention, and their (ultimate) deportation are burdened with violence.

Research has shown that the border is rather porous, and that border control efforts have been largely ineffective (Andreas, 2000a). In fact, the large number of unauthorized migrants that manage to make it across, in spite of the massive efforts to stop them, might give us the wrong impression that unauthorized border crossing is simple and effortless. Ethnographic work at a migrant help center that seeks to provide aid to those recently returned from the U.S. highlights how unauthorized border crossing is physically demanding, psychologically traumatic, and highly stigmatizing. In fact, migrants crossing the U.S.-Mexico border as *illegal aliens* face violence in multiple forms along the international boundary. Not only is the trip to cross the U.S.-Mexico border dangerous, but if caught by the U.S. government and deported back to Mexico, that experience can also bring stress, dislocation, and vulnerability.

Along the U.S.-Mexico border, for those with resources to obtain the appropriate documents, the border crossing is experienced as open and welcoming, and consequently a site of economic, cultural, and mobility benefits. For those of scarce resources, the border is closed and hostile, and consequently a site of violence, as the state increasingly turns its interest and budget to patrolling the U.S.-Mexico border. In the rest of the chapter, I discuss three consequences of the way the southern border is policed today, namely: physical, psychological, and legal violence.

Physical Violence: The legacy of Operation Gatekeeper in California

Border control has dramatically changed since the mid-90s. Starting in 1993, the U.S. began a spectacular investment⁵¹ in both allocating resources and placing greater numbers of agents to patrol the southern border⁵². The 1990s marks a new era of border policing as the federal government began implementing border control policies⁵³ that focused locally on particular segments of the border, in order to guard the U.S. against the flows of undocumented migrants and drugs. These operations prompted the buildup of border walls in what used to be high-trafficking areas for unauthorized crossing (like in the San Diego-Tijuana and El Paso-Ciudad Juarez crossing points). Consequently, unauthorized border crossings have shifted to the

⁵¹ In 1990, the budget for Border Patrol was \$918 million; by 2000 it had doubled to \$2.06 billion (Estevez, 2013; Hennessy-Fiske, 2013; Nickell, 2013). Today, US Customs and Border Protection has a budget of 10.1 billion (MPI, 2005).

⁵² In 1990, there were about 3,700 border agents nationally; by 2000, the number had nearly tripled to about 9,200 (Nevins 2002). Today, there are more than 20,000 border agents (CBP, 2009).

⁵³ In 1993, *Hold the Line* was implemented in Texas; in 1994 *Operation Gatekeeper* was implemented in California; in 1995 *Operation Streamline* was implemented in Arizona.

more hostile terrains of the California mountains, and the Arizona desert. In fact, today, two thirds of all apprehensions of undocumented migrants occur in California and Arizona⁵⁴.

The U.S. Border Patrol has divided California into two sectors: the San Diego sector and El Centro sector. Before 1994, the San Diego sector used to be the most popular crossing point for undocumented migrants. For example, of the 1.1 million undocumented migrants apprehended in 1992 along the U.S.-Mexico border, 49.37% occurred in the San Diego sector (DHS 2004, Table 37). Operation Gatekeeper changed this. Operation Gatekeeper not only increased the number of border patrol agents in California dramatically, but it also "armed Border Patrol agents, who are equipped with an expansive arsenal of detection and surveillance technologies, including a sophisticated computer system for identification of undocumented migrants apprehended while attempting to gain unauthorized entry into the United States". Operation Gatekeeper was especially effective because it concentrated the manpower and surveillance techniques "at the crossing points traditionally favored by immigrants" (ibid). Today, California has a much tighter control over the border than other states. A combination of infrastructure (border walls that are sometimes tripled) and manpower (with as many as 3,152 patrolling officers in 2008)(Huspek, 2001), allows California sectors to better prevent unauthorized undocumented border crossers—effectively making the border more hostile to unauthorized migrants in these California sectors.

Migrants attempting to cross through California undocumented are very likely to try to cross over the border wall. While this might be less risky (as compared to crossing through the desert), it nonetheless poses risks for migrants, as illustrated by the case of Teresita. Teresita and Juan, a 55 year-old woman and a 60 year-old man, tried to cross the U.S.-Mexico border to visit their four sons who are living in Wisconsin. They have not seen them in seven years. With no tourist visa to go to the US, they hired someone to help them cross, unauthorized. The smugglers placed a long ladder on the Mexican side of the border wall in Mexicali, Baja California, but when Teresita was finally near the bottom on the U.S. side, in Calexico, California, she slipped and fell, breaking her right heel. Her husband, right behind her, was able to cross uninjured, but given the state of his wife, he decided to stay with her until the authorities detained both. Juan was deported immediately to Mexicali, while Teresita stayed in a hospital in the U.S.—to get a cast for her broken heel.

Teresita's broken heel is a direct consequence on the tactics used to police the U.S.-Mexico border in California, tactics that not only affect older individuals like Teresita, who is in her mid 50s, but young migrants as well. Rita, a young 19 year-old woman from Tabasco, was trying to cross undocumented through California. Rita climbed up the ladder; coming down on the U.S.-side of the border, the rope broke and she fell, breaking her right leg. She was trying to cross in California, because when she had tried crossing through Arizona using a false *green card*⁵⁵, she had been caught and given two months in prison. Now, in California with a broken leg, she was heading back home—to Tabasco. Migrants, like Rita, make explicit choices of crossing through a place that seems less punitive (as she had to go to jail in Arizona), but the

⁵⁴ In 2009, the Department of Homeland Security reported that 74% of the 540,851 apprehensions had taken place in the California (San Diego and El Centro) and Arizona sectors (Yuma and Tucson) (CBP, 2009)—See Table 6 in Appendix A.

⁵⁵ An identification card, typically known as a green card is an ID showing legal residency in the United States—even though the actual card today is pink.

policing tactics in California, nonetheless have negative and dangerous consequences for the safety of migrants.

Migrants not only face bodily harm when trying to cross through California; these risks are not always met with the necessary medical attention needed. Often, migrants seeking medical services (such as pain killers or an *IV*) are denied such medical attention. For example, Candido, a 33 year-old man, living in the U.S. since he was 11, was deported in 2004, but had managed to return unauthorized to the U.S. Weeks before I met him, he had been detained in the U.S. for driving under the influence of alcohol. He was jailed for three days and then released to Mexico. Once in Mexico, he had tried to cross through Mexicali into California, but when he crossed the fence, on the U.S.-side of the border, he landed wrong, breaking his right leg. He asked Border Patrol agents for a Tylenol, but they refused to give him anything. When he was finally deported to Mexico, he was in a great deal of pain.

The policing of the U.S.-Mexico border in California, the construction of barriers, and the increased manpower have resulted in particular consequences for undocumented migrants—not only increased deaths, but also physical harm, as they try to climb increasingly towering barriers and physical obstacles. Ironically, there is consensus that physical barriers do not deter unauthorized migration, as even Janet Napolitano⁵⁶, Secretary of the Department of Homeland Security acknowledged in 2005, "You show me a 50-foot wall and I'll show you a 51-foot ladder at the border. That's the way the border works" (Becker & Bennion, 2008). Yet, this form of policing—through physical barriers and increased manpower—has serious consequences for the way unauthorized migrants experience the border, not only as hostile, but also as a site of violence⁵⁷.

The policing of the border affects some undocumented border crossers more than others. As Framer reminds us, "suffering is 'structured' by historically given (and often economically driven) processes and forces that conspire—whether through routine, ritual, or, as is more commonly the case, the hard surfaces of life—to constrain agency" (Lacey, 2011). In other words, the disciplinary techniques and the consequences are not random, and this sentiment is clearly felt along the U.S.-Mexico border—especially for those who work with and give services to unauthorized migrants. Jessica, a woman working at a non-profit organization along the border explains: "sometimes I think they [the United States] are trying to keep certain people out, like women, children, and the elderly, because that way, they get the most able-bodied, young men who can do the type of work they need [physical labor]." Jessica suggests that the border is a filter that weeds out those who are unfit to cross, and therefore work, in the U.S. The border becomes a filter in two ways. First, there is an economic selection, which is a disadvantage to those who lack the resources to apply and qualify for a visa—the poor are unable to obtain visas and therefore must cross the border unauthorized. Second, there is a physical selection, which is a detriment to those unfit to take on the physical demands of crossing the border unauthorized—women, minors, older men, and those physically unfit are unable to cross unharmed.

⁵⁶ Napolitano served as Secretary of the Department of Homeland Security from January 20, 2009 to September 6, 2013. On July 18, 2013, the University of California Board of Regents appointed her as the president of the University of California.

⁵⁷ Andreas argues that border control is a bit of a Goffman-ian "front stage/ back stage act," where everyone knows that crossing continues, but the game has to be played for domestic U.S. political audiences (DHS, 2011c).

Consequently, the border excludes those without money (to obtain visas) or physically fit (to offer their labor resources).

In 2009, most undocumented migrants were apprehended in Arizona; 46% of the 540,851 deportable aliens were apprehended there that year. Today, the Tucson sector remains the most popular crossing point for undocumented migrants. Unlike California, where border walls are apparent, much of the Arizona-Mexican border is unguarded. Arizona has two problems in implementing a program like Operation Gatekeeper in California. First, Arizona has a much longer border with Mexico, almost three times as long as that of California. Second, the desert geography does not allow for concrete structures. For example, on August 7, 2001, "Forty feet of U.S.-built fence along the border with Mexico have been washed away after flooding in Arizona, prompting an I-told-you-so responses from border residents who said the fencing damaged the local ecosystem and would be prone to flooding" (DHS, 2011c). Given a terrain hostile to structures, most of the U.S.-Mexico border in Arizona has no walls; at most, there are poles that prevent vehicles from driving through the international boundary. In part, it is this lack of walls or a physical divide that make it a lot more tempting for migrants to cross unauthorized through Arizona. However, what migrants encounter on the other side is a plethora of dangers. As Timothy Egan explains,

They die from the sun, baking on the prickled floor of the Sonoran Desert, where ground temperatures reach 130 degrees before the first day of summer. They die freezing, higher up in the cold rocks of the Baboquivari Mountains on moonless nights. They die from bandits who prey on them, in cars that break down on them, and from hearts that give out on them at a young age (D. Hernandez, 2011).

The way the border is policed today (increased physical barriers and increased manpower in California) has resulted in increased border crossing along the Arizona sectors. This, in turn, has resulted in the dramatic rise of deaths along the border—especially deaths from hyperthermia, hypothermia and dehydration (Egan, 2004).

These dangers encountered by migrants were apparent when I met deported migrants at the help center. For example, when I met Joel at the migrant center, I was asking him the routine questions, did he need to make a phone call? Did he want a soup or coffee? Joel seemed lost, staring into space and taking a long time to respond to each question, pausing frequently. Eventually he told me, "I was in the desert for 20 days." I thought that it was highly unlikely that he had been in the desert for 20 days—he would have died—but he seemed disoriented, lost, and in shock. After realizing he had tried to cross through the desert, I immediately offered him something to drink, realizing that perhaps he was dehydrated. He took the liquid, and after a while, he asked to make a phone call.

Migrants who are deported after attempting to cross the border through the Arizona desert often show signs of acute dehydration, as well as disorientation and shock: they are the lucky survivors. For example, Ignacio told me that he had tried to cross through the Arizona desert with a group of six other men. They walked for eight days in the desert, and then the group of six had run out of water. Three people decided to come down the mountain, but the smuggler, who still had water, decided to stay. Ignacio's friend, a man from El Salvador, stayed behind because he was too weak to come down the mountain. Thus, when Ignacio was finally apprehended by the border patrol, he told them where to find the rest of the group—three migrants and the smuggler. No one was found. Later, Ignacio learned that one of the men who stayed behind in the mountain had called his family, using a cell phone, asking for help because he had run out of water. The family never heard from him again. Ignacio sat in the help center,

staring into space. He sat quietly, lost in his own thoughts. He spent four more hours in the center, waiting to receive money from family members to go home. Migrants who cross through the desert are literally confronted with death; they also are witnesses to the deaths of others, unauthorized, who perished in the attempt to cross a hostile border.

Being confronted with death is not a rare occurrence; rather, it happens with shocking regularity. I met Samuel at the migrant center on a dark Thursday night; he arrived with 33 people on a bus from Arizona. Little by little, we tended to the other migrants—making phone calls, taking them to shelter or to the bus station. By the end of the night, Samuel and three other men were the last ones at the center, sitting at the table. I asked them where they had crossed, and Samuel said, "in the desert," and without pause he continued, "other *compañeros* (other men on the bus) were in a group of six, and two of them died, there [in the desert], in their arms. That is *muy fuerte* (shocking)! We had to push the red button⁵⁸ to get rescued by the border patrol (in the desert)." Samuel wanted to share his story, so he continued, "I kind of wanted to go to sleep, but I kept moving my head," and he repeated the movement, back and forth, swinging his head from left to right and right to left. "It took them [the border patrol] more than 40 minutes to arrive." Then, Julio, one of his companions added, "When we were walking [in the desert], we saw two men dead and then a group of six people hugging each other, also dead." The group of four men decided to no longer try to cross and head back home.

The violence experienced along the border includes various perpetrators—from criminal groups, to drug cartels, to vigilantes, and governmental officials. The border itself, by the nature of its presence, and due to the effects it produces, exerts a physical violence that can result in broken limbs to death itself. The state builds up and maintains this wall; this physical violence is a direct consequence of state action. For unauthorized migrants, the U.S.-Mexico border has become a hostile and dangerous terrain that attempting to navigate through can often result in physical harm. In fact, while apprehensions along the border have decreased (signaling a decrease in the number of unauthorized migrants attempting to cross into the U.S.), the number of deaths along the border has increased. According to the statistics kept by U.S. Border Patrol, from 1998 to 2012, at least 5,570 migrants perished along the Border⁵⁹. In 2012 alone, 463 migrant bodies were recovered—the highest number to date (Eschback, Hagan, Rodriguez, Hernandez-Leon, & Balley, 1999).

Psychological Violence: The moment of deportation

The physical stress, and consequences, of crossing unauthorized—such as injuries or death—are clearly visible. But the psychological and emotional strains of crossing without documents are much more difficult to document and address. Yet, due to the physical and emotional stress of crossing unauthorized, migrants often experience dislocation at the moment of deportation—that is, migrants are often confused and disoriented. At the migrant help center for deported migrants, we were able to learn first hand of the experiences migrants face as they tried to cross undocumented into the U.S. Zacarias, for example, came into the help center seeking assistance. He had been deported to Tijuana, and was not carrying an ID. His family had tried to send him some money, but he was unable to get it—the companies that receive cash deposits from the U.S. from banks, Western Union, or Money Gram, require an ID for people to

⁵⁸ BORSAR—Border Patrol, Search, Trauma, and Rescue Unit—is the unit responsible for search and rescue situations along the Border.

⁵⁹ The exact number of migrants who perish while attempting to cross into the U.S. is difficult to estimate because not all bodies are recovered.

disburse their money. Zacarias met someone on the street, and this other man offered to get the money for him. Zacarias was thankful for the help, and once family members had transferred him money to Mexico, he gave the helper his code for cashing the money. The other man told him that he would get the money and come back, but he never returned—Zacarias had been robbed. Zacarias came to the center because someone else on the street had told him we could get him get money. I asked him, How long have you been in Mexicali? How long were you in Tijuana? When did this happen? He would think and pause. First, he said, "two weeks. No, on Thursday; what day is it today?" Finally, he said, "I am confused. I do not even know what day it is today." Zacarias could not remember how long he had been incarcerated, how long he had been trying to cross, or how long it had been since the last time he had been deported. Physically and emotionally exhausted, migrants like Zacarias often find themselves targets of abuse.

Another form of disruption migrants encounter is when the U.S. government attempts to rupture migrant networks by deporting groups crossing together in one sector (say Mexicali) and separating the group and deporting some members in another sector (say Nogales). This tactic often means separating families and increasing the vulnerability for certain migrants—especially women, who find themselves alone and excommunicated from their peers. This experience is highlighted by the case of Sandro, who I met at the migrant center in early February of 2010. Originally from Oaxaca, Sandro sat at the migrant help center, staring into space. He and his wife had both got caught in their attempt to cross at Nogales. They were deported separately. Sandro had been sent to Mexicali. Now he waited, since he knew nothing about his wife's whereabouts. All he knew was that she did not have any money or identification—he had her identification with him. We called the consulate in Calexico, and then the one in Tucson. They knew she had not been detained, but they did not know whether she had already been deported or where she had been deported. The consulate promised to make inquiries via e-mail with U.S. authorities, but they did not know how long that would take. Sandro sat, waiting for a phone call, for news of his wife. He called his sister in the U.S., and then he called home, to Oaxaca, switching to his comfort (indigenous) language on the phone. His wife had not called anyone yet. There he waited, staring into the distance, lost in his own thoughts.

Migrants are often separated and stressed out, left without any money or resources to reunite with their family members. They often relied on other family members, in the U.S. or in Mexico, to send them money to reunite with their separated family members at the border. For example, Rodolfo, a 22-year-old man from Oaxaca, was crossing in Tucson, with his wife, his partner who was 20 years old. Border patrol agents told him that he was going to be deported through Nogales, so he and his wife, Irma, agreed to meet at a migrant house in Nogales. Instead, Rodolfo was put on a bus headed to Calexico. Now, he was trying to find his wife. We called the consulate in Tucson, and they gave us a phone number (which did not work) to find out whether she was in the system (the database kept by Border Patrol). Eventually Rodolfo called his wife's mother, who told him that Irma was in Nogales. Rodolfo planed to go to Nogales to be reunited with his wife, but with no money, he had to wait for his sister to send him the cash. These experiences of crossing undocumented, and the consequences in terms of dislocation, family separation, and stress, amount to psychological violence.

Legal violence: Implementing Operation Streamline in Arizona

Finally, legal violence is endemic of border policing, but has also intensified in the past nine years. Since Operation Gatekeeper could not be replicated in Arizona—due to the geographic nature of these two sectors—U.S.-border enforcement policies turned to a different

tactic. In 2005, Operation Streamline was implemented in Arizona, resulting in the intensification of legal violence along the border.

Operation Streamline is a Bush Administration program implemented in 2005 ordering federal criminal charges for every person who crosses the border illegally. In other words, it is a "zero tolerance" border enforcement program that targets even first time undocumented border-crossers. Instead of routing non-violent individuals caught crossing the border into civil deportation proceedings, Operation Streamline forces undocumented migrants through the federal criminal justice system and into U.S. prisons. Those who are caught making a first entry are prosecuted for misdemeanors punishable by up to six months in prison, and those who reenter after deportation may be prosecuted for felonies punishable by up to 20 years in prison. Under this fast-track program, a federal criminal case with prison and deportation consequences is resolved in two days or less (ACLU and NIF 2009).

Operation Streamline, through the building of infrastructure (not in terms of wall buildup but in terms of courts), has allowed Arizona to prosecute a record number of migrants crossing undocumented through this region. In 2010 alone, while California carried out 2,073 immigration prosecutions, Arizona carried out 12,780 immigration prosecutions—more than five times as many as California. Janet Napolitano reported that, "In the twelve months from April 1, 2010 to March 31, 2011, there were more than 30,000 prosecutions under Operation Streamline across the border, with more than half of these occurring in the Tucson Sector" (2011). In fact, the increased focus on prosecuting unauthorized migrants has resulted in the dramatic increase of the Latino population in federal prisons. By 2007, Latinos represented 40% of all sentenced federal offenders, the single largest racial and ethnic group among sentenced federal offenders, most of who (48%) were sentenced for immigration offenses (Lopez and Light 2009). These prosecutions have intensified legal violence in two ways. First, these prosecutions have increased jail time for unauthorized border crossers, which has resulted in more "suffering," as these migrants have to spend more time in jails. Second, these prosecutions have increased the stigma and criminalization of an unauthorized border crossing, as migrants are now sent to jail and found "guilty" of "illegal entry." Prosecution for "illegal entry" results in serious consequences, such as bans from entering the U.S., and increased jail time for subsequent apprehensions.

For example, Sandra, whose story I presented in the introduction, has attempted the crossing 17 times: Sandra is now banned from returning to the U.S. for 20 years. Sandra's only violation was to cross undocumented; when she faced the judge, Sandra told him about her sick sister. The judge responded that unless her sister was a U.S. citizen and dying, Sandra would be ineligible for a humanitarian visa. Consequently, if Sandra does manage to reach the United States, she will be unable to adjust her status due to the 20-year ban, and will likely have to live unauthorized in the U.S. In effect, today, "illegal" entry and re-entry are the top criminal charges brought to court by federal prosecutors.

Illegal reentry under *Title 8, Section 1326* of the United States Code was the most commonly recorded lead charge brought by federal prosecutors during the first half of FY 2011. It alone accounted for nearly half (47 percent) of all criminal immigration prosecutions filed...surpassing illegal entry, Title 8, Section 1323 as the most frequently cited federal lead charge (TRAC 2011).

The new emphasis on the deportation of "criminal aliens" highlights how border enforcement has turned to categories that are more easily targeted and less politically problematic (as opposed to young college/military-bound undocumented migrants, under the

DREAM Act). Yet, data shows that most of those labeled "criminal aliens" have been categorized as such due to immigration violations. In 2010, 516,992 individuals were apprehended, and of those removed or deported, 32.6% were categorized as "criminal aliens." The number one category for "criminal aliens" removed was "dangerous drugs," which "include the manufacturing, distribution, sale and possession of illegal drugs," which accounted for 25.3% of all "criminal aliens removed in 2010." The second largest category of crime, according to the DHS was "immigration," which includes "entry, reentry, false claims to citizenship, and alien smuggling," which accounted for 18.7% of migrants removed as "criminal aliens." Finally, the third largest category was "criminal traffic offenses" which accounted for 18.3% of "criminal aliens" removed. In sum, of all the people apprehended by the DHS, only 58,208 (11.26%) were categorized as "criminal aliens" for level 1 offenses, that is, aggravated felonies (DHS 2010a).

Physical, legal, and psychological violence merges to make the U.S.–Mexico border a place of danger, vulnerability, and dislocation for migrants crossing unauthorized. Unauthorized migrants, due to the lack of permits to cross legally, are put in precarious, vulnerable, and very dangerous positions due to the increased policing of the border. Policing the border by differentiating between legal and unauthorized flows, in an attempt to encourage authorized flows and discourage unauthorized flows, shapes how people with and without permits experience the border. Namely, those with documents experience an open and welcoming border, while those authorized to cross experience a hostile and dangerous border.

Conclusion

State power is exercised at the border unevenly. On one hand, the U.S. uses technology, surveillance, and information in a debordering effort to facilitate legal border flows (Andreas & Nadelmann, 2006:189). On the other hand, the state uses policing, militarizing, and walling techniques to reassert its sovereignty thorough the hardening and rebordering against unauthorized flows along its international boundary with Mexico. As a consequence, these fragmented state policies create both opportunity and violence through legal differentiation of people.

In this chapter, I have illustrated how the border differentiates people, as *legal* and *illegal*, and this differentiation determines how people move across this boundary. For those with legal permits, it means unfettered movement that increases their opportunities; for those without the legal permits, it means encountering a hostile, dangerous, and violent border. The relationship between the management of legal flows through biometrics and policing of bodies through violence might seem unrelated. Yet, Muller argues that ultimately, "the incorporation of biometrics and the widespread introduction of various identity cards do in fact speak to the broader securitisation (and criminalisation) of migration *and* citizenship" (Muller, 2011:93).

These different groups experience the border differently, as welcoming or as hostile. Those with economic resources and visas experience the border as a site of advantage and opportunities. As cosmopolitans in Mexico engage in the work of border-crossing on a regular basis, their orientations, ideas, practices and dispositions with regards to both their country of birth (Mexico) and their host society (the U.S.) change. These border-crossing practices, established within the boundaries of the rules of nation-states (through legal permits), do not challenge these Cosmopolitans' ideas about their positionality, nationality, or U.S.-Mexico border enforcement practices.

Those with fewer resources and without visas, experience the border as a site of limited opportunities and violence, especially in light of their limited and risky mobility. For unauthorized migrants, their vulnerable positionality as clandestine border crossers shapes how

they experience border policing. The intensification of policing, due to the construction of barriers and increased manpower, has resulted in not only physical harm, but as a significant increase in deaths as well, as migrants try to climb increasingly towering barriers and physical obstacles. In addition to the physical harm, unauthorized migrants also experience psychological and emotional violence, as well as stigmatizing and criminalizing legal violence.

Mexican nationals with economic resources are deemed economically beneficial to U.S. interest and are able to get visas. These “[w]ealthy consumers are attractive for binational marketing and are welcome to engage in cross-national travel, keeping their global connections active and strong (see for example Borja and Castells 1997; Graham and Marvin 2001; Caldeira 2000)” (Muria & Chavez, 2011:371). For them, the border is open and welcoming. For those without the economic resources, the border is a filtering mechanism favoring those who are physically fit enough to wield their labor power in the U.S. But for the poor and physically unfit, the “immobilized ‘global underclass,’” (Pickering and Weber 2006, 8), the border becomes a block preventing their mobility, as they are “considered undesirable by border enforcement and irrelevant for marketing agencies, and are becoming increasingly isolated, disconnected, and territorially constrained” (Muria & Chavez, 2011:371). Ultimately, the border works as a three tiered economic selection: visas for Mexican nationals with economic resources, unauthorized crossing for the physically fit, and exclusion for those without the economic or labor resources.

Chapter 3: Categorization and Identity

Introduction

Pedro and Xavier are both Mexican nationals living along the U.S.-Mexico border. They have much in common living in a border city—both are bilingual, both work at a calling center answering calls in English from the U.S., both wear U.S. brands, and both prefer to watch U.S.-produced television and movies. There are many differences, as well. Pedro—a cosmopolitan—grew up in Mexico, learned English in private schools, is completing his university degree, and travels to the U.S. on a regular basis; he has a U.S. visa. Xavier—a migrant—grew up in the U.S. as an unauthorized migrant, learned English while living in the U.S., has only a high school diploma from the U.S., was deported from the U.S., and is now banned from returning to the U.S. for ten years (USBP, 2012). Both Pedro and Xavier are Mexican citizens, yet their experiences and national attachments are vastly different. Pedro enjoys privileges, due to his class standing and visa that allow him to feel rooted in Mexico; Xavier, due to his migration experience, feels like an outsider in Mexico. Thus, the identities and national attachments of Pedro and Xavier are different in both the U.S. and in Mexico, due to their legal differentiation vis-à-vis the U.S.—Pedro is a nonimmigrant, with a visa to travel to the U.S.; Xavier is an inadmissible migrant, unable to return to the U.S. for ten years.

In the previous chapter, I argued that the way in which the U.S. polices its border is predicated on the legal categorization of people. In this chapter, I place the focus on how legal categories shape the way people understand their own positionality and identity. More specifically, I focus on the boundaries that are drawn by those who cross the border, based on their legal categorization, exploring how these legal categories map onto national attachments and identities, and illustrating how the process of debordering and rebordering occurs both symbolically, (as identities become more fluid), as well as materially, (as people confront an open or closed border).

Identity is an interaction between how one sees and understands the self, and how others (society) view us. While social identity is shaped by our social location and the social context, feedback from peers either affirms or challenges these identities, making identity fluid and malleable. Along the U.S.-Mexico border, an important label that differentiates people is the legal category that determines whether people are able to cross the border documented or not: these legal categories shape identity in important ways. I argue that at a personal level, legal distinctions shape how people experience the process of debordering or rebordering, that is through the development of hybrid identities along the border. These hybrid identities, however, rather than lend themselves to more flexible ideas of the self, create boundaries that make border residents reassert their class privilege vis-à-vis poor migrants. Simultaneously, at the community level, legal categories do not always match national attachments; therefore, legal categories shape national identities (as insiders/outsideers), as well. Thus shaping the process of debordering (as cosmopolitans) or rebordering (as inadmissible migrants).

The chapter is organized in two parts. In the first part, I show how cosmopolitans: 1) use their border positionality to develop hybrid identities; 2) maintain distinctions vis-à-vis unauthorized migrants; and 3) become rooted cosmopolitans. I present a case study of debordering that demonstrates how economic resources and legal status (having a tourist visa) shape these experiences. In the second part of this chapter, as a case study of rebordering, I present how inadmissible migrants, who migrated to the U.S. as children and are now living in Mexico: 1) develop their hybridity in the context of migration; 2) do boundary work as citizens in Mexico; and 3) become uprooted migrants. In this chapter, I compare the stories of Mexican

nationals with visas (nonimmigrants) to those stories of Mexican nationals who migrated during childhood, and have now returned to live in Mexico (inadmissible migrants), in order to highlight the role legal permits play in shaping identity. I emphasize that while these Mexican nationals are similar—in that both are hybrid (bilingual and bicultural)—legal differentiation shapes their identities and their national belonging (as insiders or outsiders).

I. Cosmopolitan Identity

Hybrid Identity In the Context of the Border

Middle-class Mexicans who cross into the United States on a regular basis are part of the growing population of actors for whom borders are opening. In fact, the U.S.-Mexico border is considered the most transited border in the world. The positionality of cosmopolitans living along the U.S.-Mexico border shapes their border-crossing experiences and identities as cosmopolitans. Moreover, having both visas and the economic resources to visit the U.S. on a regular basis shapes not only how they experience the border, (as open and welcoming), but also how they see themselves and others.

These middle-class cosmopolitans have a very global outlook. Jose, for example, when asked about whether he feels patriotic, states, “I feel like a citizen of the world, and I hope that my children [also grow up] feeling the same way”. Likewise, Pedro, who is studying for a bachelor’s degree in International Business, and speaks Spanish, English and Japanese, shares his plans for the future, explaining:

I would like to participate in a "student exchange" program in another country. [Where would you like to go?] I would like to go to Chile, because I think they have good development, or Finland, or Japan. I don't think they have a program there, but if they did, I would definitely go there.

These cosmopolitans sometimes speak more than two languages. Furthermore, the unique positionality of these cosmopolitans and their border-crossing privileges (relative to other Mexican citizens who are not able to obtain visas), provides them with a unique opportunity to become bicultural and bilingual in the context of the U.S.-Mexico border. “[I]n the era of globalization, individuals as well as governments develop a flexible notion of citizenship and sovereignty as strategies to accumulate capital and power” (Ong, 1999:6). These cosmopolitans, with their privileged status of being able to cross the U.S.-Mexico border unfettered, use this privilege to accumulate human capital and social power as border cosmopolitans.

Becoming *transborder citizens*, these cosmopolitans are citizens of only one country (Mexico), but they develop a certain level of familiarity and comfort in the U.S. as well, even though they are not migrants. “Transborder citizens” are, according to Glick Schiller and Fouron, “those who may or may not be citizens of both their sending and receiving polities but who express some level of social citizenship in one or both” (cited in Levitt and Glick-Schiller 2004).

Camilo, for example, explains how he became a *transborder citizen*. He told me that he goes to the U.S. about twice a month, saying:

[I go there] to get stuff I am not able to get here in Mexico. They have better quality, the guarantee is easier to get. [I also go] to visit family, or when there is a [soccer] game or a concert.

Camilo goes to the U.S. not only to shop, but also to have fun (to attend soccer games and concerts). His life-style reflects the status of a *transborder citizen*, as he partakes in activities both in Mexicali and Calexico.

Becoming transborder citizens, these cosmopolitans change their orientations, identity, and culture. Arturo, for example, expresses how he feels embedded in a bicultural social field, saying: "I like the multiple cultures. We are living in two cultures, ours—the Mexican—and theirs. We know more, different things." These subjects see their positionality living in a border city, as an opportunity to expand their knowledge of and exposure to U.S. culture, allowing them to become bicultural and bilingual.

These cosmopolitans see themselves more as global citizens who embrace both Mexican and American culture. Globalization has extended the exposure of the U.S. culture around the world, but this exposure at the border is intensified, due to proximity to the U.S. Cosmopolitans along the border feel the cultural hybridization occurring in these borderlands; these hybrid cultural practices are informed by actual and direct exposures to U.S. culture and society that materialize in particular ways along the U.S.-Mexico border, mainly through language mannerisms, stylistic choices, and cultural repertoires.

Bilingualism is one of the most evident ways in which border subjects come to feel bicultural. Maritza, a 24-year-old woman with a university degree who works as a graphics designer, explains, "Here, you have to know both languages, English and Spanish. It is almost obligatory to know English." Maritza reflects on both the opportunities, but also on the pressures embedded in border culture and economies, to become bilingual. The middle-class status of these cosmopolitans allows them to attend bilingual (private) schools in Mexico and then practice their language skills in the U.S. These cosmopolitans practice transnationalism "as a mode of cultural reproduction variously identified as syncretism, creolization, bricolage, cultural translation and hybridity" (Vertovec 1999, cited in Kivisto and Faist, 2010:129): their transnationalism is mostly about cultural hybridity.

The cultural fluidity that border crossing subjects experience becomes evident to these cosmopolitans as they change their practices upon crossing the international boundary. Lilia, a 30-year-old professional working for a state agency, complains:

I don't like the fact that here [in Mexico] people do not respect the laws the same way.

Here, for example, people throw garbage in the streets and do not make full stops [at the intersections]. I don't like that people do not respect [the laws] equally [as they do in the U.S.].

Lilia reflects on the ways the border seems to split people's practices, such that on the U.S. side, people follow certain norms, rules and laws; once they cross into Mexico, their practices change. Thus, these cosmopolitans, consciously or unconsciously, know and understand the different expectation of each side of the border and for the most part, they comply. Carmen, a 24-year-old college student, explains that when she goes to the U.S., she behaves differently, "You make the stops [at the intersections]. You use the seat belt, and everyone else does it, too." The border becomes a point of demarcation—where practices and orientations change, depending upon which side of the border people stand. Learning when to stop and when to roll through a stop sign (which are present in both Mexico and the U.S. side of the border) highlights the extent to which one's positionality vis-à-vis the border — one's place — is deeply embedded. In this case, place becomes reconfigured, as the local becomes the translocal (Vertovec, 1999, cited in Kivisto and Faist, 2010: 129). In other words, the practices and orientations of these cosmopolitans along the U.S.-Mexico border are not only shaped by the local context, they are also reconfigured in the transnational context of both the U.S. and Mexico.

Economic resources afford cosmopolitans the opportunity to obtain a U.S. visa, and this in turn changes their practices and orientations, as they become increasingly cosmopolitan and

heavily influenced by U.S. culture. This is not a pattern unique to cosmopolitans along the U.S.-Mexico border, as there has been an explosion recently of the influence of U.S. popular culture and media world-wide. What is unique about these cosmopolitans is that their positionality along the U.S.-Mexico border, coupled with economic resources and visa privileges, allows them easy entrance and access to a global cosmopolitan life-style.

Boundaries of Legality: Distancing from “Illegals”

One of the clear ways in which these cosmopolitans assert their status and privilege—as middle class Mexicans with visas who are able to travel to the U.S. —is through the boundary work they perform vis-à-vis migrants. These cosmopolitans from Mexico draw clear boundaries between themselves—individuals who are able to cross into the United States with visas—and undocumented migrants who cross, unauthorized. Thus, as Vila suggested, the "fragmentation of experiences [along the border] can lead to reinforcement of [symbolic] borders instead of an invitation to cross them" (Vila, 2003:610). Ironically, then, rather than embracing fluidity, subjects along the U.S.-Mexico border actually accentuate difference as a "response to the permeability and fluidity of border culture" (ibid).

Given that they live in a border region, cosmopolitans are forced to confront the issue of undocumented migration⁶⁰, not only in relation to the U.S., but also as a local issue; many migrants who are unable to cross into the U.S. might stay for days or months in Mexican border towns, collecting money, resources, or information to cross again or to return to their hometowns.

In reflecting about migrants who remain in the border towns, Arturo, a cosmopolitan, complains: "it is when they fail that they stay here, but that is not good, because crime increases, the look of the city worsens. It is not good to the city." Assertions about rising crime rates and undocumented migrants—a discourse typical among the U.S. public and media—are repeated and not questioned critically by most cosmopolitans in Mexicali. Given that those with visas are not likely to be migrants themselves or to have had a migration experience, their views of undocumented migrants are based mostly on stereotypes and misinformation. In the U.S., discursive idioms used to talk about undocumented migrants include metaphors such as "brown tides," "waves," "relentless flows," and "animals" (Santa-Ana 2002). These same designations are reiterated by cosmopolitans in Mexico.

Camilo, a 26 year-old engineer who describes U.S.-border policing as "the right thing," explains:

[The U.S.] does not want Mexicans to go there without their authorization, because they know that those who go there [undocumented] are the ones who do not have a good path to follow. They don't live a good [moral] life, and they only go to see what they can find. In that respect, I think the U.S. is doing the right thing; they should protect themselves. I have not seen them [undocumented migrants] get mistreated. But it is so bothersome, [that migrants cross undocumented] that they [the U.S.] had to put walls and have to pay

⁶⁰ In Mexico, in general, views about migrants are somewhat better than in the U.S. but not dramatically different. For example, a majority of Mexicans, 58.3%, agree with requiring foreigners to show documents to prove their legal stay in Mexico, compared with 73% of those surveyed in the U.S. 40.8% of Mexicans agree that the police should be able to stop anyone who is unable to prove their legal status in Mexico, compared with 67% of those surveyed in the U.S. (ENADIS, 2010).

for so much security to prevent them [undocumented migrants] from jumping over. I have not seen many people die. On the contrary, I can see that they [undocumented migrants] just come back, and that is it.

Using his own perspective and experiences to understand the increased policing of the border, and the border wall build up in particular, Camilo blames migrants for the U.S.'s response. Camilo implies that some migrants are without direction or goals, and possibly looking for trouble. Thus, migrants who cross undocumented are associated with crime and delinquency and are made responsible for the border wall build up, while U.S. political strategies become defensible. Camilo reasons that the growing wall is an inevitable response to migrants' actions, rather than due to a particular policy decision of the U.S. government. Thus, Camilo adopts the negative framing of migration as a "security question" that focuses on concerns that range from "military security to social security" (Ackleson, 2005).

Likewise, Sandra, a 19-year-old college student, explains how she understands migration: "Many times, (undocumented migrants) are people who go out of necessity, but many times, it is bad people." Sandra makes a connection between undocumented migrants' lack of documented status and their possible connection to crime and criminality—as "bad people." Cosmopolitans from Mexico are often not able to distinguish between migrants and homeless people, thus lumping them together and making assumptions about these groups based on their appearance. Julio explains:

Sometimes we see them [undocumented migrants] and we leave [the street]. And sometimes you are scared of them, but you do not really know their necessities when you are looking at them. You do not know why they look like that, why they are wearing those clothes, or why they are dirty. Sometimes I think, they are not from here, so they don't have a place to stay, and if they were not able to cross, well, that is why they stayed here, looking for food, work and clothes.

Cosmopolitans tend to have a better economic standing and are often removed from a migratory context, compared to the general population. Consequently, they uphold unsympathetic ideas about the meanings, discourse, and practices of the U.S. government with regards to the border, migrants, or Mexican *illegality*. These ideas reflect the fact that cosmopolitans are in a different social, political and economic standing than undocumented migrants in the U.S. The cosmopolitans I interviewed distanced themselves from Mexican undocumented migrants in part because these migrants are highly stigmatized in the U.S. Even when cosmopolitans acknowledge the racism and unfair practices, they tend to agree with and support U.S. practices. For example, Camilo states: "I think that up to a point they (U.S. politicians) are correct, because they are taking care of their country, their job opportunities, and more. But sometimes I think they are over-exaggerating: I think it is just racism."

In addition, these cosmopolitans from Mexico also draw boundaries to differentiate themselves from poor and working-class U.S.-Americans. Most of these Mexican nationals cross the border to visit Calexico or El Centro, and have rarely traveled past the secondary inspections, interacting largely with a very dense Hispanic population, and very little with white or black U.S.-Americans. In fact, 96.8% of all residents in Calexico are Hispanic; El Centro is 81.6% Hispanic. When they describe some of the reasons why they would not move to the U.S., these cosmopolitans are loaded with understandings of differences between themselves (as middle-class Mexicans) and the "other" (as poor and working-class Latinos in the U.S.). David, for example, explains what he dislikes about the U.S.:

What I don't like is the ideology [way of thinking] of the people. I think life [in the U.S.] is too monotonous. [In the U.S., it is all about] eating and working, working and eating, that is all. All places you go is the same thing—all is very monotonous. People are like afraid, even if they do not express [the fear]. [They] give tickets for everything, everything is sanctioned, and people are afraid. Justice is too rigid, people are afraid to break the law, and that is even more the case among Hispanics.

Many cosmopolitans, like David, described the life-style of people in the U.S. as “monotonous.” Many cosmopolitans also expressed the fact that to them, all that people seem to do in the U.S. is work; hence, life in the U.S. is monotonous and boring. From their perspective, people in the U.S. also seem to be afraid of the government that polices many aspects of people lives—from traffic infractions to domestic disputes. In other words, David's evaluation of life in the U.S. is based on the life-style of poor/working class migrants, which he does not find appealing.

The negative stigma associated with lower-class Mexican workers who go to the U.S. in search of work is highlighted by the term *xicalon*. When discussing the boundary work Mexican nationals draw vis-à-vis undocumented migrants, Mauricio, a U.S.-citizen who grew up in Mexicali, explained that in Calexico, Mexicali is referred to as *Xicali*, and someone from Xicali as referred to as *Xicalon*. But *Xicalon* is not a neutral term, as it connotes a Mexican of lower class—precisely those migrants who cross unauthorized.

Mexico's historical role as the exporter of cheap labor to the United States (Wise and Marquez 2007), means that most Mexican migrants to the U.S. are poor or working class; middle-class Mexicans draw boundaries based on class differences—their visas allow them to have concrete evidence of the “differences” between themselves and poor and working class migrants. Moreover, the boundary work performed by cosmopolitans from Mexico derives from their own experiences in the U.S., for once they cross the U.S.-Mexico border, their class privileges are subsumed by their status as *Mexicans*—a highly stigmatized group along the U.S.-Mexico border, as I discuss in Chapter 5.

National Belonging: Rooted Cosmopolitans

Cosmopolitans in my study see themselves as “global” citizens, but they remain attached to their Mexican identity, and to the local context of Mexicali. They enjoy the privileges of traveling to the U.S., but remain rooted in their locality. While some of the cosmopolitans I interviewed saw themselves as “global citizens”—like Jose, who thought of himself as a global citizen and also hoped that his children would also grow up feeling the same way (U.S.Census, 2008)—for the most part, they are very rooted in their local context. Thus, I would describe these cosmopolitans as *rooted cosmopolitans*. Tarrow (2005) described these rooted cosmopolitans “as cosmopolitans move physically and cognitively outside their origins, they continue to be linked to place, to the social networks that inhabit that space, and to the resources, experience, and opportunities that place provides them with” (42).

Cosmopolitans from Mexico, situated along the U.S.-Mexico border, cross the international boundary on a regular basis, going to the U.S. as often as twice a week; others visit only twice a year. In my sample of 30 interviews, these cosmopolitans traveled to the U.S. on the average of twice a month. The most common reason to go to the U.S. was to go shopping, to visit family, or to vacation. Most (28) had family in the U.S. (only one reported not having any family in the U.S.); many (18) had friends who lived in the U.S. Although most (22) Mexicans with visas reported receiving gifts from someone in the U.S. (especially during the holidays), few (2) reported receiving money from someone in the U.S. These cosmopolitans, in part due to their economic status, did not depend economically on people living in the U.S.

These cosmopolitans were deeply rooted in the Mexican context. For example, while most followed news in Mexico (26), half as many (13) followed news in the U.S.—even though they live along the border. Pedro explains, "I do watch news about the U.S., but I watch news about Mexico more often." These cosmopolitans were interested in their local context, and even though they enjoyed being bilingual and bicultural, they were not very interested in what was happening in the U.S. Catalina explains, "I try to watch [the news]. Sometimes there are news that I am interested in [and I follow], but these are news from Mexico, [not from the U.S.]." Arnoldo also explains, "No, I do not [watch news from the U.S.], even though I should. I am a bit reluctant" (2005). There is both a disinterest and a bit of skepticism about the news they receive from the U.S. For example, Alfonso explains how sometimes news from the U.S. does not match his own views of Mexico:

No, I do not watch [news from the U.S.]. I don't follow them because I see that they are lies. Well, what I have been able to see, the news I have happened to watch. Sometimes they make up things about Mexico. When I see them, I think, that is not true...like they are saying that there is extreme violence, when we do not see that.

When cosmopolitans reported watching news about the U.S., the overwhelming majority reported watching news, or being interested in news, about immigration, because they reported having unauthorized family members in the U.S. Alondra explains: "Yes, [I watch the news]. I watch a lot about the issue of migration, since I have a lot of family that lives in the U.S. without papers [unauthorized]. But there is nothing [new]."

These cosmopolitans situated along the border are *rooted cosmopolitans*, in that their connections to the U.S. are based on border-crossing experiences. Even when they have family in the U.S., they themselves have not had the experience of migrating to the U.S. Since they have never lived in the U.S., their interest and understanding of U.S. society is limited. These *rooted cosmopolitans* cross the border frequently, but do not have connections in, nor do they belong to the two different communities, in the same way that migrants do. These rooted cosmopolitans have only weak (or shallow) ties to the U.S., given that most have never been further than Los Angeles, have not lived in the U.S., and travel to the U.S. only as tourists, for the most part.

These Mexican nationals exist within a transnational social field at the border region (due to their ability to cross), and they are embedded in the border economy, but they are not transnational individuals in the same way migrants become transnational by establishing ties to two or more communities. Baubock describes transnationalism as encompassing only "practices that reflect simultaneous belonging of migrants to two different political communities" (2003:705). In the case of cosmopolitans in Mexico, they do not belong to two communities: they engage mainly in cross-border practices, crossing the border to shop or visit friends or family in the U.S. Their economic and cultural lives are intimately tied to the U.S., but not their social lives. They contribute economically to the Calxico economy, and are bilingual and bicultural, but they do not actively participate in Calxico social or political life.

II. Migrant Identity

In contrast to the cosmopolitans, migrants develop strong connections to the U.S. Like cosmopolitans, migrants also become bilingual and bicultural, but once they leave the U.S. (either voluntarily or forcibly), they become *inadmissible* migrants—migrants banned from returning to the U.S. In the next section I illustrate how migrants become bilingual and bicultural in the context of the U.S.; how they experience full formal citizenship once they return

to Mexico; and how they remain outsiders in Mexico due to their socialization and attachments to the U.S.

Hybrid Identity In the Context of Migration

Inadmissible migrants' identity is shaped by their migratory experience. They become hybrid—both bilingual and bicultural—just like cosmopolitans, but under very different circumstances. Migrant children become acculturated in the U.S. during childhood, incorporated into the U.S. national fabric through institutions like schools, their exposure to media, and their immersion in U.S. communities. Yet, their hybrid experiences in the U.S. are developed in the context of their undocumented legal status. On one hand, they are acculturated into the social fabric as they learn the language (English), customs, and history of the U.S. On the other hand, they must learn to remain marginal in a society where they do not have legal status.

For migrant children, legal status is of little importance or consequence—their *illegality* is latent⁶¹. In fact, children who are taken by their parents to the U.S. often do not even know they are moving to another country, or even remember their migration. Xavier, a 21-year-old man, taken to the U.S. when he was 5 years old, says:

I was too young, [and I don't remember much]. No, because, really, I don't even think I realized—that is—I did not even realize that we had moved, left to another country, that we had established in another country, in another place, different.

Xavier's memories of moving to the U.S. are very vague; he has almost no memory of his life in Mexico before migrating to the U.S. Given that Xavier was a young child, he did not even understand he was migrating with his parents to another country. Thus, many migrant children do not realize what they are leaving behind (their country of birth and citizenship).

Jacinto, a 21-year-old young man taken to the U.S. when he was 8 months old, has lived in the U.S. for more than 19 years. He explains: "I got there [to the U.S.] when I was 8 months old. I was very little. My parents went [migrated] to the U.S., so they took me with them." In the U.S., Jacinto became completely acculturated into U.S. society, to the point of almost losing his parents' language. He explains: "English [is my first language]. I started speaking Spanish when I turned 12, and now that I came back to Mexico, I am practicing much more [of my Spanish]" (Jacinto 2009). The acculturation process in the U.S. takes place in the context of particular institutions. Thus, schools become an important site of socialization for children: "[given that schools are] complex institutions... embedded in communities, nations, and cultures... [schools] both reflect and affect social change" (Tobin, Wu and Davidson 1989, p. 2).

Lorenzo, who left Mexico at the age of five and lived for 22 years in the U.S., explains that he knows nothing about Mexican culture and history, but is very familiar with U.S. culture and history, knowledge he acquired in school:

For example, someone who lived all of her/his life here [in Mexico], they can tell you about the revolution here, who killed who, who was the president, what they did, what political party they belonged to, what Congress did, where they came from, who came, 1800-and something, Lazaro Cardenas⁶². I don't know anything; I can't even name the presidents. I can only name four presidents, but only the most recent ones. I don't know

⁶¹ Gonzalez (Andreas, 2000a) has shown a similar process of how unauthorized children must "learn" to become illegal once they phase out of childhood and into adulthood.

⁶² Lazaro Cardenas del Rio was born in 1895, and was president of Mexico from 1934 to 1940. He is best known for nationalizing the oil industry and expropriating the equipment from foreign companies.

what Lazaro Cardenas did for Mexico. I really can't tell you who he was, or that so and so participated in the Mexican revolution, who was president in some year. But ask me about Lincoln, where he was born, how he was, what kind of life he had, how he became wealthy. Ask me how America was founded, how many colonies it had, about decision and states, I know that. I know about Washington, the 1920s, the Great Depression: I can tell you all about it. I am not from over there, but I know about over there. I am from here, but I do not know about here.

Historical knowledge learned in schools is part of the process of eliciting nationalist and patriotic feelings in children, which eventually culminate in embedding children in the larger social fabric of the nation-state. Thus, schools play an important role in inserting migrant children into the "imagined community" of the U.S. (Anderson 1983). Due to their socialization in U.S. schools, these children learn to identify with the U.S. For immigrant children, this process occurs in the United States, not in Mexico, even if they are not legal residents of the U.S.

In addition, language becomes one of the key markers of acculturation, as these immigrant children become fluent in English and their fluency in Spanish deteriorates, to the point of almost becoming monolingual in English. Most children, however, become bilingual and bicultural. Felipe explains, "I was basically raised there, so my English has always been this [good], really fluent, because I was basically raised with two mother languages, both English and Spanish; that is why I am fluent [in both]."

While unauthorized children who grow up in the U.S. often become socialized as U.S.-Americans, around the age of 15 or 16, they face the reality that they do not have the legal documents to work, drive, or go to school (Gonzalez 2011). Scholars have documented the ways in which undocumented children—often buffered from their undocumented status—face a dire reality during their transition to adulthood. While they might feel strong attachments and sense of belonging to the national fabric, once they become legally adults, they are constantly reminded by the state that they do not belong legally: their *illegality* becomes salient. Thus, even though they become acculturated as Americans, they remain legally marginalized due to their undocumented status in the U.S. Migrants must juggle the contradictions of feeling like cultural citizens in the U.S., while being legally undocumented.

Once they turn 16, these children must engage with institutions that require legal documentation more explicitly and more often, which makes their *illegality* salient. As children, they were buffered from confronting their status, because institutions—like the school⁶³, after school programs, extra-curricular activities and the state—do not explicitly demand documentation for participation. However, once these migrants became adults, their reality of not having a social security number (which is the requisite for a lot of official transactions, like getting a job, a driver's license, or having an official identification), makes their *illegality* salient by limiting their options and opportunities. Thus, migrants who arrive as children to the U.S. often feel like cultural citizens, belonging to the social fabric of the nation. Once they become adults, they are constantly reminded by the state that they do not legally belong.

Jacinto, for example, explains his experiences living unauthorized in the U.S., especially once he turned 18:

What I liked most, [about living in the U.S.] is the people. I had a lot of friends. I liked [living there] a lot, but when one grows up, when one becomes an adult at 18, the laws

63. Plyer v. Doe established the right of children to a public education (K-12) regardless of legal status in the U.S.

are too harsh. You don't have a social security, no papers, it is too difficult to live there... the hardest thing [about living without documents there] is to find a job, to drive without a license, because everything becomes risky. Basically, you have to live under the [fist] of the law. They took cars always from me because I was driving without a license, and it was a risk because at any moment, they can throw you [back] to Mexico.

Jacinto experienced what many migrants expressed: they wanted to enjoy the same experiences their friends were enjoying—driving, attending parties, getting a job, going away to college or even moving out on their own. Once they turn 18, it becomes clear to Jacinto and other undocumented youth that their legal status in the U.S. prevents them from fully experiencing the thrills of becoming adults the same way their peers are experiencing this transition. Xavier recounts the realization of being undocumented once he became an adult:

[I was not affected to much as a child, but] later in life, the more I grew, the more I was affected. I could not work in the things I wanted to, could not do what I wanted to. At the beginning, when I was a kid, I was just worried about playing. But then when I grew up more and more, it was then—it impacted me more—because I could see how it impacted me directly...What I saw the most was the driver's license. I always had to be careful and I could not get a license and well, when I drove, I had to drive carefully. Another example was work: I wanted to work since I was small and I couldn't for those reasons...I did not travel a lot, but that was later. But it was the same, because you need an identification, a license to travel. Now they require that, and that also affected me...The most difficult part [of being undocumented] was not being able to get the job you are qualified to get, the one you want, and you are qualified to do. You know you can do it and earn more, but only because you do not have documents, you can't risk to start at a job like that, undocumented.

Once Xavier turned 18, he saw his opportunities limited by his legal status. There is a sense of unfairness, as he explained that he was not able to get a job he was "qualified to do" due to his status. Thus, once they turn 18, undocumented youth become exposed to the same pressures their parents face, navigating institutions that now require "documents" for access and participation.

Perhaps most famously, Jose Antonio Vargas, an undocumented migrant eventually hired by the Washington Post, described how he found out his legal status:

One day when I was 16, I rode my bike to the nearby D.M.V. office to get my driver's permit. Some of my friends already had their licenses, so I figured it was time. But when I handed the clerk my green card as proof of U.S. residency, she flipped it around, examining it. "This is fake," she whispered. "Don't come back here again"(Vargas 2011).

Jose Antonio's surprise at finding out he was undocumented in the U.S., and learning to cope with his illegality, was shared by the migrants I interviewed, who often did not experience their illegality until they became adults, at the age of 18.

Lorenzo, for example, contemplates the possibilities, had his legal status been different. He wonders:

If I've had papers, I'd probably have had a profession, if only I had the chance, but since I didn't, I had to struggle to make it... that's the life, that the fast lane, over there. It's mostly, eat, work, go to bed, work, pay bills. You have to maintain your bills. It's like how they say about the American Dream, "If you are not in debt, you are not living the American Dream"... I wasn't able to have the chance to say, "If you guys would have let me work [legally], I wouldn't be working doing what I did [transporting illicit

substances]. I wouldn't be making money like that, if there were opportunities for us [the undocumented]... but that is not an excuse, either.

Lorenzo was deported for transporting illicit substances. He reflects on the other possibilities, the other choices he could have made, had his legal status been different—although at the end he acknowledges that ultimately, he can't change his circumstances and has no legitimate "excuse" for his actions. This "imaginary" alternative includes having more options, opportunities and choices—all of which were truncated due to his legal status in the U.S.

While they feel embedded in their community, these young adults must also confront state institutions that become increasingly hostile to these children as they become adults. Lorenzo, for example, explains that he liked everything about living in the U.S., except for the cops and the immigration law enforcement officers. Lorenzo explains, "the only thing that I hated were the cops and immigration officers, because they are a bunch of assholes... that is the only thing I hated: everything else, people, everything—I am cool with everyone." The police, in particular, become the state agency that reminds these migrants of their *illegality*. Irma echoes Lorenzo's complaints about the police, as she makes the comparison between her experiences in Mexico and the U.S., declaring: "[here] there is not as much police harassment and there is more freedom."

Boundaries of Legality: Becoming Citizens

In the U.S., these migrants become embedded in specific communities in the U.S.—mostly immigrant communities—facilitating their incorporation into the social fabric. Thus, while they might feel the legal marginality of being undocumented in the U.S., they are nonetheless socially incorporated into the web of the community. Their incorporation into the social fabric, is fragmented, however, which is reflected in the way they identified while living in the U.S.

Xavier, for example, explains that in the context of the U.S., comparing himself with white-Americans, he identified mostly as "Mexican." He explains, "...when I was there [in the U.S.] I identified much more like Mexican because there, there are a lot of *güeros* [white people], and that is why, but I would always hang out with Mexicans..." Identity is based on the context, and Xavier explains that in the context of the U.S., comparing himself with the majority population (Anglos), he identified as Mexican. In the U.S., his skin color and background shaped his identity as Mexican.

Culturally, they felt like *de facto* citizens, but legally, they felt stigmatized by their illegality (Gonzales & Chavez, 2012; R. G. Gonzalez, 2011), so they remained *de jure* outsiders in the U.S. Such stigma was evident when some disassociated themselves from such labeling. Felipe, for example, explains how he decided to return to Mexico once he realized his opportunities in the U.S. were limited:

I didn't have no more jobs in the States. It was a little more hard to get a job because while I was not legal all the way, I was not illegal, but I didn't have social security, passport, ID, whatever. Well, I had passport, I had permission to be there, but only to be there, not work there, so I decided to come back to make a life here.

Felipe, like other migrants who arrived in the U.S. with visas, often specified their positionality and status in the U.S. as legal (since they did have a permit to be in the U.S. with a visa), but unauthorized to work (since their status did not afford them the right to work). Thus, Felipe tries to distance himself from his *illegality* by emphasizing how he "was not illegal," and yet did not have other privileges such as the ability to work, have an ID, or to drive with a license. Interestingly, at some point, Felipe lost his Mexican passport with the visa (when he lost

his wallet), and became "illegal." Felipe employs a discursive strategies to make himself less "illegal" than unauthorized border crossers—by highlighting the difference between the legal permit to cross into and the legal permit to live in the US—a discursive strategy to resist *illegality* that, nevertheless, reinforces what "illegal" means.

While migrants felt part of the social fabric in the U.S., their legal status prevented them from fully incorporating. Rebeca, for example, describes how she wanted to participate fully in U.S. society, but her legal status prevented her from taking part in certain institutions:

I always wanted to join the army and I couldn't. I also wanted to study more [go to college] but I couldn't, either. Not being legal [having a legal residency] affected me a lot, so when I turned 17, I came back to Mexicali to go to school [college]. I missed people a lot, but I got married and I had a child.

Rebeca made the conscious choice to return to Mexico once she realized her opportunities in the U.S. would be truncated. While U.S. authorities deported some of the participants in my study, other migrants made the conscious effort to return to Mexico. Undocumented migrants in the U.S. not only face the symbolic rejection of the state—as legally marginalized unauthorized migrants—they also face the very real possibilities of *deportability* (N. P. DeGenova, 2002)

Returning to their place of birth, these migrants, who faced limitations in the U.S. due to their lack of legal status, experience for the first time, in Mexico, what it means to be a formal citizen, with full rights and privileges. Jacinto, for example, explains what he likes most about living in Mexico:

More than anything else...I do have my documents. I have an ID to vote, I have a driver's license to drive my car, and I have a secure job. What I don't like is that I do not have my family with me; I am alone. All my friends, my family, they stayed there [in the U.S.]—my parents, my brother, and a young sister—all of them are there.

Jacinto makes explicit references to the fact that now he has "documents." Yet, his new citizenship experiences are clouded by the fact that he came back by himself and is no longer able to go to the U.S. to visit his family. Nevertheless, attaining full citizenship is a significant new experience for these migrants. Xavier expresses the same feeling of freedom:

What I like best here [in Mexico] is that I am free. Here I can drive without having to worry. I have a license; I have a car. Here I can get a job, even though it is not the one I want. But I can apply wherever I want, although it is more difficult to find a job. But right now, being here is better.

Xavier, like Jacinto, expresses a sense of achieving formal citizenship: now he has the documents necessary to take part of society fully—being able to drive, vote, work without worrying about legal status. Freedom is a theme that repeatedly came up for these migrants, who compare their experiences in the U.S. as undocumented with their experiences in Mexico as citizens. Monica, in fact, makes a connection between her new found freedom and her citizenship status, stating, "What I like most [about living in Mexico] is the freedom, because I am Mexican and I feel great. And what I don't like, is that there are no jobs." Monica adds, "[What I like most about Mexico is that] here I feel free and with more opportunities, for me, since I am not from the U.S." Thus, Monica explicitly links her citizenship experiences—as freedom—and her legal status. In Mexico, she is free because she has full citizenship; in the U.S., she was constrained because of her precarious legal status.

These migrants were largely socialized in the U.S. context; however, they also feel like they are missing out on certain things, such as home and family, but also, opportunities. For example, Mercedes explains the conundrum of her current situation:

[I feel at home in Mexico because] In Mexico, I feel more free. But in the U.S., I feel more comfortable and protected, in terms of security...[I feel like I belong] in the U.S....[I feel more connected] in Mexico

Although they attain full citizenship rights in Mexico, these migrants, nonetheless, compare their experiences in Mexico with their experiences in the U.S. Jacinto explains, "Now that I live in Mexico, I feel more free... but in the U.S. I know more people and I have more friends... what I would like is to be with my family."

In sum, these migrants' experience of citizenship is shaped by their migration history. In the U.S., they became embedded in the national fabric, while remaining legally excluded by the state. In Mexico, they experienced having formal citizenship, but lacked the feeling of membership in the national fabric.

National Belonging: Outsiders in Mexico

While cosmopolitans have developed cultural hybridity because they can travel back and forth, there are limits to their knowledge of the U.S. For child migrants deported back to Mexico, their hybridity is qualitatively different: they are shut out of the land they know the best – the U.S. – and they must learn to navigate a new terrain that is legally their "nation," but less so in social or cultural terms.

When migrants socialized in the U.S. return to Mexico, they return to a country unknown to them. Lorenzo, for example, was born in Mexicali, but was taken to the U.S. at the age of five. Deported to Mexicali, Lorenzo did not even know how to get to his house:

I don't know anywhere here. What I can say is that I have never been to Mexicali before. You can say, [I know what is] 2 miles north, 2 miles, west, 2 miles east, 2 miles south: I don't know anything [beyond this]. If it wasn't that my uncle told me how to get to my house, I wouldn't be able to get to my house.

Lorenzo grew up mostly in the U.S. Because he was undocumented, Lorenzo never returned to Mexico during the 22 years that he lived in the U.S. Not only did he not know how to find his home once he was back in Mexico, but while in the U.S., his ideas about Mexico were shaped largely by what he saw in the media. When asked about what he found most surprising about Mexico upon his return, he shared:

That it was civilized. There was civilization! When I was coming down Boulevard Lazaro Cardenas, I saw everything was like in the United States. I saw a lot of things that I assumed [were only in the U.S.], but I guess because we are so close in Mexicali to the border that we like ... we are similirizing [*sic*]... there is a McDonalds, Jack in the Box, Blockbuster... everything that they have over there, and you would not think they have it here, you have over here.

Ideas about Mexico as "uncivilized" were shaped largely by the U.S. media, not by personal experience. This highlights the extent to which socialization in one country trumps legal status as a citizen in another country in terms of membership and belonging.

Yolanda further explains the difficulties of return:

I got used to [living] there [in the U.S.]. And coming back [to Mexico] was difficult. It was hard to be used to [living] here, even though I go out more. I tell my parents and my friends that I belong there [the U.S.], so I do want to go back someday in the future.

On the one hand, these migrants feel less constrained now that they live in Mexico, but on the other hand, they miss their U.S. community. Achieving freedom with new rights and privileges afforded by the state is clouded by the fact that they now live in a country they know

little about, separated from their family members. Gaspar explains this complex web of attachments:

The truth is that [I consider home to be] over there [in the U.S.], because I have more family members there [in the U.S.] than here in Mexico... [I feel more identified] in Mexico, even though I liked it over there [the U.S.] more. It is more fun than here.... [I feel more connected] in the U.S... [but I feel like I belong more] here in Mexico.

As the saying goes, "home is where the heart is." These migrants' home is mostly in the U.S., where their family resides. Thus, attachment to the nation is not only to an imagined space or community, but forged by family ties:

[I feel more identified] with the U.S... In the future, I want to live there [in the U.S.] but at this moment I am living here in Mexicali.... [I belong] here in Mexico, but I want to be there [in the U.S.].... In Christmas, you feel the separation. We [family] always needed to be together on those times/festivities, together as a family. But when you are separated and then see each other again, we see each other with a lot of joy.

There is tension between being a full (formal) citizen, and missing the place where they grew up and were socialized. In addition, because they were socialized in the U.S., these migrants view the U.S. as home. Felipe explains how, even in his country of citizenship, he faces difficulties with "documentation." In Felipe's case, he is having difficulties documenting his stay in the U.S., now that he is in Mexico.

If it had been up to me, I would never have left the United States... I always wanted to be there...[now that I am in Mexico], I have nothing to prove that I studied. I barely have elementary school in Mexico, and the only school paper [I had], I lost it. I don't know where the hell it is... I feel like I know a lot of stuff... but I have nothing to prove it... [If I did it all over again] I wouldn't [come back]. I would stay. I would do whatever possible to stay there—I don't know, maybe marry an American girl, I don't know—get it [legal status] from somewhere, to stay there for a long time.

Felipe's desires to stay in the U.S., and to eventually return, were also expressed by Mercedes, who explained:

Right now, I feel like [I am] in pause [mode], because I want to go [to the U.S.], and my family is always telling me to go. But because of the job I have [in Mexico], I think about it, and wonder; what am I going to do in the U.S.? I think about it, and I stay for the job.

These migrants, acculturated in the U.S. but living in Mexico, face a tension as they experience feelings of belonging to one nation (the U.S.), but are forced to live in another state (Mexico).

They resolve this tension through the realization that they belong in both worlds. For example, Eloisa explains:

[I feel more identified] here in Mexico...I don't think I am [connected] to any place, because I lived for too long over there, and now I don't feel connected here, so neither place [I feel connected]... [I belong] in the US... [I identify as] Mexican... I feel part of both countries.

These migrants feel like they belong to both worlds, but are forced to live in Mexico because they don't have the documents to live in the U.S.; therefore they often come to the conclusion that they are both Mexican and American. Xavier explains what happens when your identity is split between being connected to his birthplace (Mexico) but having a feeling of belonging in a different place (the U.S.):

Before I used to say that I was Mexican, but now that I am on this side [in Mexico] I can see that I am much more. [I am] Mexican-American, much more American than

Mexican. And that is, after I got here, I noted a lot, and I saw that I knew more and that I felt more comfortable, knew more people and the language in the US [more than in Mexico]...To be Mexican-American is to have that identity but to live in, to call—yes, I call the US home, because that is where I know everyone, where I live, well, used to live—and that is where I feel much more comfortable.

In Mexico, in comparison to the Mexican majority, and due to cultural and language differences, Xavier realizes he is not Mexican but something else; he is Mexican-American, belonging to both worlds. Their legal marginality in the U.S., where they did not enjoy full participation due to their legal status, becomes translated in Mexico as cultural dislocation, as these migrants are not able to enjoy full membership in Mexico because they feel that they don't belong culturally.

Jacinto explains how he is Mexican-American culturally, even though he is unable to live in the U.S.:

[I feel more identified] in the U.S., because over there, people are more open minded, because I lived in a small community (a ranch) and we all knew each other, and nobody would bother you... [My home is] in the U.S., because my family and friends are over there. I grew up there and I feel home [there]...[I identify as] Mexican-American, but I am fine, living in Mexico, but my identity is more with the U.S..... [I feel more connected] with the U.S., because I know more people and I have friends, but now that I live in Mexico, I feel more free... [but] I would like to be with my family.

Jacinto made it a point to emphasize that he was "fine" in Mexico, even though he felt he was "Mexican-American." Finally, he reveals that his dislocation is not only about place, and where he lives now, but mainly about the family ties that have been severed due to the separation from his family and community.

Felipe embraces his Mexican-American identity, realizing that he belongs culturally in the U.S.:

I used to consider myself Mexican-American [in the U.S.]. Yes, because I was basically raised here and there, so, that is what I used to consider myself. They used to call me Mexican, [and I used to respond] well, if I am Mexican, [then] I can call you—if you came from England—I can call you British. [The would deny it.] You are not? Well, I am not [Mexican], either. I am not saying that I don't like my people, my country; I love them, but I know Mexico is not my place, even though I'm here.

In Mexico, many of these U.S.-acculturated young adults are seen as *pochos*. *Pocho* is a term used by Mexicans to designate someone who is of Mexican heritage but has been acculturated into the U.S.-American culture. *Pocho* can be used as a derogatory term, because it highlights the loss of Mexican culture. *Pocho* can also be a self-identity that emphasizes the process of cultural hybridity and duality. In the same way, Lorenzo explains how he is a foreigner in Mexico, even though he is a citizen:

Like the saying goes, *ni de aqui ni de alla* (not from here nor there), because you were born here, but raised there. You were not born there, and were not raised here. Everything stayed in the wall [the border]. I am in the middle, because I can't say I am Mexican. Ask me about the culture, and I cannot explain it. I can't say I am from the U.S., but ask me about the culture, and I can explain it. I am in the middle, because I am both....I explained to my friend, I am a foreigner here. Even though I am in my country, I am a foreigner for you. Even my cousins call me *pocho*, because I was raised over there.

I did not grow up like them [in Mexico], so they call me *pochito*. I don't say anything, because it is true.

Being a *pochito* signals the extent to which these migrants are acculturated in U.S.-society. Language, that is their speech patterns, is the most obvious, although not the only, marker that renders these migrants *pochito*. Olivia, for example, also explained to me that she does not belong either to the U.S. or to Mexico. She told me that in the U.S., she was considered Mexican (not American), which signaled her outcast membership. In Mexico, she is considered *pocha* (not Mexican), further solidifying her outcast membership.

Children who migrated to the U.S. young often have a cultural shock once they are back in Mexico, as they are strangers in their birthplace. Xavier explains:

The most difficult [part about coming back to Mexico], I think is the language, Spanish. Even though I can talk and maintain a conversation, well, it is not too fluid, and I don't understand the culture. Here, I don't understand the jokes, or the references, or the TV shows or characters. Yes, I guess the most difficult thing here is the Spanish.

Xavier explains that his citizenship does not match his nationality. He might be a Mexican citizen, but he feels like a U.S.-American:

To be Mexican, well, I think that for me, it is just the place where you were born, and that is it, because right now [I am] Mexican. [But] I don't know much of the history of Mexico—I don't know anything about it, even though I would like to learn and know the history. I think it is in the history where you can identify why you are Mexican, the reasons, and all that.

Living their childhood or adolescence in a place (the U.S.), where they developed national attachments, but without being sanctioned by the state—these migrants' attachments, identities, and alliances, are often ambiguous and inconsistent. Thus, they might be Mexican citizens, but they often feel like U.S.-Americans. Language—by not having full command of Spanish, not speaking Spanish clearly, not enunciating properly, or speaking Spanglish—becomes an important element that shapes their feelings as outcasts, while signaling to others in Mexico their unique positionality.

Being a full member of the nation-state necessitates both national (cultural) membership and formal citizenship. In the U.S., these migrants attain national membership, but do not have access to formal citizenship. In Mexico, they attain formal citizenship, but not national membership. They become uprooted migrants with ambivalent attachments to the nation.

Yolanda explains:

[The hardest thing about coming back to Mexico is that] I got so used to living there [in the U.S.], and coming back was difficult. And it was hard to get used to living here, even though I go out more here in Mexicali. I tell my parents and my friends that I belong there [in the U.S.], and yes, I want to go back, in the future... Right now, I am like in a transition. They took away my visa, and I miss it a lot, not being able to go shopping. I used to go twice per week; we would go eat in San Diego. I like the parks in that city. I feel like I am in a transition, I am waiting to go back.... Since I had the experience of living there [in the U.S.], then I feel like I should live there, so I feel desperate to go back to the U.S. Those years that I spent there, I had a lot of experiences and I liked it a lot... For me, I feel caged, like I am not able to move the way I want to, not being able to go there [to the U.S.], and buy all I want and travel all I want.

These migrants are exiled from the nation they have come to see as their own, the U.S.; banned from entering due to their lack of legal permits, they become an exiled diaspora in

Mexico. Once in Mexico, they become "inadmissible," whether they were removed through deportation proceedings, by signing voluntary departures, or have left on their own accord to Mexico—once in Mexico, they are all in the same legal category in the U.S.: "inadmissible." For some, the ban is for life, while for others the ban is for 10-or 20-years. Yet, they imagine their life in the place they yearn for, the place they are most familiar with—the United States.

For these migrants, then, the border becomes more than just a "line in the sand." The consequences become painfully real, due to their status as "inadmissible." Lorenzo describes his feelings:

I am in a world that I do not know, that I am not used to, but there is no other way. I just have to live life...It is like taking a house cat and putting it in a jungle and taking a wild cat and putting it in house: getting used to it is difficult. [Everything] is different; getting friends is different; being here is different, especially when they don't know all your life. For example, my cousins' friends see me as weird, because they have not known, they do not know who I am.

While most express a sense of rupture and pain in the separation, Lorenzo also expressed a sense of frustration and anger about what the wall represents—both symbolically, but also concretely. The wall not only represents his inability to be able to go to the U.S., but also the power dynamics inherent in the U.S.'s actions to prevent him from crossing. Felipe explains, "Well, it's only a big wall, getting on my way from what I really like, so, actually, I don't think there is the need to be such a big asshole, [making us work too hard], just for us to visit there." The border represents the divisions they experience in their own lives, with their families. In abstract terms, the division is also imposed on them by a country that does not accept them. As Yolanda explains:

I have always thought that the divisions should not exist, because we are all humans. Men are dividing people on one side and another. That seems absurd to me, but it is all politics. Everything is manipulated in one way or another, but that causes some to be against others. They [the U.S.] are always asking for a lot of requisites to get a visa, and I do not like it. Not only because I am not able to cross, but because they are always dividing humans. Those types of divisions should not exist.

The border is a physical structure, a border wall, but also a legal structure that prevents these migrants from living close to their family members. Mercedes shares:

[What are your plans for the future?] If I could plan [my future], it would be to live in the U.S., especially because of my daughter and my son. Because my children were born in the U.S., and I always think about their future.... that they could be better there, and take advantage, from a young age, like me, to go back and forth.

For these migrants, then, the border wall becomes both a concrete reality and a painful reminder of what is "so close and yet so far," especially in light of U.S. efforts to enforce this geopolitical boundary. Felipe, for example, reflects on the consequences of the border in his life:

[Where is home?]

I feel my home is in the States, even though they keep me away from it. That is really sad, because I feel people—the government, the American government—[have] taken me away from my home.

"Inadmissible" migrants are split between their homeland (Mexico), where they have formal citizenship rights, and the land they have learned to see as home, (the U.S.), where they had cultural citizenship. Ultimately, they became uprooted migrants who were likely to see

Mexico as their home and identified with Mexican culture, but were also likely to feel that they belonged in the United States.

Conclusion

Identity is shaped by legal status, because along the border, mobility shapes everyday practices. For those living along the border, legal categories determine their mobility. Thus, cosmopolitans see themselves as global citizens, because the border is open and welcoming for them. Moreover, cosmopolitans engage in transborder citizenship practices: even though they become bilingual, bicultural, and situated in a border culture, they remain rooted to their local context—as *rooted cosmopolitans*.

Migrants, on the other hand, are deeply affected by their migration experiences. Their socialization in the U.S. creates nation attachments, but within the context of legal marginality. Once in Mexico, these *inadmissible* migrants—who are no longer allowed to return to the U.S.—experience and enjoy their citizenship rights in Mexico, but feel excluded from the national fabric. These experiences of legal citizenship and national marginality makes these inadmissible migrants *uprooted migrants*, because they see their home in the U.S.—where they are banned from returning. Nevertheless, they remain deeply connected socially and economically to their community in the U.S.; therefore, they engage in symbolic transnational practices.

Unlike cosmopolitans, when unauthorized migrants cross the border, they do so in very precarious situations; not only do they encounter a closed and hostile border, but the fact that they must transgress the border unauthorized shapes how they see themselves and the boundaries they draw vis-à-vis others. Migrants often become transnational in that they become identified with both Mexico and the U.S. in different ways due to the connections they build with their homeland, but also due to their exposure to U.S. society. Moreover, not only is their identity shaped by their migration experience, but their transnationalism is also shaped by the close social and economic ties they maintain in both countries. In sum, legal categories not only shape how people see themselves (as global or caged citizens), but also how they develop national attachments (becoming rooted cosmopolitans or uprooted migrants).

Chapter 4: Normalization of Border/Violence

Introduction

In chapter two I showed how the policing of the border is predicated on the legal categories assigned to people, which in turn shape whether the border is experienced as open and welcoming, or as closed and hostile. Then, in chapter three I showed how these legal categories also shape social identity and national attachments, determining how people become incorporated as insiders or outsiders. In this chapter, I focus on how legal categorizations—while creating different experiences of the border, different identities, and different attachments—become normalized and acceptable, regardless of legal categories. This normalization of border categorizations and border policing, in turn, shapes the way people understand their experiences. Ultimately, the institutions available at the border shape how people are able to make claims against injustices.

Arturo, a cosmopolitan, is a Mexican national who lives along the border and has a visa to cross into the U.S. He explains, “I used to see the border. Now I don’t [even notice it].” Arturo is so used to the border that it has become a normal part of the landscape for him. Similarly, Miguel, an unauthorized migrant who had been caught trying to cross unauthorized and was deported back to Mexico, expressed, “We are doing our job, trying to cross; and they are doing their job, trying to stop us.” Miguel, unlike Arturo, must confront a hostile border because he is unauthorized; much like Arturo, Miguel views the policing of the border as a normal part of the landscape.

This chapter is organized in two sections. In the first section, I focus on the way cosmopolitans name, blame and claim their experiences along the border, and in the second section, I highlight how undocumented migrants name, blame, and claim their experiences along the border. In this comparison I show how cosmopolitans and undocumented migrants—regardless of legal status—see the border as a normal part of the landscape—few frame their experiences in terms of abuse. Even in the few instances when they frame their experiences as abuse, few try to press charges against their abuser. Part of the problem is that there are no institutional venues to address the claims of those who are victims of abuse. Ultimately, due to the territorialization of institutions and the transnationalization of migration, U.S. institutions remain unaccountable and claims are not redressed.

Legal categories have the power to define how we think about our reality. In fact, as Haney Lopez explains, the law “is an integral part of society and an essential component in the social production of knowledge. It [has the] capacity to shape and constrain how people think about the world they inhabit...” . The U.S. government has constructed the border—as a transnational space where two geopolitical entities meet—as a site where sovereignty, national security, and territorial authority must be established and defended (Ackleson 2005). This emphasis on focusing on state sovereignty largely ignores questions of human rights along the border. The U.S. focus on protecting the border has translated into the consolidation of border limits and the intensification of border enforcement and protection. This social construction of the border as a security space has had a particular resonance with the U.S. public. Nevins writes:

"Illegal immigration" resonates so profoundly with the public at large not simply because of the ideological baggage in terms of race, ethnicity, class and national identity that the term conveys about outsiders... but because of the power of the state in molding that collective mind-set of its citizenry to distinguish between 'right' and 'wrong' and to appreciate the almost-sacred nature of its national boundaries... the state has helped to construct the 'illegal' through the expansion of the INS's enforcement capacity as the very

existence of a policed boundary, and the accompanying social agents and institutions of immigration control create immigration that is 'illegal'" (Nevins 2002: 121).

Interestingly, "illegality" at the border shapes not only views of the border and "illegality" in the U.S., but also, in Mexico.

In this chapter, I will show how border residents with visas, as well as undocumented migrants, use the framework of sovereignty to talk about and discuss their views of the border. Most Mexican nationals that confront the border don't see it as a site of injuries; therefore, few think of their experiences as injurious. The "first transformation—saying to oneself that a particular experience has been injurious—we call *naming*" (Haney-Lopez, 1996:123), does not really take place along the border—either by cosmopolitans or undocumented migrants.

PART I: Cosmopolitans Naming, Blaming, and Claiming

Naming: Normalization of A Welcoming Border

The U.S.-Mexico wall is not a continuous fence, and it has not always been a steel fence. Before the 1990s, it used to be a mesh fence along Mexicali that allowed people to see the other side clearly. Border residents often crossed the border on a frequent basis, even if they did not have the legal documents to do so. Once the fortification of the border began in the 1990s and steel barriers were put in place along major metropolitan areas (like the twin cities of Tijuana-San Diego, and Mexicali-Calexico), the border aesthetics as well as border-crossing practices dramatically changed. Border residents saw a steel barrier go up that no longer allowed them to see the other side of the fence. In addition, border policing intensified, which no longer allowed them to cross on a frequent basis unless they had the legal documents to do so.

Before the 1990s, the border might have seemed and might have operated much like a fence "dividing two neighbors." Yet, after the fortification of the border, the role of the border as a filter (closing the border to those border residents without visa) intensified, but the idea of the border "as a fence dividing two neighbors" lingered. Among those border residents with visas, the idea of an irrelevant border endured, in part, because their visa allows them to cross unfettered. For those residents with visas, the border remains mostly symbolic. In the following section, I illustrate how the ability to cross the border with legal permits shapes how the border—even as it stands as a tall steel wall—remains normalized as mostly irrelevant and symbolic.

The U.S.-Mexico border is generally open and welcoming to those with legal permits to cross. Therefore, this openness shapes the way cosmopolitans in Mexico experience the border. Since they tend to cross the border on a regular basis and do not face tangible obstructions to cross it, they usually forget the border even exists. Cosmopolitans, therefore, tend to see the border as "normal," even though the border is intensely policed and its openness largely depends on their visa and their economic resources.

Cosmopolitans often reported that they "did not see the wall." Along Mexicali, the wall is not inconspicuous—standing as a tall fence, it is 10 feet of metal barrier. For these cosmopolitans with visas, the U.S.-Mexico border became invisible and of little consequence, given their frequent cross-border practices; they saw the border as insignificant. In other words, the border and their border-crossing practices became *normalized*. The *normalization* of the border has had much to do with their exposure to the actual fence, as well as their ability to cross the border without much trouble. I borrow the definition of normalization from (Felstiner et al., 1980:635), who describe this process as activities that "become routinely embedded in the matrices of already existing, socially patterned, knowledge and practices" (540). The border

becomes normalized, as people see it as a natural part of the landscape and as socially and politically inconsequential.

When asked what they thought of the U.S.-Mexico border, cosmopolitans tended to use the metaphor of a "fence dividing two neighbors" to explain their perceptions of the U.S.-Mexico border. Julio, for example, is a young man who goes to college and has a part-time job in Mexico, crossing into the U.S. about twice a month. He explains that, "for me [the wall] is just a fence. Up to now it has not prevented me from crossing." This sentiment, of acknowledging the presence of the border wall, but ignoring the role documents play (in the form of a visa) in shaping one's ability to actually cross the border easily, shows how cosmopolitans focus on the "dividing" aspect of the border, while ignoring the "policing" work performed along the international boundary. Julio's experience of the border and his ideas about it are mostly about its symbolic meaning—the border only delineates the ending of one nation and the beginning of another one—a "fence dividing two nations."

The view of a largely irrelevant wall stands in sharp contrast to the amount of resources the U.S. spends to police the border⁶⁴. Karla, an 18-year-old woman who is in her last year of high school and who crosses the border once a week, also shares Julio's understanding of the border. Karla says:

Since I live here in the border, [the wall] is just something like someone lives on the other side. But if I think more about it, it is like, it symbolized that Mexico ends there and another country begins. It is like it marks territories, two nations."

Karla sees the border as a normal boundary, where "Mexico ends," but does not consider the fact that this is one of the most policed and militarized borders in the world, making this boundary very consequential.

For Mexican nationals with visas to cross into the U.S., the border becomes *normalized*, even when they are conscious of the power dynamics and imbalances in their status vis-à-vis the United States. For example, Arturo, a 29-year-old Mexican chemist who crosses about once a week to the U.S., explains how he views the U.S.-Mexico border wall:

People get used to it [the wall]. For example, I used to see the border. Now I don't [even notice it]. It does not cause me anything, but at the beginning, when they built it, I felt, like, discriminated, because it was, like, [a stance on the part of the U.S. that kind of says], "Do not see me. I don't want you to cross." I do not know, sometimes I feel the U.S. thinks it is too special, like, you can't have it.

The geographical location and access to the U.S. allows these cosmopolitans to "forget" that a wall even exists. Their familiarity and constant border-crossings render the wall null in their eyes, even if they resent what the border represents. In addition, even if the wall was once salient, over time their views and understandings of the wall become invisible due, to the exposure to the fence and the minimal political consequences this border has on their everyday lives. Thus, visas—which allow these Mexican nationals to cross into the U.S. on a regular basis—create the sense that the U.S.-Mexico border wall is of little political consequence for them.

⁶⁴ In 2012, the U.S. Border Patrol spent \$3.5 billion dollars (2011) and used 18,516 Border Patrol agents to police the U.S.-Mexico border (USBP, 2013b). The El Centro sector, which includes four stations—El Centro, Calexico, Riverside, and Indio stations—has a staff of 1,168 Border Patrol agents (USBP, 2013a).

This *normalization* of the border becomes a *master narrative* among border residents with visas. Given that the stories we tell often “articulate and reproduce existing ideologies and hegemonic relations of power and inequality,” border residents typically shared narratives of the border as “invisible.” The view of the border as a master narrative—as normal, invisible, or simply part of the landscape—shapes people’s expectations, and reflects of how people expect things to be along the border. Accepting this master narrative of a normal border, frames how people see and approach the border, also foreclosing other possibilities. Consequently, even when border residents lose their visa, their view of the border as normal does not change much. For example, Santiago, who used to have a visa but no longer has one, explains how he views the border:

For me, it is just a physical separation between two nations. It is a little mystified, I am not sure how to explain it. Many people come to see the border as if it was the Berlin Wall, and your question, [what do you think about the border wall?], makes me think a lot, because since I was a child I have seen it there, that *barrera* [barrier]. But it does not impress me. I just ignore it.

Santiago acknowledges that there are alternative interpretations to his view of the border—comparing U.S.-Mexico border to the Berlin Wall, which has historically been viewed as an oppressive barrier. Yet, his own experience, of being exposed to a border on a daily basis, negates these alternative views, and Santiago just “ignores” the barrier. Even when he no longer has the privilege of crossing the border on a regular basis, he asserts the tendency to “ignore” the presence of the border. Even when cosmopolitans confront the intense policing of the border⁶⁵—due to the normalization and daily exposure to the barrier—they continue to see the wall as normal.

Blaming: The role of the visa

The normalization of the border highlights the openness of the border, while obscuring the role of the visa in shaping experiences of the border—especially because not everyone has access to a visa, and obtaining a visa is a highly stratified process. Mexican citizens who obtain visas to travel to the U.S. on a regular basis are typically better off than the general population—given that it is typically middle class Mexicans who are able to obtain visas to travel to the U.S. Those who are able to demonstrate employment and economic stability in Mexico, along with strong ties in Mexico, can make a credible case that they will not try to migrate to the U.S.

Those who are unable to cross the border on a regular basis (due to the lack of a visa), highlight the role that the border, its policing, and having a visa plays in shaping the experiences and opportunities of border residents. Valentina, for example, explains why she was denied a visa:

Yes, [I applied for a visa], but they [U.S. officials] denied it to me because I did not earn enough money. But I thought it was something personal, because they also denied the visa to a cousin of mine, and he did earn a lot more than me.

Valentina reflects both on her economic status as a reason for getting the visa denied, but she also reports that the decision seemed arbitrary. Valeria explains that she felt “frustrated” when her visa was denied, because she was not able to go visit her brother who lived in Las Vegas, Nevada. She explains further:

⁶⁵ Cosmopolitans, often, do not experience the intense policing of the border personally; this, in part, shapes the normalization of a benign border.

It is really dreadful [not to be able to cross], because I only want to go to shop and *pasear* (visit places). I do not want to move there. It is bad, especially for those who always want to go. It is sad.

Implicitly, Valeria compares her situation with others living along the border. She, like the cosmopolitans, only wants to visit the U.S. as a tourist and go shopping. Due to her limited resources, (not making enough money), she was denied a visa, along with those experiences and opportunities. When the visa is not available to border residents like Valeria, then the role of the border and the visa in shaping border experiences becomes salient.

Border residents know that if they are not able to show their class status—as stable middle class in Mexico—they will not be able to obtain a visa. For example, Lucrecia explains that she used to have a visa, but did not renew it when it expired, "I do not have a good enough job to apply for a visa." Once her visa expired, Lucrecia did not even attempt to apply for the visa because she knew that the likelihood of getting rejected was great given her (un) employment situation—she is a stay-at-home mom.

These cases show that economic resources shape whether or not people get visas, and for those who do not have visas, the border is a much more concrete reality. Cosmopolitans often notice the border when they no longer have access to the U.S., or when they come into contact with people without the permits to cross into the U.S. Given that having a visa is a highly stratified process, and middle class individuals are more likely to have one, family groups are also highly stratified. In other words, if you have a visa, it is very likely that people in your immediate family will have a visa as well. Sometimes, however, this is not always the case. The awareness of the border lessens for those with visas not only because they don't have any problems crossing this international boundary, but also because their social circle largely shares the same experiences. Thus, when the whole family is able to cross, the process of normalization becomes inconspicuous. This process makes it easier to discount the problems others encounter when they are unable to obtain documentation to cross the border.

In the cases where not everyone in the immediate family has a visa to cross, the border wall becomes highly relevant and problematic. Thus, the border wall becomes a concrete reality for border residents when their close relatives are unable to cross the border. For example, Moises, a 33-year-old mechanic who completed technical school in Mexico and self-identifies as working class, is the only person in his family with a visa to cross into the U.S. He crosses about twice a month, but feels guilty that his brothers are not able to join him. He describes his cross-border experiences thus:

I was 22 years old when I got my visa ...[sometimes] I am learning new things, seeing things I had not seen before. Sometimes I am in the U.S. enjoying something, learning something, seeing a beautiful landscape that I would like to share with my brothers that have never had a visa, share with my nephews. I would like for them to see what I see, things I would like to share with them. We have family in Yuma, Arizona. They make huge parties, and I am the only one who is able to go. We are brothers by blood [with those in Yuma, AZ]... we have the same last name... but because of the visa, a fence, a wall, [we can't all get together].

For Moises, being in close proximity to people who do not share his privilege of having a visa highlights the benefits this visa engenders. Most cosmopolitans with visas, however, do not see their status as central in shaping their views about the border, given that they do not understand the role their status plays in shaping their experiences of the border. Yet, when they

are in close proximity to others who are unable to cross freely—as in the case of Moises—the border becomes salient.

Other cases where the border becomes tangible and real is when people lose their ability to cross it—especially when the U.S. government revokes the visa. For example, Nancy, who got her visa revoked, explains what the border wall means to her:

"It is a division. It is like saying this is mine and not yours. It is a barrier that the U.S. has imposed, even though it benefits a lot from us, and I don't think it should be like that."

She affirmatively deplores the barrier imposed by the U.S., partly because she herself can no longer cross the border freely. Yet, she thinks living along the border is a (social and economic) benefit, even if she is unable to cross it.

Juana, for example, explains how she realized the concrete consequences of the border once she began volunteering at a migrant center. She explains:

I used to have a passport with a visa, and [I used to] go to the other side [the U.S.], but I did not know about [unauthorized migrants]. But now that I volunteer here [at a migrant center], I think that God does not make distinctions [between people]. So I hope some day this wall disappears someday, even if I don't see that day.

Juana, like many border residents, often ignores the reality of those who cross the border unauthorized, because they have become used to border wall. The *normalization* of the wall, that most border residents experience, as a site of opportunities, obscures the other reality of the border as a violent site for unauthorized migrants.

In sum, border crossing experiences are shaped by legal status, and for cosmopolitans with visas the border becomes normalized and irrelevant due to their ability to cross on a regular basis. This normalization of the border obscures the role visas play in shaping this view of the border as open and invisible. Those who lack visas, and are caged in Mexico, highlight the consequences of the border and of having a visa. The fact that visas might be granted and/or denied, points to the way in which the border is open, welcoming, and invisible for those with visas, but arbitrary, caging, and frustrating for those without visas.

Claiming: International Institutions

Dispute institutions, in fact, (such as courts, arbitration, mediation, administrative hearings and investigations) shape disputes by providing a mechanism to handle conflicts and remedies. If a Mexican national is denied a visa, however, they cannot appeal their case. According to the U.S. Department of State:

Immigration law delegates the responsibility for issuance or refusal of visas to consular officers overseas. They have the final say on all visa cases. By regulation, the U.S. Department of State has authority to review consular decisions, but this authority is limited to the interpretation of law, as contrasted to determinations of facts. The question at issue in such denials, whether an applicant possesses the required residence abroad, is a factual one. Therefore, it falls exclusively within the authority of consular officers at our Foreign Service posts to resolve. An applicant can influence the post to change a prior visa denial only through the presentation of new convincing evidence of strong ties (Felstiner et al., 1980:649).

Once a visa is denied, Mexican nationals explained that they were advised to wait six months to apply for a visa again. It is commonly known that once a visa is denied, your chances of getting a visa granted diminish. Thus, once the visa is denied, it is likely that it will be denied again—becoming a *master status*—defining not only who one is, but also determining certain life

opportunities. For example, Daniel, a 25-year-old border resident, for example, explains how he has been unable to obtain a visa:

[I applied] two times, and they have denied me the visa twice. The first time because I did not earn enough money. The second time because I earned too much money and because of my age, they didn't give it to me either... the first time I felt bad. But the second time, I was sure (I was going to get it). All the paperwork (showing economic stability) was fine. So when they told me, "No," *me dio coraje* (I was really upset). They were not nice. They acted really *prepotentes* (uppity).

Border residents who had been denied visas expressed reluctance in applying for visas again. It is expensive, and people know (from personal experience and local knowledge) that once you are denied the visa, the likelihood is that your application will be denied again.

Getting a visa is a very discretionary process: the consular agent can deny a visa for various reasons. Some of the reasons a person might be denied a visa are for health-related grounds; criminal and related grounds; security and related grounds; public charge; illegal entrants and immigration violators; etc. Ultimately, however, the discretionary nature of the process is set by Section 221(g) of the Immigration and Nationality Act, which establishes that a visa might be denied if "the consular officer knows or has reason to *believe* that such alien is ineligible to receive a visa or such other documentation under section 212, or any other provision of law" (emphasis added) (USDS, 2010b).

Daniel was told that he did not make enough money the first time he applied for a visa, and the second time he applied, he was told he made too much money for his age. For some reason, the consular officers who saw Daniel *believed* that he was ineligible to receive a visa. While Daniel's experience obtaining a visa seems arbitrary, he later acknowledged that he got upset, but was not completely surprised it was denied the second time. Thus, Daniel has become caged⁶⁶ in Mexico, unable to get a visa to visit his family in the U.S.—first because he did not make enough and later because he made too much. For Daniel, the border is not irrelevant, since he is unable to cross it. Those who are denied visas, like Daniel, are denied a visa because they:

Did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay. (H-1B and L visa applicants, along with their spouse and any minor children, are excluded from this requirement.)

In sum, there are no institutions available for Mexican nationals to challenge visa denials.

PART II: Undocumented Migrants Naming, Blaming, and Claiming

Naming: Normalization of A Hostile Border

While the U.S.-Mexico border is generally open and welcoming to those with legal permits to cross, it is a very hostile site for those without the proper documentation. Surprisingly, though, the normalization of the border is a shared experience by both authorized and unauthorized Mexican nationals who cross into the U.S. This is in part because the ideology of the border is hegemonic.

Hostility shapes the way unauthorized migrants experience the border, but these migrants rarely question the legitimacy of the border. This view of the border as legitimate is part of a

⁶⁶ This concept of "caged" is used in contrast to the concept of the "mobile underclass" (see Helen Marrow and David Kyle on this concept). Here I am trying to highlight the underclass that is caged and not mobile, which I call *locals*.

larger ideology about the “rule of law” and the “illegality” of unauthorized border crossing. Nevis explains the consequences of this view:

The dominant view of the law sees it as rational, benign, and necessary, as well as independent of any specific social and/or geographical context as it supposedly rests on immutable principles. The effect of such a worldview is to put the law beyond question, and thus to normalize socio-spatial relations. Of course, as a social creation, the law embodies (in terms of its origins and effects) particular power relations (USDS, 2014b).

Thus, the legal category of unauthorized migrants, as *illegal aliens*, shapes the way migrants think about their experiences and make claims regarding their rights along the border. The treatment migrants receive in the hands of border patrol agents is often dismissed because the label and categorization of these migrants as *illegal aliens* obscures their rights. The rights of unauthorized migrants become secondary (if at all important) to the concerns of U.S. national sovereignty. In fact, the discourse of sovereignty that dominates U.S. public discourse, which often presents unauthorized migrants as a threat to national sovereignty and security, is not only the hegemonic narrative in the U.S., but is also the hegemonic narrative in Mexico.

Unlike cosmopolitans who see and experience the border as irrelevant, unauthorized migrants must face the policing regime of the border when crossing. Cosmopolitans have to deal with Customs and Border Protection (CBP) officers when crossing into the U.S.—as they inspect entries at authorized points of entry into the U.S. In contrast, Border Patrol officers apprehend most unauthorized migrants when they try to enter through unauthorized points of entry. The state is not monolithic and these two agencies have two different mandates at the border. On the one hand, the CBP is tasked with regulating and welcoming authorized flows across the border. On the other hand, the Border Patrol is in charge of apprehending unauthorized flows along the border. Undocumented migrants attempting to cross the border unauthorized often face abuse when apprehended by the Border Patrol officers. From the moment they are detained, migrants can be physically, psychologically, and emotionally abused by U.S. Border Patrol agents. Cases of abuse include: stealing from migrants, beating them, abhorrent detaining conditions, and in extreme cases, death. A report by the organization *No More Deaths* related the abuses migrants faced in Arizona at the hands of U.S. Border Patrol, which included denial of water, food, and medical treatment, verbal and physical abuse, failure to return personal belongings, and failure to inform migrants of their rights, among others (2002: 116).

At the migrant center where I conducted my ethnographic fieldwork, we often surveyed the clients—who were used to having the staff gather information that supported the agency’s requests for funding from the Catholic Church, the Mexican government, and individual donors. One of the questions asked was, “Were your human rights violated?” Then, subsequent questions asked specifically, “Were you beaten?” “Were you denied medical attention?” “Were you denied food?” “Were your belongings stolen by the U.S. authorities?” The volunteers at the migrant center had attended several workshops, and used the language of human rights frequently when discussing the experiences of undocumented migrants: the questions on the survey were developed by those volunteers.

The volunteers at the Migrant Help Center have attended workshops organized by *Movilidad Humana*⁶⁷ (organized by the Catholic Church’s) (CEPS, 2014), *Centro de Derechos Humanos*

⁶⁷ Caritas Internationalist (which means “love among nations”) was founded in 1950 “in order to promote better coordination, better communication, and cooperation between members

del Migrante A.C. (Scalabrini, 2014), and the Procuraduria de Derechos Humanos (DHBJ, 2014). In these workshops they have learned about “incidents, how to file a complaint, and protocols to keep safe the organizations” (personal interview). Some of the things that these volunteers have learned about and have put in practice are: “warning them about kidnappings, robberies, and extortions, [and encouraging them to put complaints], and some dare to file complaints now” (personal interview). While the volunteers and activists used the language of human rights often, the migrants themselves rarely used this framework to talk about their experiences. There was a lack of “translation” (No-More-Deaths, 2008), from the activists’ framing to the migrants’ framing of these traumatic experiences of deportation.

Migrants often realize that the treatment they receive in the hands of U.S. Border Patrol agents is rough. For example, when I asked a migrant, “how did the immigration authorities in the U.S. treat you?” He responded “*culerisimo* (really bad).” As I write down his answer in the survey, another man adds, “como animalitos (like animals).” This shows that migrants feel and experience a dehumanizing treatment in the hands of the U.S. government. However, when I asked them if their human rights had been violated, they said “No.” Usually, migrants responded negatively to the first question about human rights violations, but positively about subsequent questions of abuse. The activists at the migrant center saw these actions of the U.S. Border Patrol—such as beatings, denying food, medical services, etc.—as violations of human rights, but migrants did not see these actions in the same way. Migrants often don’t assert their rights⁶⁸ because, much like cosmopolitans, the ideology of the border as legitimate prevents people from naming their injuries. The first step in actually getting (or fighting for) any kind of redress is “naming” the experience. Felstiner et.al., (1980) explain that, “This first transformation—saying to oneself that a particular experience has been injurious—we call *naming*” (635). The language of human rights is a particular framing that must be vernacularized—that is, “adapted to local institutions and meanings” (Merry, 2006). Along the U.S.-Mexico border, however, migrants have not yet developed a language for naming their injuries as human rights violations.

In fact, migrants often see themselves at fault for this mistreatment. For example, a group of eight men from Puebla showed up at the Migrant Help Center, seeking assistance. They told volunteers at the Center that they all borrowed money to get to the border, and but did not have enough money to pay a coyote to cross, so they had tried to cross by themselves. Apprehended by the U.S. Border Patrol, they were all handcuffed together. All of the ten people then moved by the agents. The migrants were complaining about the pain this caused to their hands, but they were more focused on other worries. Two members of the group—two minors—

in different countries all over the world.” The Catholic Church has described Caritas as its official voice “in relation to its teachings in the area of charity work” (Caritas, 2014).

Mexico’s Caritas was founded in 1973 as a social welfare and emergency relief entity. In 1997, it became a Private Charitable Institution. Caritas is organized locally but as a federation, and currently there are 62 Caritas in 30 Mexican states organized though Dioceses. Mexico’s Caritas has seven pastoral dimensions, one of which is *Movilidad Humana* (Human Mobility), which “responds to the situation of transit, destination, deportation and trafficking of emigrants and immigrants from an overall perspective, by seeking to deal with the causes in order to reduce migration flows and exploitation of human beings” (Caritas, 2014)

⁶⁸ The assertion of rights is also shaped by the class background of these migrants, as most of them come from poor/working class backgrounds.

that had been taken to another detention center. The men were worried because they did not know anything about them. They could not call home—to Puebla—because it took two hours for their family members to get to a phone booth. They were now waiting for the Mexican government to give them their free bus tickets to return home. When I asked one of the men whether his human rights had been violated, he said, "I don't know," and added, "Since they did not hit me, then I do not know. Maybe the way they treated me was my fault."

On top of the difficulties they experienced crossing the border, undocumented migrants were mistreated once they were apprehended by the U.S. Border Patrol—perhaps, it was not necessary to link ten people with handcuffs and to make them move all together. But when asked about their experiences, they doubted themselves, thinking that such treatment might have been their "own fault." Their only infraction was to try to cross the border unauthorized⁶⁹, but because they see the border as a "normal" policed boundary, they also see their treatment as "normal." They did not think they had been treated respectfully and had complained to us about it, but when it came to asserting their rights, they deferred. These recently detained and deported migrants doubted who was at fault for the poor treatment they received by the *migra*.

In fact, when it comes to asserting their rights, migrants often don't think about mistreatment in terms of rights violations. For example, when asked about the U.S. Border Patrol, Miguel expressed the normalization of border policing by stating, "We are doing our job, trying to cross; and they are doing their job, trying to stop us." Thus, the ways in which the U.S.-Mexico border is policed and patrolled becomes "normal" or "natural," and therefore accepted as routine policing work.

In another example, Fulgencio, a 52-year-old man heading to Fresno, California, arrived at the Migrant Help Center with his right foot broken. He told me that the last time he crossed, in 2004, he had been able to cross and hold on to the fence on the other side (in the U.S.). This time, however, the fence was different, and the holes were so tiny he could not hold on, and thus fell from the fence, breaking his leg when he landed on the U.S. side of the fence. When he was detained, the border patrol agent who apprehended him told him not to get discouraged. The officer even told him to cross through the canal. However, the All American Canal is one of the deadliest crossing areas along the border. The officer explained to Fulgencio, "There are dead dogs and nasty stuff because it is the sewer canal, but no one is going to dive in to try to catch you." Fulgencio responded, "Well, next time I am crossing and you see me, just pretend you don't see me." The Border Patrol officer responded, "I can't." Fulgencio told me, "I can't be resentful. They are doing their job. They are making a living. There are people that are (resentful) but I am not, they have not done anything to me."

Blaming: Violence seen as personal problems rather than social issues

Given that the policing of the border is understood as normal, the consequences of such policing (like a broken limb) are not seen or interpreted as an injury by the state. Instead, migrants often understood the pain and injuries inflicted upon them as a "normal" part of the risks of crossing unauthorized. Even the "advice" of crossing through the canal is seen as "useful." Even though this "advice" obscures the dangers of crossing through the canal—an 82-mile waterway considered the "most dangerous body of water in the U.S.," has claimed more

⁶⁹ Unauthorized crossing was for a long time similar to a traffic infraction, without much consequence, much like jaywalking; lately, however, the criminalization of unauthorized crossing has reframed the issue in terms of criminal activity. Would this treatment for jaywalking by the police be tolerated?

than 500 lives since its construction in 1941 (Merry, 2006:39). The advice, however, is not innocent. According to a report, *No More Deaths*, Border Patrol officers often intentionally funnel migrants to deadly regions (Baca, 2011)⁷⁰.

Policing the border was understood as "a job" U.S. Border Patrol agents have to perform: migrants did not blame the officers for their abusive practices. Sometimes they even questioned each other's stories. For example, on a hot day in June, Ignacio, a 25-year-old man, entered every 30 minutes to the center where I volunteered to ask if someone had called for him. It was 2 p.m., and no one had called him yet. Then, he finally sat down at the table where two other men were sitting. Ignacio was waiting for a call because his family was going to send him money from the U.S. Ivan, another man, said his family was going to call him at 3 or 4 p.m. to also send him some money. They started talking among themselves. It was then that Ignacio showed his left arm, which was a bit bruised. He said, "It hurts," and then added, "it happened when they threw me on the *perrera* (dog-pound vehicle⁷¹)." The arm seemed dislocated. I asked him, "was it U.S. Border Patrol that hurt you?" "Yes," he responded, "they pushed me into the vehicle, and all the force was put on one arm." He seemed in pain, so I told him to go see the doctor, who was across the parking lot. He refused and asked, "If you have the medicine, can you just give it to me?" I explained to him that the doctor was free of charge⁷² and that he could give him something better for the inflammation. Ignacio did not want to see the doctor. Ivan, sitting on the table as well, had been listening and watching the whole interaction. Interjecting, he said, "I have tried to cross ten times and have never been treated badly," adding in a sarcastic tone, "I did not know they hit people."

Ivan was incredulous that Ignacio's injuries had been the result of U.S. Border Patrol agents' treatment, trying to imply that somehow Ignacio was either hiding something or was at fault for the treatment. The expectation is that U.S. Border Patrol officers are nice, and when migrants tell stories of abuse, rather than question the narrative of the "nice" Border Patrol officers, people often question the migrant instead. In that same week, another migrant was killed by U.S. Border Patrol agents in Tijuana while being deported, highlighting an extreme case of abuse and violence carried out by Border Patrol officers. In June 2010, Anastasio Hernandez Rojas, a 32-year-old man from Mexico, was shocked by U.S. Border agents with a stun gun while being deported to Mexico at the San Ysidro border crossing point. His death was ruled a homicide by the San Diego medical examiner's office. While Border patrol agents argued that Anastasio had been combative, a video showed the migrant on the floor, handcuffed, as the shocks were delivered (Epsin 2012).

⁷⁰ The argument here is not that the U.S. Border Patrol wanted to kill the migrant, but that the study shows that there is a pattern where U.S. Border Patrol Agents encourage migrants to cross through very dangerous and deadly terrain.

⁷¹ He was not put in a dog-pound vehicle, but the vehicles used by Border Patrol resemble dog-pound vehicles. By calling it a dog-pound vehicle, the migrant is also equating the treatment he received to that of a dog.

⁷² The Mexican Program Repatriación Humana (Humane Repatriation) attempts to provide "security, orientation, and help" to Mexican nationals "repatriated or deported" back to Mexico. The program includes free services such as providing food, medical services, phone calls, translations, placement in a temporary shelter, information about temporary employment, and discounts to return to their homeland (USBP, 2013a).

The assumption that violence against immigrants is not the norm is so common that even those who work on behalf of migrants (i.e., at the Migrant Help Center) sometimes questioned the legitimacy of migrants' claims. On another hot July day, a bus full of deported migrants (about 46 men) came from San Diego, arriving about 7 p.m. Another volunteer and I stayed to give them water and soup. A man walked to the counter, and I asked him, "Are you hurt?" "Yes," he said, "*la migra me golpeo* (border officials hit me)." Then, the other volunteer asked him, "What did you do? Did you run?" With this question—"What did you do?"—She implied that he had done something to trigger the hits, and that running was one action that indeed that warrant such a response (hitting). He responded, "No, the other ones ran, and since I was the one who got caught, I was the one who was beaten." Thus, even advocates of migrants assume that violence at the hands of U.S. Border Patrol agents is warranted by the actions of undocumented migrants.

The mistreatment experienced by migrants during detention is often underreported because these migrants often have concerns that are more pressing. For example, Lorenzo, a 48-year-old man from Guerrero, was crossing with his 15-year-old son and his 14-year-old nephew. When they were caught, the border patrol officer kicked him on his back, and his son on his left cheek. I could see his son's cheek was bruised and red. Now Lorenzo was waiting for his nephew who had not been released at the same time. Lorenzo was scared: they had had to walk so much, and Lorenzo remembered how two people who were also crossing with them stayed behind. "A man got tired and got left behind. He was left there to die, because who is going to find him there?" Lorenzo worried. "Another man fell down, and almost fell into a ravine, but luckily, he fell on the other side." Now Lorenzo just wanted to go home, but without his nephew, he had to stay. Lorenzo was not interested in filing a complaint against the officers that had hit him and his son; his primary concern was to find his nephew. Lorenzo does not prioritize demanding redress from the physical abuse he and his son received in the hands of U.S. Border Patrol: he is preoccupied with locating his nephew.

In addition, once in the custody of U.S. Border patrol agents, migrants often feel unable to complain or defend themselves against mistreatment, due to their precarious legal status. For example, Jorge told me that U.S. Border Patrol agents threw him to the ground, handcuffed him, and then picked him up by pulling on his arms. When he felt the painful pull, he told the officer, "You are going to break my hands!" The officer told him to shut up, adding, "Be careful how you talk to me." Being apprehended as an *illegal alien* often means that U.S. Border Patrol agents abuse their power and migrants are left vulnerable and powerless. Migrants often internalize this discourse of *illegal migrant* and agree that they were doing something wrong; consequently, they don't complain⁷³.

Another common complaint migrants reported was the loss of money and personal items. Pedro, a 28 year-old man from Michoacán, for example, complained that the U.S. Border Patrol kept the \$64 USD check he was carrying from his work. Another migrant, Joel, complained that Border Patrol agents kept his two cell phones, a belt, and all of his money. Mario, a 23-year-old from Guanajuato, had been living in the U.S. for 10 years; driving to work, he was stopped by the police, and was subsequently deported. Mario was carrying \$415 USD in his wallet, and a U.S. Border Patrol officer took most of it, leaving only \$10 USD in his pocket. These migrants

⁷³ The treatment of undocumented migrants mirrors, in many ways, how minorities are treated by police officers in the U.S.

lost much during their detention, and once deported, had little recourse to regain their possessions.

In addition, once detained, jail conditions were dismal. Migrants described the places where they are detained as small rooms, maybe 12 by 12 feet, where about 50 people are put. Juan told me that, “The jails are dirty, there is no place to sleep, and with 50 people per cell. They have the bathroom in the cell, and there is no privacy.” Juan, who was detained for three days in Arizona, was unable to sleep for that period and not given adequate food. Exhausted and drained when I met him, Juan had had very little rest and sleeps in the previous six days, making him feel both restless and vulnerable. Precarious conditions at detention centers have actually led long-term detained migrants to commit suicide. From October 2003 to December 6, 2012, ICE has reported that 131 migrants died while under their supervision⁷⁴ (Deaths, 2011).

Abuses at the hands of U.S. Border Patrol Agents range from the mundane examples previously mentioned—such as beatings, keeping personal belongings, and appalling detention conditions—to extreme cases of abuse. Javier, for example, complained about the treatment he received at a detention center:

I was arrested when I was walking with a friend, I was walking along the I-8 in California; it was about 11 p.m. When I was arrested, I was taken to a detention facility in Campo, CA, where I was beaten and threatened by a person who was dressed in civilian clothing and was telling me that he was an AFI agent [Mexican FBI], but he never showed me any ID. He told me that I had to plead guilty to being a smuggler. I told him that it was not possible for me to be a smuggler because I was crossing alone with just a friend. If I had been a smuggler, I would have been caught with 15 people. I was not going to risk myself for just one person. I also told them that I had been working in the U.S. for the past 10 years and that he could verify that: there were records that could verify that. But the agent told me that I had to plead guilty because he had to justify what he was doing, his work. I was locked in a room about 13 by 13 feet, where they took off all my clothes and beat me. There was a camera in the room and in front of me he turned the camera away and told me that, “Here, nothing happened.” He threatened me with giving me time in a federal prison in the U.S. and that he would also talk to the Mexican consulate to also give me charges with the AFI in Mexico and I would do time in prison in Mexico as well. But I refused to plead guilty. I was kept in Campo, CA about a day and a half, then I was taken to another detention center for about two days in San Diego, CA, and I was finally brought here to El Centro. I was detained for about 21 days and was finally deported to Mexicali.

Javier's complaint was an extreme case of what an undocumented migrant might experience in the hands of U.S. Border Patrol agents.

When serious rights abuses occur in the U.S., as in the case of Javier, and migrants want to press charges (which is not always the case), these migrants have little or no way to press for these charges within the U.S.: they must do so with Mexican institutions. In the next section, I turn to the resources available when migrants do want to press charges.

Claiming: Local Institutions

Unauthorized migrants face abuse at the hands of U.S. Border Patrol agents; most see it

⁷⁴ The final cause of death varies—from AIDS to cardiac arrest—12 cases as still pending and 17 cases were listed as “Asphyxia.” Some of these same cases, listed as “Asphyxia” were listed in the previous report in 2012 as “Hanging” (INM, 2010).

as normal, and do not try or wish to press charges against these officers. Sometimes, however, they do see the abuse in terms of rights violations, and want to press charges against the U.S. Border Patrol. Once deported to Mexico, there are few institutions available for these migrants to press charges; the institutions available are local Mexican institutions. Consequently, the border becomes a legally unclear space within a specific national territory, but with actors that, because of their precarious legal status, are not protected by any national state.

There are mechanisms within the U.S. that allow migrants to place complaints. In fact, from January 2009 to January 2012, 809 complaints were filed against Border Patrol agents. These complaints included physical, sexual, and verbal abuse, but only 13 resulted in disciplinary action (which meant counseling)—97% of all complaints resulted in “No Action Taken” (D. E. Martinez, Cantor, & Ewing, 2014). This small number of complaints highlights the fact that very few migrants are willing to file complaints (after all, Border Patrol detains hundreds of thousands of people every year, and an average of 270 complaints per year is minimal⁷⁵). Their legal status as undocumented makes migrants vulnerable and (probably) reluctant to place complaints against the force (the U.S.) that is detaining them. Once in Mexico, there are mechanisms to place complaints, but these complaints are no longer placed directly against U.S. Border Patrol agents: local Mexican institutions must mediate them.

In Javier’s case, when he was detained in the U.S., he had no way to place a complaint against U.S. authorities. Once deported, he was trying to make a complaint in Mexico, but he had little recourse. He wrote a letter describing his treatment, encouraged by the volunteers at the center, leaving it at the Migrant Help Center, where it was filed. Nothing ever happened to the letter, or to this case⁷⁶.

Death at the hands of U.S. Border Patrol agents is possibly the most extreme case of abuse. Sergio Adrian Hernandez Huereca—a 15 year-old teenager—was killed in June 2010 by Border Patrol agents for allegedly throwing them rocks from the Mexican side, situated along the Ciudad Juarez, Chihuahua border. In January 2011, along the Nogales, Sonora border, Ramses Barron Torres, another 17 year-old teenager, was killed for allegedly throwing rocks as well. From 2010 to 2012, 18 people were killed by Border Patrol (ICE, 2010b). In both cases, the young men were in Mexican territory throwing rocks to the U.S. side: bullets were returned to the Mexican side. The U.S. Border Patrol conducted its own internal investigations on the matters,⁷⁷ but the families of the victims had little recourse to place complaints in the U.S. courts.

For an undocumented migrant, there are no clear routes to make direct complaints to U.S. institutions. For example, if U.S. Border Patrol officers physically abuse an undocumented migrant, the migrant does not have any mechanism to place a complaint against the U.S. Border Patrol. Once in Mexico, the complaint is placed with the Migrant Help Center, the local Human Rights chapter, or the Mexican consulate in Calexico, California. While a complaint might be filed, U.S. Border Patrol officers are not held responsible for their abusive actions—because complaints against U.S. institutions are made at local Mexican institutions; ultimately, larger structural problems of abuse and liability in the U.S. remain unchallenged.

⁷⁶ In the time period where I volunteered at the migrant center, volunteers encouraged migrants to leave in writing the abuses they experienced, but these letters were just file. When the volunteers went to workshops or trainings, they would sometimes take the letters out, and read them out loud. These letters were never used for any other purpose.

⁷⁷ In the case of Sergio Adrian Hernandez Huereca, the FBI opened a civil rights investigation.

For the activists working along the U.S.-Mexico border trying to provide services to migrants, advocate for migrants' rights, and put pressure both on the Mexican and U.S. state to respect migrants' rights, the border stands as a barrier that limits communication and interactions between northern and southern activists working on the same issue. For example, the founder of the migrant center in Mexicali does not have a visa. She applied many years ago and was denied a U.S. visa, so she cannot go across to the United States. This means that she is not able to join activists in the U.S. She is unable to attend meetings, conferences, gatherings, or strategic planning meetings in the U.S.

The hostile climate along the border for unauthorized migrants creates a situation where these migrants are vulnerable and left without protection, especially when migrants are told, or simply know, that there is no recourse for placing complaints. While migrants and their advocates might want to challenge U.S. practices, both are part of larger institutional and structural forces. The way migrants view their rights (as normal or as human rights violations) ultimately does not change practices in the U.S. because these challenges are not directed to the institutions that perpetrate the maltreatment. When it comes to complaining about abuse or making claims, issues of sovereignty trump human rights claims.

The difficulty of actually addressing any claim is illustrated by Joel's case, the migrant who complained that the U.S. Border Patrol agents had kept his two cell phones, a belt, and money. Joel submitted a complaint to the Mexican consulate in Calexico with the help of the volunteers at the Migrant Help Center. About a week later, the consulate had retrieved Joel's items. Even though we tried to contact Joel, we were unable to reach him. Unfortunately, migrants are in a transitional phase, moving from Mexico to the U.S., being deported back to Mexico, and trying to get back to the U.S. Joel's belongings were in the U.S., so we would have to get the items in the U.S., or the consulate could bring them to Mexicali, but most likely, he was already back in the U.S. (probably in Los Angeles), or back in his hometown (in Michoacán). Either way, by the time his items were retrieved, he was far away, unable to actually get them.

Redress can only occur when national organizations (in the U.S.) become involved and file charges against U.S. institutions. Recently, the Legal Action Center of the American Immigration Council, the National Immigration Project of the National Lawyers Guild, the Northwest Immigrant Rights Project, and the ACLU of San Diego and Imperial Counties are coordinating a national litigation effort against U.S. Customs and Border Protection (CBP) on behalf of ten individuals who had suffered abuse at the hands of CBP agents. One of the cases was filed because:

CBP agents forced a 63-year-old woman with no criminal history off a Greyhound bus in Ohio, subjected her to hours of interrogation, and refused to let her use the bathroom for so long that she urinated on herself. After being detained all night in her urine-soaked jeans, CBP transferred her to an immigration detention facility, where she suffered an acute stroke. As a result of this trauma, she suffers from chronic pain, numbness, and partial paralysis on her left side (AIC, 2013).

The ten cases involve cases of abuse, but are being taken directly to CBP by U.S. organizations. Trina Realmuto, a staff attorney with the National Immigration Project of the National Lawyers Guild expressed, "While these cases shed light on CBP misconduct, there are hundreds more such incidents that go unreported" (ACLU, 2012). In the time I spent along the border, volunteering at the Migrant Help Center, I heard a lot of cases of abuse; not a single case was taken directly to U.S. authorities because the border matters—it limits how claims can be made

from Mexico.

Conclusion

Along the U.S.-Mexico border, there are no transnational institutions where migrants and their advocates can place complaints about the abuses perpetuated in this borderland space. Consequently, U.S. institutions are not held accountable for human rights violations occurring at the border. According to Haglund and Aggarwal, (2010), an important contextual factor that shapes to what extent a norm of respect for human rights is adopted is *extraterritorial obligations*. Hagan and Aggarwal define *extraterritorial obligations* as "an enabling environment [at the international level that] includes the existence of a human rights infrastructure that allows for claims making and redress" (Ibid). Clearly, along the U.S.-Mexico border there is no infrastructure in place to redress the claims of undocumented migrants. The lack of an infrastructure—where migrants could potentially make claims when their rights are violated and which could adequately address these claims—translates into creating an environment of vulnerability for migrants along the U.S.-Mexico border.

Given the proximity of territories along the border, but in light of sovereignty, civil and human rights of *illegal aliens* are obscured. One of the problems with upholding the rights of *illegal aliens* is that for abuse to stop and be redressed, migrants must make claims, and institutions must address these claims. Thus, "from below," unauthorized migrants must themselves make claims. Migrants, however, don't make claims, because they see themselves as illegal aliens, and therefore, they don't press charges. "From above," there must be institutions in place that can address the claims made by unauthorized migrants. The institutions that deal with and handle *illegal aliens* are highly territorialized (the U.S. Border Patrol is rooted in the U.S., and the Instituto Nacional de Migracion is rooted in Mexico). Thus, when migrants on the move make claims (sometimes from the opposite side of the border: for example, a migrant placing a complaint against the U.S. Border Patrol in Mexico), these institutions are indifferent to these (transnational) pressures. In sum, there are no transnational institutions available to address claims made by transnational migrants. Mexican nationals with visas to cross into the U.S. experience an open and welcoming border, which obscures the intense policing that takes place along the border, making the border wall seem invisible and irrelevant.

The normalization of the border, as a natural part of the landscape, obscures the role of the visa in shaping these experiences of an open and welcoming border. Similarly, unauthorized migrants' experiences of a closed and hostile border are interpreted as a natural part of the context and politics of unauthorized international migrations. Unauthorized migrants view their treatment as a normal and natural, and this normalization leaves migrants without the language or recourse to make claims against their mistreatment. Not only do unauthorized migrants see border policing and violence as normal, there is actually a lack of institutional resources where these migrants can make claims against their mistreatment in the hands of U.S. Border Patrol. In sum, while Mexican nationals with visas and unauthorized migrants face a very different experience of the border (as open and welcoming, or as closed and hostile), they ultimately both hold a similar view of border policing and violence as a normal part of the landscape and politics of the U.S.-Mexico border—this shows that ultimately, the border matters, because it stratifies individuals, shapes their everyday practices, and shapes their understandings of rights.

Chapter 5: Illegality and Racialization

Introduction

Patricia and Sandra are both Mexican nationals deported from the U.S. Sandra has tried to cross 17 times—through the California mountains, the Arizona desert, and the All American Canal. Patricia on the other hand, had been shopping in San Diego, and when she was going back home (to Torreon, Coahuila), there was an inspection—at a secondary checkpoint⁷⁸. Patricia had a visa to travel to the U.S., but she did not get a permit to travel more than 100 kilometers into the interior of the country; she was taken off the bus and put in a detention cell the entire night. She was ultimately deported to Mexicali, just like Sandra.

In chapter one, I argued that the policing of the border is predicated on the legal categories assigned to people; therefore, historically, there have been eras of easy flows across the border, as well as periods of clamping down through massive deportations. Both of these seemingly contradictory practices have been founded on the legal differentiation of people—as legal and illegal border crossers. The case of Patricia highlights the fact that legal crossers as well as unauthorized crossers, both non-citizens in the U.S., are legally vulnerable due to their *deportability*.

This chapter is organized in three sections. In the first section, I provide a short review of the racialization of Mexicans in the U.S. In the second section, I show how documented border crossers (cosmopolitans) experience *illegality* along the border. I argue that Mexican nationals (non-citizens), regardless of their legal status, are at risk of *deportability*, becoming racialized as *Mexican illegals* along the border. That is, even though they have the legal permits to be in the U.S., they become *deportable* because the logic of border policing rests on the apprehension of those suspected as "illegals." The only reason both legal and unauthorized Mexicans become *deportable* is that illegality has been racialized as *Mexican illegality*. In the third section, I show how undocumented border crossers experience *illegality* along the border. Here I argue that three processes have shaped *illegality* for Mexican immigrants, namely: the criminalization of unauthorized border crossing, the lack of opportunities to adjust their status once in the U.S., and third, the dramatic increase in deportations, and the focus on deporting "criminal aliens." Ultimately, I argue that both documented and undocumented border crossers are affected by *illegality*, and that the boundaries of *illegality* have been solidified in the U.S., foreclosing the legal possibilities and options for undocumented Mexican nationals to adjust their legal status. As a result, illegality has both long-term and long-distance repercussions for Mexican nationals labeled as "illegals," and in particular for those labeled as "criminal aliens."

Part I. Historical Policing of the Border: Focusing on and Producing Mexican Illegality

The racialization of Mexicans in the U.S. has been a fragmented and uneven process, one shaped by class and race. According to Ian Haney Lopez (AIC, 2013), Latin Americans in general were ascribed nationalities in the U.S. in the early 1800s; by the 1840s and 1850s, Mexican became racialized as inferior—in part to explain and justify taking almost half of the Mexican territory. In fact, during the process of annexation, debates in the U.S. about annexing the entire Mexican territory were countered with anxieties about also annexing "Mexicans" along

⁷⁸ Beyond the border, there are 33 permanent secondary inspection points. These secondary inspections are described by U.S. Border Patrol as: "Traffic checks are conducted on major highways leading away from the border to (1) detect and apprehend illegal aliens attempting to travel further into the interior of the United States after evading detection at the border and (2) to detect illegal narcotics" (ICE, 2010b).

with the territory, who were described as inferior and "mongrels" (1994). After the annexation, the small, but significant annexed Mexican population was treated as second-class citizens, and Mexicans were described as "indolent, slothful, cruel, and cowardly" (Schoultz, 1998). Two decades after annexation, and once the racial hierarchies were established, Mexicans were described as "naturally industrious and faithful" (Haney-Lopez, 1994:31). Some scholars have argued that the racialization of Mexicans in the Southwest was classed-based (Haney-Lopez, 1994:33), as middle class Mexicans were able to retain some of their privileges. In fact, there are plenty of accounts (ibid) that describe the ways in which these wealthy or middle class Mexican Americans attempted to distance themselves from other working-class and poor Mexicans by claiming whiteness. Claiming whiteness, however, was not just a symbolic attempt to maintain their class privileges: the Immigration law of 1790 established that only white free persons could apply for naturalization. The Naturalization Act of 1790 provided, as a requisite for U.S. citizenship, that only white persons were eligible to become naturalized citizens; by 1870, persons of African descent or African nativity became eligible as well. By 1882, the Chinese Exclusion Act restricted both immigration and naturalization of Chinese migrants⁷⁹. This legislation set the context, then, for immigrants (including Japanese, Indians, and Mexicans) to fight to be considered white in order to qualify for citizenship rights and privileges—with varying outcomes for all these different immigrant groups.

Annexation in 1848 and the subsequent loss of land by the Mexican elite set the stage for how Mexicans—both those who were annexed, and those who migrated subsequently—became *racialized* as inferior. The annexed population was legally considered to have *de jure* citizenship, but in fact become second-class citizens (as a conquered population), losing most of their land after annexation.

In the early 20th century, Mexicans experienced segregation unevenly. During this period, when segregation was institutionalized in the U.S. in the same way African Americans were prevented from using "white" facilities and institutions, Mexicans also faced segregation. However, Fox and Guglielmo (2012) attest that Jim Crow was seldom institutionalized through state or local laws (pp. 358) for Mexicans, as they faced *de facto* not *de jure* segregation in the Southwest. Fox and Guglielmo (2012) argued that in some contexts, Mexicans were considered white (able to naturalize); in other contexts, they were not (school/neighborhood segregated, excluded from courts, etc.). Additionally, an individual's generational status, skin color, or class shaped whether a Mexican was considered white or not (p. 335). Poor and working class Mexicans of dark skin, for example, were referred to and treated as "dirty Mexicans" in Texas, and "the Mexican problem" was explained in terms of hygienic and racial inferiority (Montejano, 1987).

Some scholars argue that today's Latino population—and especially the Mexican population—is essentially different⁸⁰ than the population annexed in the mid 19th century—due to the mass migration from Mexico in the early 20th century, the economic transformation of the Southwest (from rural to urban), and the experiences of these Mexicans as migrants and not as a conquered population (Montejano, 1987). However, it is important to highlight that this new

⁷⁹ <http://www.archives.gov/publications/prologue/2002/summer/immigration-law-1.html>

⁸⁰ Fernandez and Gonzalez (2012) argue that today's Mexican population in the U.S. has little connection or commonality with the population annexed in 1848. They argue that today's immigrants trace their experiences to the movement of people in the early 20th century or thereafter.

immigrant population that arrived to the U.S. in the early 20th century and afterwards, landed in a context where racial ideas about Mexicans already prevailed.

Shortly after the U.S. Border Patrol was established in 1924, Mexican migration became the target and focus of policing along the border.

Established in May 1924, the Border Patrol was created to enforce U.S. immigration restrictions comprehensively by preventing unauthorized crossings and policing borderland regions to detect and arrests persons defined as unauthorized migrants. With Asians, prostitutes, anarchists, and many other categories prohibited from entering the United States and with a massive territory to police, Border Patrol officers struggled to translate their broad mandate into a practical course of law enforcement. Soon, however, in the U.S.-Mexico border regions, the officers began to focus almost exclusively on apprehending and deporting undocumented Mexican nationals (Fernandez & Gonzalez, 2012).

The 20th century was shaped by cycles of encouraging labor migration from Mexico to the U.S., and mass deportations. In the 1930s and 1950s, for example, mainly undocumented, but also documented Mexican migrants and legal persons of Mexican descent were repatriated from the U.S. It has been estimated that about 60% of those repatriated in the 1930s were children of Mexicans, even though they were U.S. born citizens (K. L. Hernandez, 2010b: 2).

Although deportation and repatriation seem like different kinds of expulsion from the U.S., for non-citizens these differences often fade, especially today. According to ICE, repatriation “involves planning and coordinating removals across the country and developing and implementing strategies to support the *return of all removable aliens* to their country of origin” (ICE, 2014a, emphasis added). During the 1930’s, U.S. citizens and non-citizens returned to Mexico. Some did so of their own accord, (which ICE calls *voluntary repatriations*), while others did so coercively by the state. For U.S. citizens repatriated, this meant simply that they moved or were moved to Mexico. Arguably, they could return to the U.S. at any point, since they were U.S. citizens. According to “INS Records for 1930s Mexican Repatriations”:

In all, during the peak years of the repatriation campaigns (1929-1935), the INS formally removed approximately 82,000 Mexicans. These removals were accomplished through both deportation and voluntary departure proceedings (formal voluntary departure proceedings provided an alternative method of removal that allowed aliens subject to deportation to leave at their own expense, saving the government the cost of detention and deportation hearings while allowing the alien the possibility of future legal re-entry) (USCIS, 2014b).

It is during the 20th Century that the focus on Mexicans as the iconic “illegal immigrants” became institutionalized. “Illegal status became constitutive of racialized Mexican identity and of Mexicans’ exclusion from the national community and polity” (Balderrama & Rodriguez, 1995). Thus, given the rise of the “illegal alien” since the 1930s, the regime of deportation—(first implemented by the Department of Labor, then by the department of Justice, and today by the Department of Homeland Security, which housed Immigration Services and Border Patrol)—has become a key mechanism in today’s racialization of Latinos and Mexican immigrants. Other scholars have also documented this process (Ngai, 2003:72). My contribution to the literature is to show how today’s legal categories beyond citizen and non-citizen, beyond legal and *illegal*, continue to shape the vulnerability of Mexican, continue the racialization process of Mexicans as a group, and continue to cast Mexicans as *illegals*. Ultimately, I document to what extent these boundaries of *illegality* have solidified in the current period.

In the past, “formal voluntary departure” provided an option for migrants caught in the immigration system to leave the U.S., with the possibility of adjusting their status in the future. Today, however, repatriation effectively means a deportation for non-citizens. According to the Department of Homeland Security, a deportation is “[t]he formal *removal* of an alien from the United States” (USCIS, 2012b, emphasis added). The difference between “removal” and “return” can have serious legal consequences for non-citizens. A “return” simply means the “movement of an inadmissible or deportable alien out of the United States not based on an order of removal” (DHS, 2010c). A “return” means someone was moved outside of the U.S. This has historically been done at the border once an unauthorized migrant is caught—a “return” had few legal consequences. On the other hand, a “removal...has administrative or criminal consequences placed on subsequent reentry owing to the fact of the removal” (Ibid). Historically, most migrants were “returned” to their homeland, but since 2011, most migrants are officially “removed” (see Table 7 in Appendix A), due in part to “expedited removals”:

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized the DHS to quickly remove certain inadmissible aliens from the United States. The authority covers aliens who are inadmissible because they have no entry documents or because they have used counterfeit, altered, or otherwise fraudulent or improper documents. The authority covers aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled by an immigration officer at a port-of-entry. The DHS has the authority to order the removal, and the alien is not referred to an immigration judge except under certain circumstances after an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country (DHS, 2014b).

Another element that has added to the increasing number of “removals” has been Operation Streamline, an example of the aggressive ICE operations launched within the U.S. While crossings and apprehensions along the border have decreased, removals from ICE (within the U.S. have increased). Given that today most immigrants are “removed,” their ability to adjust their status (if there were to return to the U.S., unauthorized) is dim. Moreover, the grounds for exclusion changed in 1996 with IIRIRA:

Prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, exclusion was the formal term for denial of an alien's entry into the United States. The decision to exclude an alien was made by an immigration judge after an exclusion hearing. Since April 1, 1997, the process of adjudicating inadmissibility may take place in either an expedited removal process or in removal proceedings before an immigration judge (USCIS, 2012c).

All these factors have become “force multipliers” (Kanstroom, 2012) that have intensified the *deportability* of non-immigrants in the U.S., including Legal Permanent Residents (LPR). Approximately ten percent of all migrants deported from the U.S. are LPR (IPC, 2014). This highlights the way the threat of deportation has stretched beyond the boundaries of legal categories (of unauthorized).

Racialization of Mexicans as Illegals

We can think of racialization as a process of two dimensions: one is the cultural dimension (how race is conceived and therefore used to classify individuals); another is the institutional dimension (how norms and practices infused with racial meaning are embedded within institutions). Both of these processes are in turn shaped by the state through laws. Shaping our cultural ideas about race, the state, through laws “constructs races through

legitimation, affirming the categories and images of popular racial beliefs and making it nearly impossible to imagine nonracialized ways of thinking about identity, belonging, and difference” (see K. L. Hernandez, 2010a; Ngai, 2005). This process, identified by Haney Lopez as *law as ideology*, highlights the way that the law produces racial difference (ibid). Beyond the ideological component of the state (through the use of laws), there is also an active creation of racial difference through coercion. According to Haney Lopez, *law as coercion* highlights how the law has shaped physical appearance, created racial meaning attached to physical features, and established the material conditions that code for race (Ibid). *Law as coercive* necessitates institutions that promulgate and enforce the *law as ideology*.

First, from a cultural/ideological perspective, Latinos in general, and Mexicans in particular, are often seen as a national threat (Haney-Lopez, 1996:125). Historically, the policing of the U.S.-Mexico border has been predicated on not only policing people's documented status, but also on policing those who “look Mexican” along the border (Chavez, 2008). Today, the growth of the police state has turned its focus to people of color along the border region and the interior—justified in terms of finding “criminal aliens.” This focus, however, does not differentiate between documented and undocumented persons of Mexican descent. In fact, in 1975, the U.S. Supreme Court ruled that border enforcement could use “Mexican appearance” as a relevant factor in making immigration stops (K. L. Hernandez, 2010a), and thus, sanctioned the racial profiling of people of “Mexican appearance” along the U.S.-Mexico border. Most recently, the U.S. Supreme Court upheld the part of Arizona’s anti-immigrant law (S.B. 1070) that allows police officers to question a person’s immigration status based on “reasonable suspicion” that they might not be in the country legally (Johnson, 2002), inviting the possibility of racial profiling based on “appearance” or “suspicion” of undocumented status. Along the border, the legitimation of national boundaries that render Mexican-looking people as foreigners, make it acceptable to police (documented and undocumented) Mexicans along the U.S.-Mexico border.

Second, from an institutional perspective, the prison-industrial complex is an important mechanism used to discipline African Americans—especially through the war on drugs—and a branch of this prison-industrial complex has expanded to discipline the Latino population—the Department of Homeland Security. Today, *illegality* is part of the growth of the industrial prison complex (ACLU, 2013), which has come to benefit political and bureaucratic entrepreneurs (Parenti, 2000). In fact, the current immigration system focusing on border enforcement, and particularly on the conviction of immigrants for re-entry and criminalizing them for these immigration-related infractions, has been shaped in large part by the lobbying efforts of private corporations dedicated to the management of correction facilities and transportation of prisoners, such as Corrections Corporation of America (Andreas, 2000a)⁸¹ and the GEO Group⁸². Thus, corporate interests have also fueled the quest to “control the border” (Sullivan, 2010).

⁸¹ Corrections Corporation of America “specializes in the design, construction, expansion and management of prisons, jails and detention facilities, as well as inmate transportation services through its subsidiary company, TransCorAmerica” (CCC 2008). In 2009, CCC reported total revenues of \$1.7 billion, with a net income of \$155 million (CCC 2009).

⁸² The GEO Group, formerly Wackenhut Corrections, is the “largest provider of correctional services to the United States Federal Government - and one of the world's largest public companies managing privatized correctional and detention facilities” (GEO 2011). In 2009, reported total revenues of \$1.1 billion, with a net income of \$65 million (GEO 2009).

Illegality and Criminality

The war on drugs, which began in the 1970s with Richard Nixon, and intensified in the 1980s with Ronald Reagan (Andreas, 2000a), has resulted in the disproportionate incarceration of black and Hispanic men (Beckett, 1994). According to Christian Parenti, the war on "illegals" in the 1990s was a continuation of the war on drugs of the previous decades. The war on drugs gave way to the boom in the U.S. prison population of militarized policing and the federalization of the wars on crime and drugs (Mauer & King, 2007). These developments merged the incentives of incarcerating men of color (through the war on drugs) and spending more resources along the border to stop undocumented migrants and illicit substances (the war on "illegals"). In 2008, 46% of all federal personnel with the authority to arrest and carry firearms were employed by the Department of Homeland Security:

In September 2008, CBP employed 36,863 full-time personnel with arrest and firearm authority. The total included 18,665 officers stationed at official ports of entry (airports, seaports, and border crossings), 17,341 U.S. Border Patrol officers guarding the U.S.-Mexico and Canadian borders, and 857 Office of Air and Marine officers patrolling coastal waters (Parenti, 2000).

The U.S. Customs and Border Protection has more law enforcement officers (36,863), than the Federal Bureau of Prisons (16,835) and the Federal Bureau of Investigation (12,760) combined (ibid).

This fusion of the war on drugs and the war on "illegal immigration" has had a particular and unique consequence for the Latino population. In 2009, the Pew Hispanic Center reported that Latinos accounted for 40% of all sentenced federal offenders, 72% of whom did not have U.S. citizenship (Reaves, 2012). While most of those sentenced to serve time in federal prisons were charged with immigration-related offenses (48%), the second most likely reason for serving time in a federal prison were drug offenses (37%) (ibid). Given that the Latino population is largely immigrant—only 42.1% of Latinos in the U.S. over 18 years of age are U.S. citizens (Lopez & Light, 2009)—the incarceration rates have given way to the mass deportation of non-citizen men serving prison terms. That is, once non-citizen men serve their sentence, they can be placed in deportation proceedings. In 2009, 96,965 people labeled as "criminals" for "having a criminal conviction" (Census, 2011) were deported to Mexico from the US. However, ICE has reported that of all "criminals" deported from October 2009 to August 2010, only 16.47% had committed "Level 1" offenses (DHS, 2010b), such as "aggravated felonies" (ICE, 2010a). Thus, the majority of "criminal" offenses are drug related. In fact, before June 2010, for deportation purposes, "two convictions for drug possession add up to the equivalent of drug trafficking, an 'aggravated felony' that requires the expulsion and prohibits immigration courts from granting exceptions based on individual life circumstances" (Morton, 2010).

In 2009, most migrants removed as "criminals" had not committed violent crimes (Bernstein, 2010). The top three leading crime categories of "criminal aliens removed" were "dangerous drugs," which included the manufacturing, distribution, sale or possession of illegal drugs (29.6%); traffic violations (15.9%); and immigration violations, such as entry, re-entry, false claims to citizenship, and alien smuggling (15.4%). Overall, the number of deportations has decreased in the last two years, but deportations of "criminal aliens" to Mexico have increased—see Table 8 in Appendix A. In fact, the Obama administration has focused on deporting "criminal aliens," emphasizing that "U.S. Immigration and Customs Enforcement (ICE) places a high priority on combating illegal immigration, including targeting illegal aliens with criminal records who pose a threat to public safety" (DHS, 2009).

Ultimately, when non-citizen Mexicans are found in violation of immigration laws (or with possession of illicit substances), this leads to a change in their legal status—as non-citizens they become "criminalized perpetual outlaws." That is, not only do they face the consequences of their "crime" by spending time in prison, their deportation also makes them legal outlaws. They become perpetual outlaws: after being deported as a "criminal alien," the possibilities of legal return or of adjusting their status in the U.S. become slim. This change in status further criminalizes and racializes this population. Arguably, these outcomes only affect those who become defined as "criminal aliens." Yet, the stigma of the "Mexican illegal alien" as a racialized label shapes the whole community, as each and all members become suspect. Thomas Jimenez has shown how later-generation Mexican-Americans feel stigmatized due to the stigma of recent immigrants as "illegal aliens" (ICE, 2012). Mexicans in the U.S., regardless of citizenship or class status, tend to feel the brunt of racialization. As a result, they tend to form a strong group identity. In fact, research has shown that group identity, and linked-fate, among Latinos is shaped by immigration experiences and socioeconomic status (Jimenez, 2008). Jimenez also documented how continued immigration from Mexico has contributed to the replenishment of ethnic and identity boundaries for U.S.-born Mexican Americans (Sanchez & Masuoka, 2010). Thus, U.S.-born Mexican Americans have reacted strongly against legislation that attacks undocumented migrants for two reasons. First, due to the number of mixed status families—8.8 million people in the U.S. today live in a household where at least one person in their family is unauthorized (Jimenez, 2008). Therefore, issues concerning undocumented immigrants affect a large portion of the Latino population, even when not everyone in the household is unauthorized. Second, Mexicans in the U.S. realize that racial profiling of those unauthorized will ultimately target them as well. Thus, regardless of documented status, Mexicans in the U.S. ultimately are affected by the racialization of *Mexican illegality*.

In the rest of this chapter, I show how documented and undocumented border crossers experience illegality in the U.S., and I illustrate the extent to which permits that allow one to be legally in the U.S. provide little protection to the policing and disciplining techniques used by the U.S. Border Patrol along the border. I highlight the extent to which legal status does not trump the racialized ideas held by ICE and U.S. Border Patrol about who is deemed detainable and deportable. In sum, Mexicans along the U.S.-Mexico border confront the disciplining arm of the state not only because they are undocumented, but mostly because they are racialized as "illegal Mexicans."

Part II. Crossing Documented and *Illegality*

Nonimmigrants from Mexico, with their legal permits to be in the U.S. but in a temporary legal status (given the temporary nature of visas), illustrate how *illegality* operates beyond legal parameters. They have legal permits to be in the U.S., yet face the consequences of *deportability*. DeGenova defined deportability not only as the actual event of deportation, but also as "the possibility of deportation, the possibility of being removed from the space of the nation-state" (Pew, 2009).

I use DeGenova's concept of *deportability* because it focuses on the *possibility* of getting deported. This umbrella includes unauthorized migrants, as well as non-citizens with visas (tourists) and legal permanent residents. That is, unless you are a U.S. citizen, you could potentially be expelled from the U.S. (under certain circumstances). This condition of deportability places all non-citizens at a certain risk. For unauthorized migrants, their mere presence in the U.S. is grounds for deportation. In fact, a "deportable alien" includes:

[A]ny alien illegally in the United States, regardless of whether the alien entered the country by fraud or misrepresentation or entered legally but subsequently lost legal status (DHS, 2014a).

Given the intensification of deportations (reaching two million under the Obama administration), deportability highlights not only individual risks, but also community-wide notions and understandings of what it means to be non-citizen in the U.S. In terms of the law, being a non-citizen and breaking the law can potentially put a migrant into deportation proceedings. For example, in *Kawashima v. Holder* (2012), the Supreme Court ruled that filing false tax returns is grounds for the deportation of Legal Permanent Residents (Savage & Saillant, 2012).

While citizens cannot be deported, they might also experience the intensification of *deportability*. For example, Anthony A. Clarke, a naturalized citizen originally from Jamaica, was detained for 43 days in 2008 by ICE agents (Mcenroe, 2011). Moreover, in terms of the application of the law, reports suggest that Latinos are targeted unevenly. In a study conducted in Irvin, Texas, the arrests of Latinos for petty offenses, and especially traffic violations, rose dramatically after the local police department signed agreements with ICE. They found that “Irving police engaged in racial profiling⁸³ of Hispanics in order to filter them through the CAP [Criminal Alien Program] screening system” (Gardner & Kohli, 2009).

This research presents a particular case of the change in status of non-citizens with legal permits to enter and travel within the U.S. While Global South Cosmopolitans enjoy the benefits of having a tourist visa to travel to the U.S., once in the U.S., those benefits often disappear as they become stigmatized and racialized as *Mexicans* in the U.S. This might not be a unique problem for non-citizens of Mexican descent, but it certainly affects Mexicans intensely. For example, while Mexican unauthorized migrants account for only 77% of the population of unauthorized migrants in the U.S., “they comprise 93% of individuals arrested through Secure communities” (N. P. DeGenova, 2002:439)—these numbers show the extent to which Mexican-looking people are overrepresented as targets for deportation proceedings.

As a result of the stigmatizing narrative of the “Mexican illegal,” the cosmopolitans in my sample distanced themselves from undocumented migrants (see Chapter 3), yet they acknowledged that once in the U.S., the treatment of Mexicans in general does not differ by legal status. Lucrecia, for example, explains how she is interested in news about immigration control in the U.S. because it affects her, even though she is not an immigrant:

I have been curious about [and watching the news about] the law against migrants [in Arizona]. I think it is an insult for all of us Mexicans, because that is a humiliating treatment. You do not even treat an animal that poorly. And they [U.S.-Americans] want to apply that [treatment and law] to us. For me, that is very difficult.

Lucrecia hints to the fact that all “Mexicans” are treated the same—poorly, like “animals” in the U.S.; therefore, she is interested in the news affecting Mexican immigrants in the U.S. because that news ultimately affects her, as well.

Global cosmopolitans have the legal permits to cross the border and visit the U.S., yet they are treated as “suspects,” suspected of trying to migrate to the U.S. Crossing into the U.S. is never guaranteed, but rather, is always conditional and dependent on the discretion of the customs agent who decides whether or not one can cross into the United States. The Department of State warns, “A visa does not guarantee entry into the U.S.” (Kohli, Markowitz, & Chavez,

⁸³ “The study defines racial profiling as the racially disparate exercise of police discretion in the decision to stop, investigate and/or arrest” (Ibid).

2011). Visa-holders have committed hundreds of dollars, as well as significant time and investment in order to obtain these visas. The benefits they accrue from these visas are surprisingly provisional and fragile—dependent on the discretion of the immigration officer at the point of entry.

Cosmopolitans provide a great case study to think about and explore the practices of the state along the border, because they are middle-class individuals who are not interested in moving from Mexico (i.e., they do not want to become poor migrant workers in the U.S.). Yet, they are not precluded from being treated as “suspects.” They become suspected of: (1) trying to migrate to the U.S. (lying to the U.S. Embassy); and/or (2) trying to smuggle illicit substances across (lying to the CBP about what they are bringing across the border). People certainly do engage in these two types of activities—migrating to the U.S. with a tourist visa, and/or smuggling illicit substances across. CBP is unable to distinguish between different groups of people; therefore, being “Mexican” becomes “suspicious” by default. For cosmopolitans this means that regardless of their particular circumstances, they are treated with a certain degree of distrust for the mere fact of being Mexican.

In 2005, of all the people entering the U.S. through an official port of entry, 40% were U.S. citizens, 16% were immigrants, and 44.6 % were non-immigrants (USDS, 2013a). After primary inspection, non-immigrants were sent to secondary inspection at higher rates than U.S. citizens and U.S. Immigrants/Permanent Residents. While only 0.7% of U.S. citizens and 2.0% of U.S. Immigrants/Permanent Residents were sent to secondary inspection, 3.5% of non-immigrants were sent to secondary inspection—more than 6 million cases. After secondary inspection, 375,095, non-immigrants were not allowed to come into the United States (TRAC, 2005a). Finally, 11.9% of those who were not admitted were also placed under “expedited removal” proceedings (aka, deportation) (TRAC, 2005b). Unfortunately, the data provided by TRAC does not include country of residence; therefore, few conclusions can be reached about the particular experiences of Mexicans with visas. However, historically, “Mexican immigrant workers emerged as the primary targets of the US Border Patrol... [through the establishment of] Mexicans as the ‘iconic illegal aliens’” (TRAC, 2005c). Today, Latinos are disproportionately impacted by immigration law enforcement. For example, “Latinos comprise 93% of individuals arrested through Secure Communities,⁸⁴ though they only comprise 77% of the undocumented population in the United States” (K. L. Hernandez, 2010a: 2).

Given the conditional nature of crossing into the U.S. with a visa, Global South Cosmopolitans from Mexico have to come to accept and (sometimes even expect) that they will face (multiple) inspections upon entering the U.S., which in turn might render them “suspects.” This treatment is vastly different from what visitors from Canada experience, although other

84. Secure Communities is a program implemented by ICE in which a person's fingerprints, taken when in custody of law enforcement, are sent automatically “to DHS to check against its immigration databases. If these checks reveal that an individual is unlawfully present in the United States or otherwise removable due to a criminal conviction, ICE takes enforcement action – prioritizing the removal of individuals who present the most significant threats to public safety as determined by the severity of their crime, their criminal history, and other factors – as well as those who have repeatedly violated immigration laws” (ICE). Since Secure Communities was implemented in 2008, “approximately 3,600 U.S. citizens have been apprehended by ICE [through the Secure Communities program] from the inception of the program through April 2011” (USBP, 2014).

racialized groups also experience hostility when crossing into the U.S. However, for the most part, Canadians do not have to deal with the suspicion of illegal status. This has been historically the case (Kohli et al., 2011). Canadians, like other Global North Cosmopolitans, travel with passports issued in the Global North, and rarely need to obtain permits to enter other countries. For example, visa policies for Canadians differ significantly from the visa policies for Mexicans, as "[m]ost Canadian citizens and many citizens from Visa Waiver Program countries⁸⁵ can come to the U.S. without a visa" (Ngai, 2003). Likewise, U.S. citizens need no visa to travel in Mexico. But cosmopolitans from Mexico do need visas to come into the U.S., and these visas offer little protection from the stigma of *illegality*.

Camilo explains how sometimes, "I have to get in line for 3 hours to cross, and then, they [Customs] ask me to get out of my car for further checks." Revisions of documents (the visa) to enter the U.S. can be so extensive that the process becomes almost intrusive. Julio explains, "once, they checked my car so much, they almost took it apart." These extensive inspections are performed on a regular basis and are understood as typical and expected. Immigration law itself is written to specify that entry into the United States by foreigners be understood as an attempt to eventually migrate to the U.S. Section 214(b) of the Immigration and Nationality Act (INA) states:

Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for admission, that he is entitled to a nonimmigrant status (USDS, 2010d).

Even though the consular officer determined that these Global South Cosmopolitans had proven their unlikelihood of migrating to the U.S., subsequent inspection highlights the extent to which they remain "suspects."

If Mexican Nationals living along the U.S.-Mexico border want to travel more than 25 miles into the U.S. interior in California and Texas, they have to ask for a special permit in addition to the visa—Form I-94. Obtaining this second permit becomes a second "revision" process, in which they have to demonstrate their economic standing, once again.

Alfonso, an 18-year-old college student who goes to the U.S. about once a week, usually to shop, explains what it is like to ask a permit to travel further into the interior of the U.S.:

With permits, when I have needed permits, and they have not authorized them to go past Los Angeles and San Diego...they tell you that they have to check your documents or that you need more documents, and if you don't have [a certain] document, they don't give it to you. So you have to go look for it and go back... it costs about \$10 dollars.... It depends on how they see you, if they see you are a student, they are more likely to give it to you for longer, but if they see that you don't have all the requisites, they might just give it to you for a weekend.

Inspections and revisions can be both intimidating and frightening. It can be so stressful that sometimes people are not able to give coherent responses. Pedro explains,

Sometimes, the questions they ask, I forget in what semester [of college] I am, then they ask what university I am attending [I don't even know], and then they ask me again the

⁸⁵ Citizens of 36 countries are eligible to travel to the U.S. without a visa. These include: Australia, Austria, Belgium, France, Germany, Greece, Italy, Japan, the Netherlands, Norway, Portugal, Singapore, South Korea, Spain, Sweden, Switzerland, and the United Kingdom, among others.

same questions, and sometimes I really get nervous, and they ask me again [and again], until I do not make any mistakes and then they let me go [cross into the U.S.].

As Pedro highlights, the process of gaining access, or crossing into the U.S., can be extremely intimidating. Even middle-class Mexican citizens feel pressured and make mistakes when answering the grilling questions of Customs and Border Protection officers.

Global South Cosmopolitans are often treated as "suspects" and run the risk, every time they cross, that their visas can be removed. This was the case of Ana, a Mexican citizen with a visa to cross into the United States, who used to cross the international boundary on a regular basis—two to three times a week. She used to cross the U.S.-Mexico border unfettered, crossing to shop for clothes, food, and electronics, as well as to attend English courses, see movies, and go to nightclubs. Her permanent residency, however, was in Mexico, where she was attending college, and had a job. But crossing with a visa is never a certain event, and things can quickly go wrong. Thus, on one occasion, when she was crossing with her boyfriend, a white U.S.-citizen, she became "suspect" in the eyes of a U.S. Border and Customs Patrol (CBP) agent—something about her story did not make sense to the officer. Ana was detained for three hours and interrogated about her "intentions." Ana was separated from her boyfriend. They were questioned separately for three hours. In the eyes of CBP agents, it wasn't clear or not if Ana was trying to permanently move to the U.S. and thus overstay her visa. Ana explained that she was working and going to school in Mexico, and showed documents to prove it. Ultimately, Ana's visa was repossessed and she was sent to Mexico—even though Ana was both working and going to school in Mexico, and had crossed with no problems in the past. Ana was told that she was banned for five years from even applying for another visa. When I met Ana, she anxiously awaited to reapply for a visa to be able to visit the U.S. again. In a second, Ana's unfettered ability to cross the U.S.-Mexico border was annulled.

The fact is that cosmopolitans, because they are non-citizens and have a temporary status, are always at risk of deportability. For example, Patricia, a 42 year-old woman from Torreon, Coahuila, Mexico, was deported from the U.S. because she had a visa to travel to the U.S., but failed to request a permit to travel more than 100 kilometers into the U.S. On her way back the Mexico, after shopping the whole weekend in San Diego, she was taken down from the bus and put in a detention cell the entire night⁸⁶. She explained:

It was nighttime, and it was four of them [four male guards]. I was by myself and I was very scared. I knock[ed] on the window because I wanted to speak with someone from the [Mexican] consulate. One of the men, who seemed really sleepy, responded saying that I needed to sign the forms they were asking me to sign. I did not want to sign the forms but they told me that if I did not sign I would have to see a judge [and wait, detained, much longer]... They did violate my human rights because I requested to speak with a lawyer and they denied it to me.

Evidently, once detained and under removal proceedings, there is little people can do. Even cosmopolitans, with their resources in Mexico and human capital, are (for the most part) unable to avoid removal proceedings. Patricia entered into the U.S. through Ciudad Juarez-El Paso, Texas, and actually did not need the permit, since she was traveling within the 25-75 mile border

⁸⁶ Increasingly, law enforcement officers (in this case U.S. Border Patrol officers) conducting checks have the discretion to determine whether someone is placed on the path to deportation. In this case, Patricia did not need the permit, but was placed in deportation proceedings at the discretion of the officer.

zone⁸⁷. Nevertheless, not having the permit was reason enough to detain her and deport her—at the discretion of the agents⁸⁸.

One way that deportability is enforced beyond primary inspection at the border is through secondary inspections in the interior. For nonimmigrants, deportability is always possible since they are traveling in the U.S. with a temporary permit. Arnoldo, for example, who has a tourist visa to travel to the U.S., forgot to request a permit to travel beyond the border zone one day. He was detained at a checkpoint on his way back to Mexicali—without this second permit, Arnoldo's visa was ineffective. Arnoldo knew that once detained he could not reason with U.S. authorities about why he did not have a permit, and would lose his visa. As he was taken back to Mexicali on a bus, he realized that he would be deported and banned from entering the U.S. On the way back to Mexico, he cut both of his thumb-fingerprints with the fingernails of his index fingers: that way, when they took his fingerprints, they would be unreadable. Arnoldo was successful in making his fingerprints illegible, thus keeping his visa. He continues to travel to the U.S. on a regular basis. Arnoldo knew that he could not reason or argue his way out of his situation; he resorted to the most practical (even if extreme and painful) way to keep his visa—to alter his fingerprints.

Gender also shapes experiences of illegality. The stereotypical “illegal alien” is the male worker, but women are also often seen as potential *illegal* migrants. Women have simultaneously been portrayed as passive followers of male partners, or active seekers of U.S. legal status (as mothers of “anchor babies”). Ana's case exemplifies the extent to which a Global South Cosmopolitan in the U.S. is not a “global citizen,” as a visa does not guarantee that they will be allowed into the U.S. each time they request to enter. This highlights the fact that Mexican nationals do not necessarily have “visa-friendly passports” as cosmopolitans from the Global North enjoy.

In another case, Nancy was traveling back to Mexicali from a weekend in Las Vegas with her boyfriend, a U.S. legal resident. The U.S. Border Patrol, at some point during their trip, stopped them at a checkpoint. Even though Nancy had a full time job in Mexico, and she was coming from a tourist destination from which she had traveled back and forth previously, her visa was taken, and she was deported to Mexico. When asked about what she thinks about the border wall Nancy explains:

I think that God did not put the border. God did not divide anything; the border, the division was made by men. It is dividing and separating people who are in need, people who need jobs.

Nancy, does not talk specifically about her own situation: she talks in general, about how she does not think the border is natural or normal—bringing her religious beliefs into a discussion about a division that she believes is not moral. However, when asked if she has any resentment toward the U.S., she explains:

⁸⁷ The border zone—where Mexican visitors can travel with a Border Crossing Card without a second permit—is within 25 miles of the border in California and Texas; within 55 miles of the border in New Mexico; and within 75 miles of the border in Arizona (Kohli et al., 2011:4). For those traveling for more than 30 days or farther inland, they must apply for a permit using the I-94 form.

⁸⁸ Jennifer Chacon argues that discretionary powers at the bureaucratic level have increased—now agents can determine whether or not someone is put on the path to deportation—while the discretionary power at the judicial level have decreased (CBP, 2013a).

I am resentful with the racism... what I went through was really bad... I was going [to cross] fine, so why did they treat me like that? It was not one agent; it was like 20 agents from the U.S. They had authorized me to enter their country and just because one of them thought to take the visa away, then [they just go ahead and do it.

The cases of Nancy, and of other women, not only show the precarious situation of Mexican nationals whose visas might be removed at any point of revision, these examples also highlight the extent to which border patrolling is gendered, as women become suspects of entering the U.S. through husbands, boyfriends, or male relatives. The views and attitudes about Latinas in the U.S. has been documented by Leo Chavez, who has argued that media representations of "Latina hyper fertility" present Latinas as threats to "the nation's demographic future by adding to population growth and changing its ethnic-racial composition (read: proportionally fewer whites)". Thus, women with visas can also become "suspicious" when in the company of men with legal status in the U.S. This reflects how Mexican women in the U.S. are often seen as potential mothers of "anchor babies," or are overtly sexualized, placing them in precarious situations, even when they have no intention of migrating to the U.S.

In the context of the U.S.-Mexico border, Mexicans are often treated as "illegal aliens" regardless of actual legal status. Global South Cosmopolitans from Mexico, who have the legal permits to cross into the U.S. legally, show the extent to which Mexicans remain highly racialized as "illegal aliens." Even though these cosmopolitans from Mexico have no intentions of migrating to the U.S., once they cross the border, even as tourists, they become vulnerable due to their tenuous legal status (as tourists with visas without permanent residency in the U.S.). With few or no legal recourses, once they find themselves entangled in U.S.-immigration law enforcement or border policing proceedings, few know how to challenge U.S. authorities.

Cosmopolitans are a privileged class in Mexico (as middle-class), but a vulnerable population in the U.S. (radicalized as Mexican and potentially "illegal"). Thus, they often explain that they would never move to the U.S. because of the discrimination and racism they would face on a regular basis. Luisa, for example, complains about the way Mexicans are treated in the U.S. She explains:

I do not like how we are treated, like if we were drug-dealers, delinquents. They throw the dogs at us. They stop us and throw the dogs inside your car. They don't care if you are an elderly person. We know that the drug dealers are of all ages, but I think it is a violation of human rights. I would never like to live there. I have cousins who live there, but I don't like their lifestyle. Here in Mexicali, I have my house, my car, my daughters. They are professionals and we don't need to earn dollars. I have a job here and we live well. My cousins in the U.S. have nice things and nice cars, but they owe everything, so we live better here and we have more freedoms.

Luisa reflects on the stereotypes held about Mexicans in the U.S. as "drug dealers" and "delinquents," which in turn shapes how people like herself are treated—poorly. Moreover, she compares her middle-class life style in Mexico (with a house, car and professional children) vis-à-vis her relatives' life in the U.S. (with significant debt and experiencing poor treatment), concluding that her life is better off in Mexico.

Many Global South Cosmopolitans spoke directly about discrimination, and in particular, about racist treatment in the U.S. when discussing why they would not move to the U.S. Hilda explains why she would never move to the U.S., stating: "because (over there) it is only about work and work, and there is not a lot of freedom. They stop you for everything, and there is a lot of discrimination." Alonso explains, "Two reasons (I wouldn't want to move to the U.S.). One,

is that I think they are really boring, they don't have a life, they only work and consume. The other reason is that they are racist." Lilia further explains, "I realize the way they treat Mexicans, the racism, that is why I don't want to fall into that system. I think that living there would be like supporting them, (their system) of treating Mexicans poorly and (supporting) that they can do whatever they want with us."

Racialization of Mexican illegality is also illustrated by well-documented, systematic harassment. The racialization of Mexicans as "illegal aliens" was recently illustrated by the infamous detention and interrogation of Raul Castro—the 96-year-old former governor of Arizona—who was asked to leave his car in a triple digit heat, was questioned and inspected for about 10 minutes outside his car, and was asked to show his ID by the U.S. Border Patrol. His companion and driver, Anne Doan, a white woman, was never asked for identification. In the U.S., "approximately 3,600 U.S. citizens have been apprehended by ICE [through the Secure Communities program] from the inception of the program through April 2011 (Eng, 2012); and several cases of deported U.S.-citizens have emerged."⁸⁹

In addition, there has been some effort to show the extent to which racial profiling informs the harassment of non-citizens suspected of being unauthorized in the U.S. The Legal Action Center of the American Immigration Council, the National Immigration Project of the National Lawyers Guild, the Northwest Immigrant Rights Project, and the ACLU of San Diego and Imperial Counties have undertaken a national litigation effort against CBP for their abuse of power (Kohli et al., 2011: 4). While not all the cases explicitly state whether or not citizens or non-citizens filed the complaints, three of the complainants are (explicitly) U.S. citizens. In one of the cases, for example, the U.S. citizen was detained because she is in a mix-status family (some of her relatives are Legal Permanent Residents and others are undocumented). A four-year old, E.R., was on her way back to the U.S. from Guatemala, when she was stopped at the airport and then returned to Guatemala.

On March 11, 2011, E.R., a four-year-old U.S. citizen, was detained by Customs and Border Protection following her arrival at Dulles Airport. E.R. was returning home to New York from a vacation in Guatemala with her grandfather, when her flight was diverted from JFK to Dulles airport due to bad weather... CBP called [her father], and claimed that CBP could not return E.R. to "illegals." The CBP agent gave E.R.'s father an hour to decide whether she should be sent back to Guatemala or to an "adoption center" in Virginia... Back in the United States, E.R. was diagnosed with posttraumatic stress disorder by a child psychologist, who concluded that the PTSD was a result of her detention, her separation from her parents, and her perception that she had been deported because her father did not pick her up from the airport. E.R.'s father seeks damages on her behalf for her unlawful treatment (ibid).

In another case, a U.S. citizen was stopped for no apparent reason. It seems she was stopped because she was driving with two people "of apparent Latino descent." She was detained and interrogated for several hours. Sometimes, detention of U.S. citizens results in violent treatment by CBP agents.

On November 5, 2012...A CBP agent stopped Ms. Mireles and searched her car. Ms. Mireles did not interfere with the search, and no illegal items were found. The agent became agitated and reacted violently when Ms. Mireles asked him about his search of

89. For example: Pedro Guzman (in 2007), Mark Lyttle (in 2008), and Andres Robles (in 2011) were all deported to Mexico (Chacon, 2013a), and Jakadrien was deported to Colombia in 2012

her handbag. The agent grabbed her with both hands and threw her onto the ground with such force that her jeans ripped open at the knee and she suffered a large knee wound as well as several cuts and abrasions on her elbows. The agent put his full weight on her small frame and handcuffed her so tightly that the fire department later had to be summoned to cut the handcuffs from her wrists. Ms. Mireles, who was understandably confused, scared and crying, asked the agent to explain what was happening. He responded by threatening to hit her if she didn't shut up. After being treated by paramedics for her injuries, Ms. Mireles was released from custody without being charged with an offense (ibid).

These cases of U.S. citizens filing complaints against CBP hint that racial profiling might be one factor that shapes who is selected to be detained for questioning, yet racial profiling is not the explicit cause of the complaint.

In sum, Global South Cosmopolitans are always at risk of being suspected of trying to "sneak" into the U.S. with the intention of migrating permanently. Even though Mexican nationals with visas have typically good economic standing, they can easily become *illegalized* for being Mexican. Thus, the attitudes of middle-class Mexicans visiting the U.S. only highlight and corroborate the low and negative status Mexicans have in the U.S. imaginary, as well as the ways in which "illegality" is also an "abject status, that is, one of "the lowest and most contemptible, most wretched social status" in the U.S. (AIC, 2013). Illegality, along the border, is more than policing legal status, as even those with legal permits to be in the U.S. face the risk of deportation.

Part III. Crossing Undocumented and *Illegality*

De Genova (Gonzales & Chavez, 2012) argues that immigration law defines *illegality*; therefore we can only understand *illegality* in relation to the state. Purposely designating some subjects as *illegal* serves various purposes. On the one hand, it helps to discipline one segment of the labor force (by making "illegal" workers vulnerable). On the other hand, *illegality* creates monolithic notions of national identity (by delineating who legitimately belongs and who doesn't). *Illegality*, more than a legal category, is a social construction generated by the state, which shapes the everyday lived experiences of migrants through the expectation and experience of *deportability*. Thus, the state regulates belonging not only by shaping *legitimate* forms of belonging, but also through the creation of *illegitimate* or *illegal* forms of belonging.⁹⁰ My research shows that there are three important processes that shape *illegality* for Mexican immigrants. First, through the criminalization of unauthorized border crossing; second, the lack of opportunities to adjust the legal status of Mexican migrants once in the U.S.; finally, the dramatic increase of deportations and the emphasis on deportation "criminal aliens" have all shaped the solidification of illegality in the U.S., resulting in what I call *the perpetual illegalization of migrants*.

Crossing

90. "Illegal forms of belonging" refers to the fact that undocumented migrants must resort to various mechanisms to adjust to living in the U.S. undocumented. For example, they must purchase false documents to obtain a job; they must drive without a license; and they might even have to pretend to be U.S. citizens to attend school (as in the case of undocumented children and youth). These illegal forms of belonging are shaped by the U.S. government, in that these strategies arise from governmental laws and regulations.

Unauthorized crossing has increasingly become criminalized. When *illegality* results in deportation, *illegality* turns into criminalization, given that the more times one is processed through a deportation, the more likely it is that one will be banned from returning to the U.S., thus adjusting one's immigration status. The first time a person is deported, they might receive a five-year ban from returning to the U.S.; the second time, they might get a ten-year ban; and the third time, they might get a twenty-year ban. While these *illegalized* migrants have important incentives to go back to the U.S. (that is, family reunification, work, safety), their deportation and processing by the U.S. government diminishes their likelihood of ever adjusting their status, to the point of nullifying any process for legalization. Thus, border enforcement and increased deportations have *solidified the boundaries of illegality*.

Legally, perpetual illegality is inescapable for Mexican unauthorized migrants, even when their only infraction is to cross the border unauthorized. Once migrants get caught along the border multiple times, their legal situation worsens. For unauthorized migrants, multiple crossings result in longer *illegalization*. Sandra, for example, has never actually lived in the U.S., but has already been convicted of an immigration offense. Sandra, a 24-year-old woman s trying to make a documented cross by getting a visa to visit her sick sister, was unable to attain the document. She decided to try to cross undocumented, attempting to cross through Arizona. She was caught. At that time, she was sentenced to serve 15 days in prison, and was banned from returning to the U.S. for five years. She had come to the border with her husband and two children, and all of whom, except her, had managed to cross. Now her husband, two daughters, an aging mother, and a sick sister await her in the U.S. She continues to try. She has attempted the crossing 17 times, and is now banned from returning to the U.S. for 20 years. Sandra's only violation was to cross undocumented; in court, she explained to the judge that she had a sick sister. The judge responded that that unless her sister was a U.S. citizen and dying, Sandra would be ineligible for a humanitarian visa. If Sandra does manage to reach the U.S., she will be unable to adjust her status due to the 20-year ban—and will thus live there *illegally*.

Migrants without documents to cross, but with families in the U.S., often try to cross multiple times—as many times as it is necessary for them to reach their destination—which further complicates their legal situation. For example, Jorge, a 38-years-old man from Nogales was deported. He had lived seven years in the U.S., was deported five years ago, and was given a ten-year period to be outside the U.S. This time, he was told that he would have to remain outside of the U.S. for twenty years, or spend six months in prison if he was caught again. Now Jorge has a ten month-old son, his first child. He left his wife behind, who could not stop crying on the phone. He said, "I am the only one who works. I cannot leave them." He was heading to Nogales, where he had relatives, to try to cross again. The pull to return to the U.S. is greater than the legal ban or threat of *perpetual illegality*.

Once in the U.S.

After people are able to cross the border unauthorized, their *illegality* follows them into the interior of the U.S. Living undocumented in the United States means that people are not eligible to adjust their status⁹¹, thus making them *perpetual illegals*, keeping them in the shadows and on the peripheries of society. Today, living as an undocumented migrant in the United

⁹¹ A Mexican undocumented migrant wishing to adjust their status must leave the U.S. in order to appear at a U.S. embassy in Mexico to get their permit. Once the person leaves the U.S., a 10-year penalty applies, and they must now apply for a waiver to return to the U.S. Few people want to take the risk of being banned from entering the U.S. for 10 years.

States means that more than ever before the "deportability" of everyday life has intensified (2002). In 2009, the U.S. deported 613,003 people; 86.16% of those migrants were deported to Mexico (N. P. DeGenova, 2002). Since Obama took office, more than two million migrants have been deported.

For these migrants who are deported to Mexico, have been living for many years in the U.S. Family ties are a strong force that pulls them to return to the U.S. Arturo is a clear example of the persistence migrants demonstrate, not only through his desire to provide for his family economically, but to be reunited with his family. Arturo also showcases another example of the consequences of multiple unauthorized crossings. Coming to the Migrant Help Center to drink some coffee, he was waiting for his wife in the U.S. to deliver some clothes and money. Arturo told me his story of how he found himself deported and ineligible for a hearing.

A 44-year-old man from Sinaloa, Arturo had not been to Mexico in 13 years. He had tried to adjust his status in the U.S., since he has five U.S.-born children. However, he was detained and deported in 1997 after being caught in the same car with his cousin who sold drugs. Given that he had U.S.-born children, he asked to see a judge when he was told he was going to be deported, this time; he was told that he "did not have the right to talk to a judge or lawyer" because he had already been deported previously. He was also told that if he was caught again in the U.S., he could get "2 to 20 years of prison, and a fine up to \$250,000." He was not sure if this information was accurate, but was fearful nonetheless. Arturo's wife and children are in the U.S., but he has no way to get back to them through legal means. In fact, the moment he steps in the U.S., he will automatically be criminalized. If he does manage to return to the U.S. he will live in *perpetual illegality*—unable to adjust his status and unable to fully be part of U.S. society. Whereas U.S. citizens who commit violations—like running a red light, selling marijuana, or robbing a car—are punished according to their crimes, immigrants are punished for the same crimes in disproportionate ways. Not only do they face time in prison (where they "pay" for their crime), they are also deported and banned and consequently, from adjusting their legal status in the U.S.

Once in the U.S., these unauthorized migrants face perpetual illegality because they are unable to adjust their status. Some of the migrants who were deported from the U.S. actually had pending cases, and they were waiting for those cases to be approved and thus gain legal residency. After a migrant is deported, a pending case in the U.S. can become complicated. The case of Maria highlights how migrants can be deported, even with pending cases. She was traveling from El Centro to Las Vegas to visit her sister, when at a secondary checkpoint, a border patrol agent asked her for her papers. She showed him the paper that Immigration had sent her. She had been living in the U.S. for 17 years; her father and mother were legal residents in the U.S., and were petitioning for her. But the immigration officer said this did not matter—having a pending case would not prevent her deportation. They told her that she could go in front of a judge, but she would be detained for three days and then taken to the judge in ten days. Thinking immediately of her mother, who had diabetes, and would get too worried, even ending up in the hospital, Maria signed the voluntary departure. Maria did not seek the advice of a lawyer, was not counseled about the consequences of her decision, and was subsequently deported to Mexico. In Mexico, Maria told us her story: of how she was born premature, and is not able to walk correctly, and at 39, she was now back in Mexico, after 17 years of living in the U.S. Maria asked me to call her mother, and when I spoke to her, her mother began crying saying, "*Yo ya presentia algo* (I knew something was wrong)." Maria spoke to her mom on the phone, reassuring her mother, "No, don't worry, I am fine. *A mi no se me cierra el mundo* (the

doors won't close to me), I am going with my aunt in Sinaloa, since I have not seen grandma in 17 years. [Silence]. No, no, no, don't worry: *yo no tengo sueño americano* (I don't have an American dream)." She told us, at the Migrant Help Center, how border patrol agents had made fun of her. She was carrying a savings piggy bank, with all the coins she was saving, and she broke it once she was detained to make sure officers did not steal her money. She was very upset because they laughed at her. "Stupid *gringo*, what would they do if no Mexican went over there, what would they do?" She seemed anxious, nervously, going through her backpack looking for something. She seemed to try to keep herself busy, saying repeatedly, "17 years *hechados a los basura* (wasted), but *a mi no se me cierra el mundo* (the doors won't close on me). They can go to hell." Maria's story reflects many others stories of removal after long settlement in the U.S. Sometimes migrants have cases pending, who like Maria, are merely waiting for a visa to become available.

According to the National Visa Center, the number of immigrant visa applicants on the waitlist from Mexico totals more than 1.3 million cases (each case might include the principal applicant, spouses and children) (DHS, 2010a). As of November 2013, the National Visa Center was processing visa petitions for unmarried sons and daughters of U.S. citizens from Mexico filed on or before September 22, 1993—due to the limited availability of visas (USCIS, 2012a).

Many migrants with spouses or relative to sponsor them to become legal residents in the U.S. found themselves deported. Jaime, a 20-year-old man, had been living in the U.S. for 15 years, since he was five-years-old, and was surprised by the way people drove in Mexicali. He told us that he had married a U.S. citizen four months ago, but now was not sure what was going to happen to him and his wife. He seemed nervous and was also surprised to see Christmas lights hanging on the main avenue. He said, "Wow, everything seems so modern here. I did not think it was like this." Jaime did not know Mexico, and had no idea what Mexico was like; his whole life was back in the U.S., including his immediate family and wife. These migrants with family members in the U.S. who could potentially petition them—to adjust their status—see their cases crumble once they are detained and deported. Once in Mexico, they are banned, automatically, from returning and adjusting their case for 10 years.

In another example, Rigoberta came to the center asking for some painkillers because her whole body was in pain. I went with her to see the doctor across the parking lot, since she is diabetic and afraid to take any medicine. On the way there, she told me that she had been living in the U.S. for 18 years; eight years ago, she had started to process adjusting her status. She told me, "They never told me anything, yes, or no, just one day, early in the morning two months ago, they (ICE) came to pick me up in my house." Her husband is a legal resident; her children are U.S.-born; apparently, her case was denied. She had not seen her extended family in Mexico in nine years, so she decided to leave to Oaxaca for a month and a half to visit her extended family. Now she was back from Oaxaca, trying to cross, to be reunited with her family in the U.S. The coyote told her that it would take six hours walking. According to Rigoberta, they had walked for two days in the desert before Border Patrol caught them. She had cactus thorns throughout her body.

Once *illegal* and caught, it seems to only perpetuate the status—given that the opportunities to adjust one's status become more difficult—if not null. For example, Ernesto, a 41-year-old man from Michoacán, was brought in by a gray van by the U.S. Border Patrol. He had been living in the U.S. for ten years, with his wife. He used to come and go, come and go, across the border, until he was stopped one day in Tucson. He was given a five-year ban from returning to the U.S. Last year, he was deported; three months ago, now deported again, (his

third time), he was given a 20-year ban from retuning to the U.S. The border patrol agent that got him this time told him, "I understand you want to get back to your family and work, but the more you cross, the more difficult your case will be." The migrant told the officer, "I want to get a permit or something to go back legal, but I have never heard of a program like that." He worked in agriculture, in the lemon orchards. He said he wanted to go back to the U.S. because he wanted to get back to his family, but he also wanted to be free. He said, "Because when you are in there, you are always careful. *Cuando salia yo decia, espero regresar, porque uno nunca sabe.* (When I would go out, I would tell myself, I hope to come back, because one never knows)." This last time, he was detained by the same officer who had detained him three months ago, so now he was worried, explaining, "if I go back, I need to move, because the cop was the same one. He knows me now." Ernesto is determined to go back to his wife and family in the U.S., yet he has to live in the U.S. as a *perpetual illegalized migrant*, since he is banned from even applying to adjust his status for 20 years. Once in the U.S., he is the target of law.

Women often experience dual violence: from the state, but also in the private sphere. Thus, not only do they have to encounter the violence of the state in the form of deportation, but they must also deal with violence in the private sphere. For example, Alicia, a 27-year-old woman from Oaxaca, arrived with her eyes blood-shot-red, and as soon as she entered the Center, she began crying. Another volunteer interviewed her as I prepared her coffee. Alicia had already been living in the U.S. for five years in Palm Springs, California. She was detained and deported when she called the police to report her boyfriend for domestic violence. Even though she could have applied for a U visa, as a victim of criminal activity (domestic violence), she was never told she was eligible for it. Now in Mexico, she called a friend to borrow \$300 USD to try to cross back into the U.S. Alicia, in an attempt to protect herself from the abuse in the hands of her boyfriend, called the police, only to find herself reported to ICE and deported.

In another case, Margarita, a 25-year-old woman from Jalisco, had left her home in Mexico seven years ago to leave behind her abusive partner. She was fleeing domestic violence, and had lived in Riverside, California for the last seven years. She was driving her car without license plates, and when the police stopped her, she thought it was about the license plates. Instead, she was immediately asked about her papers, "Do you have papers?" the police officer asked. "No," she responded. "Wait here." She was ordered by the officer, and minutes later, ICE showed up. She reported that she was put in a cell for four hours. She asked for a phone call but was told, "Later." The time passed, and they never allowed her to make the phone call she requested. Then, she was transferred to Palm Springs. There, she asked for a phone call again, and they allowed her to call her friend. In Palm Springs, she felt sick with chills, a strong headache, and nausea. They asked her if she was okay. Although she told them that she felt really sick, they told her they could not give her any medicine. From Palm Springs, she was transferred to Indio/Centro, where she felt treated like a criminal. She was asked to put her hands on her head, was checked, then and patted down—she felt it was unnecessary. After seven years in the U.S., Margarita wanted to see her mother and grandparents back in Jalisco. She plans to go back to the U.S. Again, she will cross unauthorized, and little will change in the U.S., except that now she has been through the system, Margarita is banned from returning to the U.S. for ten years, and if caught and deported again, will face longer bans.

Deportations

Current immigration laws stretches and solidifies the boundaries of *illegality* and criminality, not only because it includes and labels more people as *illegal* and "criminal aliens," but also because it stretches the time and spatial applicability of these labels. That is, more

people are labeled as "criminal aliens" by the mere fact of increasing convictions for undocumented re-entry; at the same time, even people who live in Mexico are *illegalized*. That is, from the U.S. standpoint, even people living outside its territory are *illegalized* because many have 10, 20, or for-life bans on returning to the U.S. Their *illegal* status does not only apply within the U.S., but also follows them outside the U.S. (see Chapter 3, where I focused on the experiences of inadmissible migrants living in Mexico).

Once migrants are deported as "criminal aliens," their opportunities for adjusting their status are null. Once men deported from prison go back to the U.S., they become *perpetual outlaws* because, regardless of their actions, lifestyle, or conduct, they are unable to fix their status—unable to become legal residents or citizens in the U.S. Thus, their outlaw status makes them vulnerable to prison time and deportations. Yet, the strong ties these migrants maintain in the U.S. (familial, economical and cultural), makes them attempt to go back to the United States through extra-legal means.

For example, Sebastian had lived in the U.S. since he was 14 years old. He had married a U.S. citizen, become a legal permanent resident, and could have applied to become a U.S. citizen in 1998, but he did not think it was necessary. In 2002, he lost his legal residency status because he was caught selling drugs, and was subsequently deported to Mexico. He went back to the U.S., but was arrested again in 2006 for possession of a firearm. He spent 45 days in prison, was deported again, but returned to the U.S. In 2008, he drove on a bus-only lane in Los Angeles, was stopped by the police, sent to jail for three years (for violation of parole), and deported once again to Mexico. His wife and three children were in Los Angeles, California, and he was planning to go back to the U.S. to be with them. Sebastian felt like he carried a "burden" when he was in the U.S., and wished to move to Mexico with his whole family, but he knew his family wouldn't want to move with him to Mexico, so he had to go to them to the U.S. For Sebastian, it had become a terrible "burden" to live undocumented in the U.S., as he knew that he would never be able to adjust his status. Sebastian does not only have to live with the threat of deportability everyday, but his very status in the U.S. has become criminalized. If caught in the U.S., he is likely to spend more time in prison and face another deportation.

In another example, Emilio had been stopped in a car in 1997 with his cousin, who was selling drugs; both were deported. After Emilio went back to the U.S., he tried to adjust his status through one of his daughters—he has five U.S.-born children—but the application was not approved. Today, after Emilio left home in the morning on his way to work, he picked up a friend, noticing a van following him. He went to get some coffee, and lost the van for a while. But then, at work, ICE detained him and deported him. He had not been in Mexico in 13 years. When he was detained, ICE officers told him that he did not have the right to talk to a judge or lawyer because he had already been deported previously. Now he feels fearful because he was told that if he was caught again undocumented in the U.S., he could get 2 to 20 years of prison and a fine of up to \$250,000. He showed me the letter of deportation. Another migrant next to him told him, "It is not true. They have caught me like 5 times, and nothing has happened to me." Emilio looked at both of us and said, "I am not sure if this is true, but it makes me fearful nonetheless." His wife and five children are in the U.S., waiting for him.

These men become perpetual outlaws in the United States, legally constructed as non-citizen "criminalized" aliens, given their inability to gain legal status. Thus, regardless of their practices, they become "criminalized perpetual outlaws" with no opportunity to gain full citizenship in the U.S. For example, ICE reported that "Fernando Valdez-Lopez, 36, a resident of Mexico, was sentenced Tuesday in federal court to 78 months in prison for illegally re-entering

the United States after deportation and for fraud and misuse of a lawful permanent resident card” (USDS, 2013b). Thus, re-entry becomes the basis for subsequent jail time. In another case, ICE reported that, “A criminal alien, who had been previously deported on two occasions, was sentenced in federal court on Tuesday to three years in prison for illegally reentering the United States after being previously deported as an aggravated felon” (ICE, 2010c).

In part, this focus on “criminal aliens” comes as consequence of the war on drugs in the U.S., which targets, detains, and imprisons men of color in disproportionate rates. Now, with a new focus on “criminal aliens,” and merged with the war on “illegal aliens,” these tactics have unique consequences for Mexican migrants, namely the mass deportation of both documented and undocumented residents of the U.S.

In sum, unauthorized migrants live in *perpetual illegality*, because the lack of means to regularize their status, the heightened criminalization, and the increased deportability make the situation of current *illegalized migrants* significantly acute and problematic.⁹²

Conclusion

While policing of the border is predicated on the logic of legal status (see Chapter 1), historically, the policing of the border has been more than about policing legal status, focusing almost exclusively on Mexicans. In this chapter, I have argued that, regardless of status (legal or unauthorized), Mexican nationals are treated as potential (or suspected) illegals—resulting in the deportation of Mexican nationals with visas (legal permits to be in the U.S.). Ultimately, the case of deported cosmopolitans shows that the policing of the border is not only about patrolling legal categories (those unauthorized), but just simply about patrolling Mexicans.

We might expect that U.S. immigration officials to process daily large numbers of documented temporary border crossers, and therefore, perceive these cosmopolitans as a grey area of semi-legality, given the large number of those who use their visa to study in the U.S. or seek temporary employment. My data shows that the government is unable to distinguish between those who abuse their visa, from those who do not—therefore, everyone gets treated as “suspects.” In other words, while some use their visa to study or work in the U.S., I interviewed middle-class Mexicans who have no interest in moving to the U.S. Yet, they are treated as deportable in the U.S. due to their racialization as Mexican—their high Mexican class privileges are mitigated in the U.S. due to their racialization. For example the U.S. also provides H-2A visas to Mexican nationals (the number two category of visas issued to Mexican nationals) for temporary agricultural workers. Therefore, when the U.S. government issues a B1/B2/BCC visa, they are issuing it to someone who can show a stable economic standing in Mexico. Yet, these middle class Mexicans are still treated as suspects due to their nationality.

In addition, I have argued that the sheer number of deportations has stretched and solidified the boundaries of illegality—creating perpetual illegality—that is it is becoming more difficult for those who cross unauthorized to adjust their status once they are in the U.S. Since 1986, when the last regulation program was adopted, there have been no legalization programs for undocumented migrants already living in the U.S. This, coupled with the recent record number of deportations—that includes unauthorized migrants, permanent legal residents, and

92. Although the Obama administration has put in place some programs—such as Deferred Action for Childhood Arrivals (DACA) for those who entered the U.S. before the age of 16 that (possibly) allows a migrant to adjust their status without leaving the U.S.—these programs are not available to all the undocumented population already living in or in the process of arriving to the U.S.

nonimmigrants—as well as the focus on deporting migrants as “criminal aliens,” has caused the boundaries of *illegality* to become solidified. The stretching and solidification of illegality shows the extent to which legalization is unattainable for many Mexican migrants, and how illegality becomes perpetual.

Chapter 6: Conclusion

Introduction

The U.S.-Mexico border is a site where globalization materializes concretely, becoming a contradictory site of economic opportunities and truncated dreams, fluid identities and solidified differences, questioning and acceptance, openings and closings, legality and illegality. These borderlands can be a door into the world or a wall into despair. The difference between these realities, between some of these dreams and nightmares, is not only determined by the actual real physical wall, but it is determined by a piece of paper, a legal document to cross into the U.S. authorized.

The differences, of having legal permits or not to cross the border, are cumulative. It begins with different economic resources, that create different levels of access to legal permits, that create different experiences, different opportunities, different pathways, different identities, different attachments. But in the end, all these differences are subsumed under the ideologies of “the rule of law,” “illegality,” and “the Mexican as the iconic illegal alien,” which render legal differences null. This dissertation shows both of these processes. On one hand, a process of divergence, as Mexican nationals become differentiated legally through permits to travel to the U.S. On the other hand, a process of convergence, as Mexican nationals become homogenized as racialized Mexicans in the U.S. and therefore become deportable.

Summary of the Dissertation

In the first part of the dissertation I presented process of divergence as I show the differentiation of Mexican nationals based on legal categories. In the Chapter 2, I showed how legal categories shape how people experience the border as open or closed, and ultimately, whether people experience economic opportunities or violence. In Chapter 3, I demonstrated that legal differentiation shapes identity and national attachments. These two chapters make important contributions to the literature.

First, through the juxtaposition of experiences of those who cross the border documented and unauthorized, I show a simultaneous opening and closing of the border. Second, by including the experiences of those with tourist visas, I also dispel the myth that “all Mexicans want to migrate to the U.S.” In fact, according to polls, even when 57% of Mexicans reported, “people who move from Mexico enjoy a better life in the U.S.,” only 33% would like to move to the U.S., and only 18% would move to the U.S. unauthorized (Pew, 2009). It also challenges the notion that all Mexican nationals crossing into the U.S. do so unauthorized—challenging monolithic stereotypes of the Mexican people. This work highlights the diversity of Mexican nationals, and in particular, the class differences and divides within the Mexican population. Third, I show, concretely, how the visa is one way in which class difference become materialized along the border, and how these legal differences in turn shape other outcomes like experiences of the border, identity, and belonging.

In the second part of the dissertation I turn to convergent process along the border, and the most surprising elements of legal differentiation, namely, the similarities encountered across legal categories. In Chapter 4 I showed that regardless of legal categories, those who cross with visas and those who cross unauthorized, both view the border as a normal part of the landscape—therefore, they don’t problematize the border or its violent consequences. In Chapter 5 I argue that legal permits do not always protect Mexican nationals in the U.S.—as noncitizens in the U.S.—and even those with legal permits ultimately can become entangled in deportation proceedings. Moreover, these trends further highlight the solidification of illegality, given that people categorized as “illegal” find themselves longer in the category—and sometimes are

unable to scape it. Chapter 4 and 5 highlight that legal categories matter because they shape different experiences, but ultimately, the ideologies of illegality and racialization shape the experiences of many Mexican nationals all the same—regardless of legal category.

The border is a social construction with real consequences, and my research illustrates the way legal categories help maintain the ideology of the border. The contradictions along the border—as open and closed, as welcoming and hostile, as a site of opportunity and violence—is predicated on classifying people as legal and lawful on one hand, and as *illegal* and criminal on the other. Once people are classified as such by the state, individuals themselves uphold the ideology of the border and of these legal classifications. My research shows, from the ground, how these legal categories differentiate people and this shape how people experience the border (as open or closed) and their identity (as insiders or outsiders). I also show how legal differentiation is subsumed under the ideology of the border as a legitimate institution. Thus, regardless of legal categories, people similarly tend to normalize the border and also be racialized as *illegal*, a concept closely associated with people of Mexican descend.

This dissertation contributes to the literature on immigration and borderlands because I compare two groups that are typically taken separately: tourists and migrants. By explicitly comparing their experiences I highlight the effect of legal categories on the experiences of Mexican nationals in the U.S. Moreover, this is a work about borderlands, but from the Mexican side of the border.

Future of Immigration Reform

Young immigrants in the U.S. have successfully mobilized to gain significant new rights. Deferred Action for Childhood Arrivals (DACA) is the first program—although not legislative, and as an executive order, it is rather temporal—nonetheless it offers temporary status to a segment of the unauthorized population in the U.S. These new rights have emboldened these activists to continually demand for more rights. For example, the Dream 9 and the Dream 30, both groups of formerly unauthorized migrants in the U.S. decided to openly attempt to cross the border through an official point of entry to get detained and then request to stay in the U.S.—many of these migrants have been able to attain humanitarian or asylum visas (Goodman & Gonzalez, 2013). Yet, my work with those migrants banned from returning to the U.S. for 10 or 20 years or banned for life, suggest that illegality might be impossible to eradicate. Even on the eve of immigration reform, what is clear from my research is that there will always be so called “illegals” in the U.S. As long as the U.S.-Mexico border categorizes and differentiates people, there will always be a segment of people not eligible for legal permits to be in the U.S.

The current focus of the Obama administration, as well as the national and local politics, suggest, in my opinion that with an immigration reform (which seems unlikely now since as Luis Gutierrez announced that negotiations in the House had come to an end last week and now everyone is calling on Obama to issue an Executive Order) or with an executive order (something like DACA to provide a legalization program) the outcome will be the same. Namely, border funding, patrolling, policing, and militarization will continue; and in the interior, a focus on apprehending “Criminal Aliens” will continue to result in the unfair targeting of Latinos at large. As long as the border remains as a legitimate institution to filter migrants through the legal categories of legal and unauthorized, there will also be some who will not qualified to migrate legally and will do it unauthorized. Thus, some will remain *illegalized*

because some will be locked out of the definitions of the law, especially now when techniques of state tracking and surveillance of populations is becoming much more precise⁹³.

Further research needs to address the experiences, and long-term consequences of illegality for those deported as “criminal aliens,” given their minimum legal options to come back to the U.S. with legal permits. Future research of immigration and illegality must always take into account those for whom illegality might be perpetual—their stories and experiences will highlight the contours of citizenship and belonging in the U.S. There are many reasons why people remain at the margins of the law, that is, why they remain *illegalized*. Some might remain outside the boundaries of the law because as “criminal aliens” they are banned from entering the U.S. for life, while others might remain illegalized because of other minor but significant infractions (for example, entering with a fiancé visa and not marrying that person). Further research must consider the consequences of “criminalization” on “illegalization.” What are the differences between those permanent *illegalized* as criminal and those not *illegalized* as criminals. More studies need to address how legalization programs (or potential immigration reform) will address the particular circumstances of those who have already been processed by the government, deported, and banned from entering the U.S. (as inadmissible or criminal aliens or other categories), paying attention to these excluded categories will highlight whether the cycle of rendering some migrants legal and others *illegal* will continue.

Future Research Agenda

While this dissertation reveals the impact of legal categories in multiple arenas, many issues and questions remained unaddressed. Future research ought to explore, for example, if noncitizens of “Mexican appearance” become racialized along the U.S.-Mexico border and can potentially be placed on the path to deportation, how do U.S.-citizens of “Mexican appearance” experience illegality similarly or differently? Does having a U.S.-citizenship (not a temporary) status shape the experiences of these Mexicans differently? For non-citizens being “suspect” of being unauthorized in the U.S., and this sometimes resulted in deportation, which made their status in the U.S. vulnerable. What does being “suspect” mean for U.S.-citizens of Mexican descent? How does removing the threat of deportability change the experiences of these citizens?

For those non-citizens who have experience the deportation regime, and have become long-term “illegals,” as their *illegality* has been stretched and solidified, how do they experience illegality and deportability once they go back to living in the U.S.? How does the solidification of illegality affect individuals, families, and communities in the U.S.? Also, transnationally, what are the effects of the solidification of illegality for those living in Mexico as inadmissible? In the long run, do they ever adjust in Mexico to feel incorporated into the Mexican national fabric?

Future research on the consequences of legal differentiation—both along the border and in the U.S. in general—must also take into account the issue of skin color. How do white Mexicans experience (or do they) racialization in the U.S. differently than Afro-mestizos, mestizos, or Mexicans of Asian descent? What is the impact of location? How is the border similar or different to the interior? What are the similarities and differences between the

⁹³ For example, the extension of E-Verify—the program that allows companies to check the legal status of their employees online—had 1,064 employers enrolled in the program. By 2013, 482,692 employers were enrolled in E-verify, a more than 400% growth since 2001 (USCIS, 2014a).

experiences of Mexicans entering through land along the border and those entering through airports? Is there a difference in the experience in different U.S. states along the border?

Ultimately, scholars must take the issue of legal categorization more seriously in order to explore the long-term effects of these multiple legal categories (and multiple illegalities). What are the long-term effects—economic, political, cultural, health-wise—of legal differentiation? Typically, people who live unauthorized in the U.S. have all been grouped together as a monolithic “illegal” category, but given the complexity of these legal categories, what are the effects of legal differentiation on people in these multiple legal categories?

Future research should also explore how the cases of these Global South Cosmopolitans situated at the border differ from those Global South Cosmopolitans who enter through airports—given that border crossing is frequent, these Global South Cosmopolitans at the border might either have an easier time crossing—as they might be seen as “regular visitors” —or they might have a harder time crossing if they are seen as potential migrants. It would be important to investigate the extent to which class privileges help those entering through airports be treated as more as “legitimate” Global citizens. This is a question that future research on global flows should consider seriously, especially since the size of Global Cosmopolitans is expanding rapidly.

Illegality Beyond Legality

Today, legal status is becoming a social axis of stratification, much like gender, race, and class. Legal status can overlap with these other axes of difference, but sociologists have not studied legal status enough. This research shows how legal categories can have important consequences, these can privilege some (e.g. cosmopolitans), and hurt others (e.g. unauthorized migrants). Moreover, these consequences can have consequences over the long term and extraterritorially, as undocumented migrants in the U.S. (legally defined as *illegal* in the U.S.) can suffer even when they are back in their homeland (Mexico)—such as family separation, the stigma of deportation, or the feeling of being exiled (even at home).

DeGenova points out that, “Without engaging in the unwitting apologetics of presumptively characterizing the laws’ consequences as “unintended” or “anticipated,” and without busying ourselves with conspiratorial guessing games about good or bad “intentions,” the challenge of critical inquiry and meaningful social analysis commands that one ask: What indeed do these produce?” (2004: 179). Thus, I have shown that the state, through legal categories, creates violence, shapes identities, produces normalization, and perpetuates racialized notions of illegality along the border.

Legal categories differentiate people, and legal differentiation becomes erased through the racialization of people of “Mexican appearance.” Ultimately, along the border legal differences are devoured and non-citizens become equalized as the “other” and therefore deportable. Along the border people of “Mexican appearance” become the “other.” The consequences and effects of the border, therefore, extend far beyond a physical barrier that divides two countries. The border begins at the international boundary separating the U.S. and Mexico but it extends into the interior, it remains in the national imaginary as a border that separates the “us” (U.S.-Americans) and the “them” (Mexicans). As Mexican writer Carlos Fuentes wrote, “I am afraid that we each carry the true border inside ourselves” (ICE, 2010d).

APPENDIX A: TABLES

Table 1. Migratory Status: U.S. Classification System according to migratory status

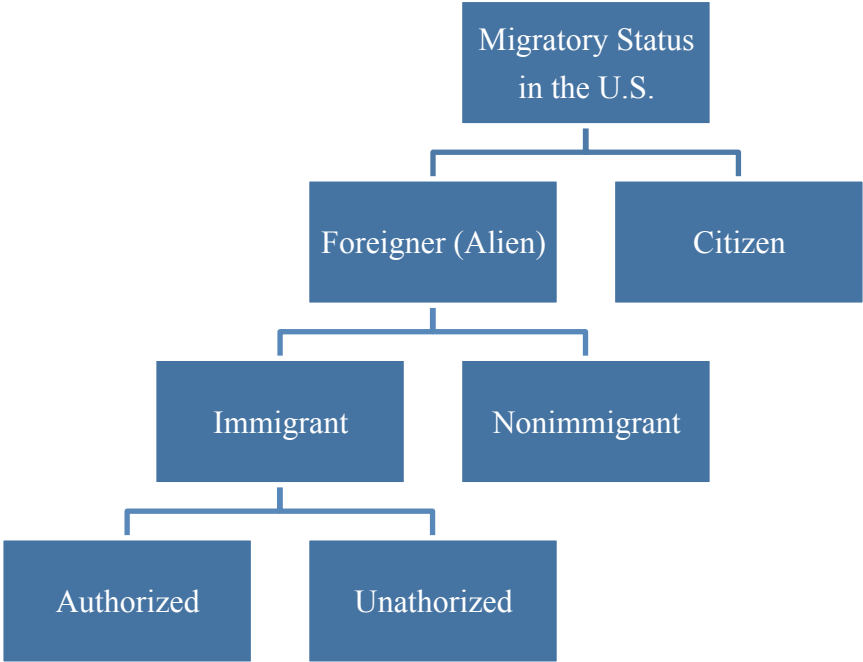


Table 1A. Focus of dissertation in two groups: Nonimmigrant and Unauthorized Immigrant

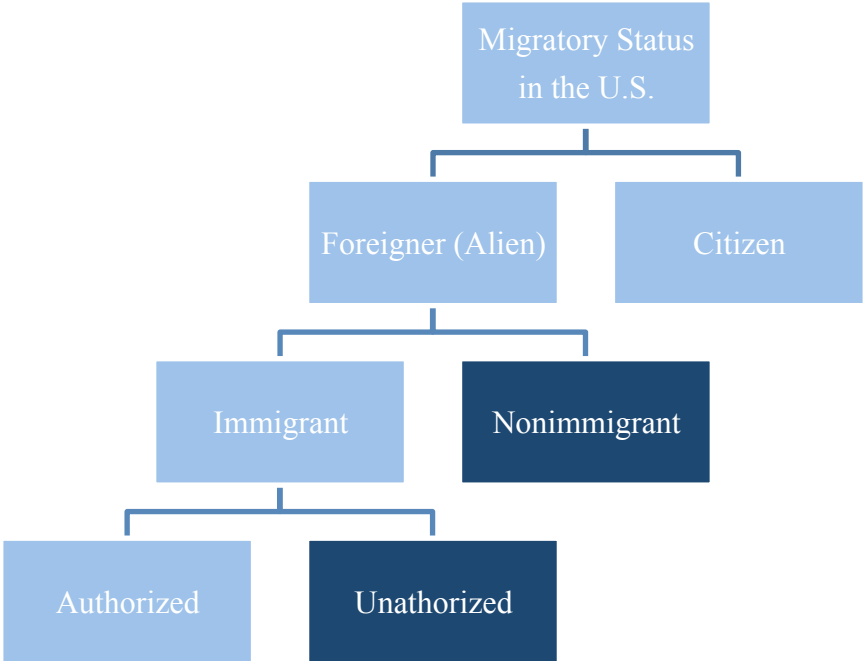


Table 2. Differentiation along the U.S.-Mexico Border by legal category

Socio-economic class	Migratory Status		
		<i>Migrant</i>	<i>Nonmigrant</i>
	<i>Poor/Working</i>	Unauthorized	Locals
	<i>Middle</i>	Authorized	Cosmopolitans

Table 3. Summary of data collected*

Socio-economic class	Migratory Status		
		<i>Migrant</i>	<i>Nonmigrant</i>
	<i>Poor/Working</i>	Unauthorized (ethnographic data collected at migrant help center and 23 interviews with inadmissible migrants)	Locals (6 interviews)
	<i>Middle</i>	Authorized	Cosmopolitans (30 interviews)

* I also interviewed four U.S.-citizens, but their data was not used, for a total of 63 interviews between June 2009 and August 2010.

Table 4. Summary Description of Cosmopolitan Interviews

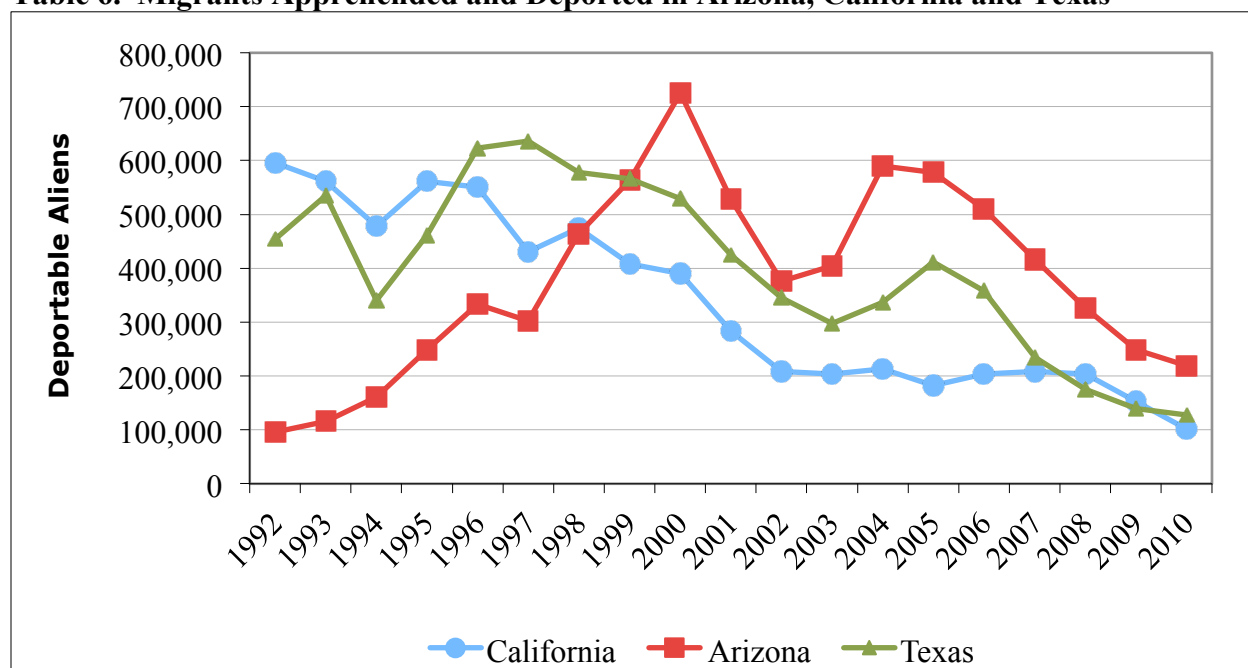
<i>Cosmopolitans</i>	<i>Gender</i>	<i>Age</i>	<i>Years of Education</i>	<i>Social Class</i> ⁹⁴
Omar	M	23	16	Upper
Pedro	M	21	14	Upper
Alonso	M	19	14	Upper
Arnorldo	M	33	14	Middle
Carmen	F	24	14	Middle
Martiza	F	24	16	Middle
Marcos	M	35	16	Middle
Beatriz	F	62	13	Middle
Luisa	F	52	13	Middle
David	M	25	16	Middle
Jose	M	25	14	Middle
Emiliano	M	40	16	Middle
Jesica	F	35	16	Middle
Juana	F	24	12	Middle
Julio	M	19	14	Middle
Hilda	F	59	6	Middle
Sandra	F	19	15	Middle
Karla	F	18	12	Middle
Camilo	M	25	16	Middle
Arturo	M	29	16	Middle
Santiago	M	23	14	Middle
Araceli	F	48	8	Working
Nancy	F	40	16	Working
Lucrecia	F	38	10	Working
Lilia	F	30	12	Working
Alondra	F	60	14	Working
Dalia	F	56	16	Working
Alonso	M	26	16	Working
Gonzalo	M	73	3	Working
Moises	M	33	14	Working
	M—50% F—50%	Median: 29.5 Mean: 34.6	Median: 14.0 Mean: 13.5	Upper —10% Middle—60% Working—30% Poor – 0%

⁹⁴ Self-reported social class

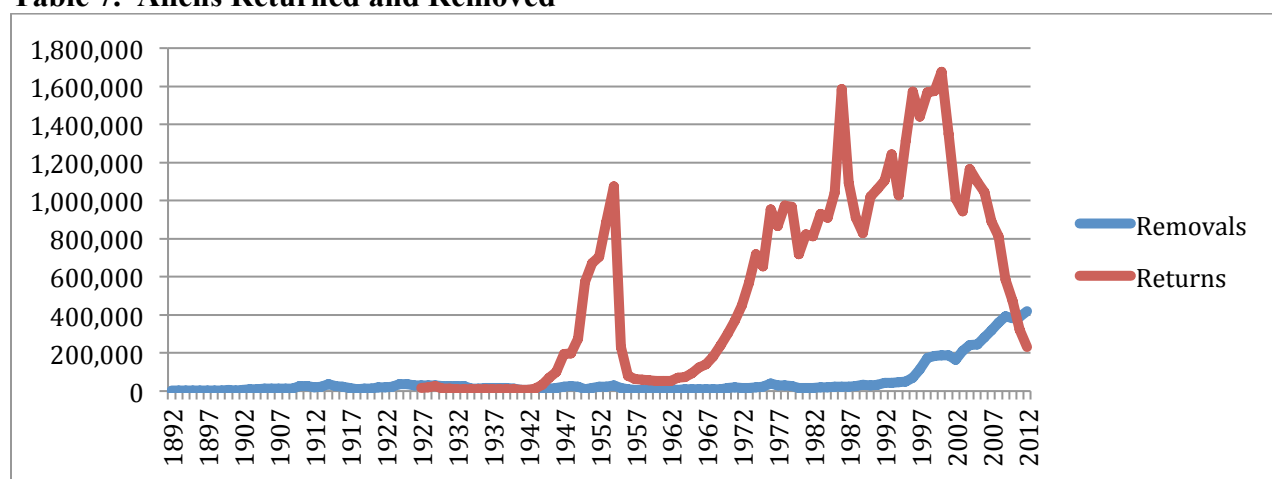
Table 5. Summary Description of (23) Inadmissible Interviews

<i>Inadmissible Migrants</i>	<i>Gender</i>	<i>Age</i>	<i>Years of Education</i>	<i>Social Class</i> ⁹⁵
Adrian	M	26	10	Upper
Felipe	M	20	12	Middle
Natalia	F	25	14	Middle
Lorenzo	M	27	12	Middle
Monica	F	18	10	Middle
Irma	F	23	9	Middle
Dolores	F	36	14	Working
Jacinto	M	21	12	Working
Xavier	M	21	14	Working
Ana	F	25	16	Working
Mercedes	F	31	14	Working
Olivia	F	19	14	Working
Eloisa	F	19	12	Working
Miguel	M	26	14	Working
Francisco	M	34	9	Working
Aurelio	M	20	9	Working
Manuela	F	25	9	Working
Angelina	F	24	9	Working
Juan	M	28	14	Poor
Gaspar	M	26	12	Poor
Tania	F	23	10	Poor
Apolinar	M	31	6	Poor
Silvio	M	64	6	Poor
	M—52.2% F—47.8%	Median: 25 Mean: 26.6	Median: 12.0 Mean: 11.3	Upper —4.3% Middle—21.7% Working—52.2% Poor—21.7%

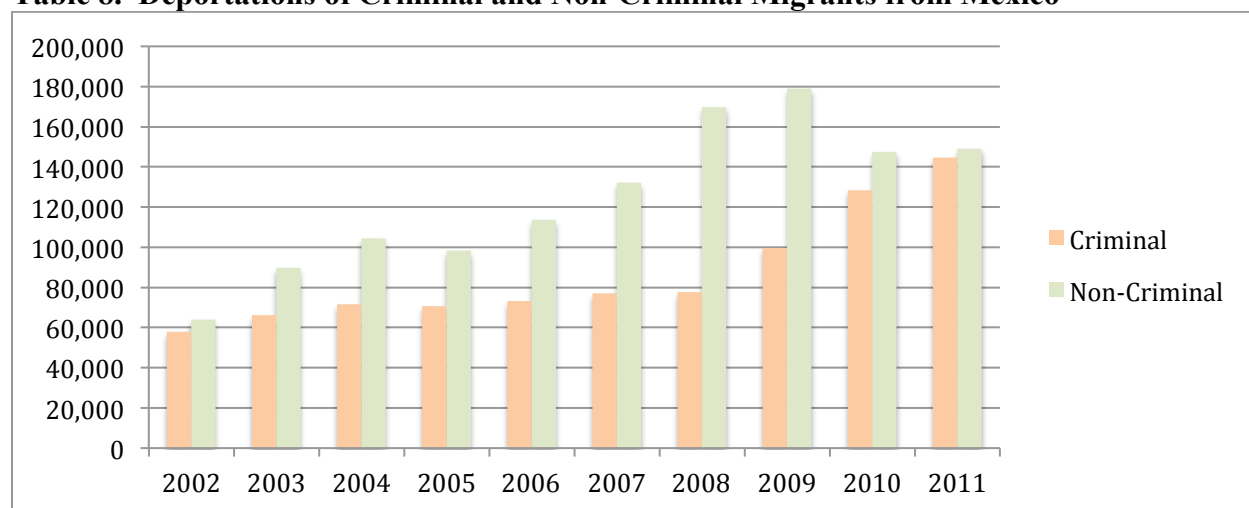
⁹⁵ Self-reported social class

Table 6. Migrants Apprehended and Deported in Arizona, California and Texas

Source: "Table 59. Deportable Aliens Located by Program, Border Patrol Sector, and Investigation District: Fiscal Years 1992-1998" and "Table 35. Deportable Aliens Located by Program and Border Patrol Sector and Investigations Special Agent in Charge (SAC) Jurisdiction: Fiscal Years 1999 to 2010" (DHS).

Table 7. Aliens Returned and Removed

Source: "Table 39. Aliens Removed or Returned: Fiscal Years 1892 to 2012."

Table 8. Deportations of Criminal and Non-Criminal Migrants from Mexico

DHS. 2011. "Aliens Removed by Criminal Status and Region and Country of Nationality: Fiscal Years 2002-2011."

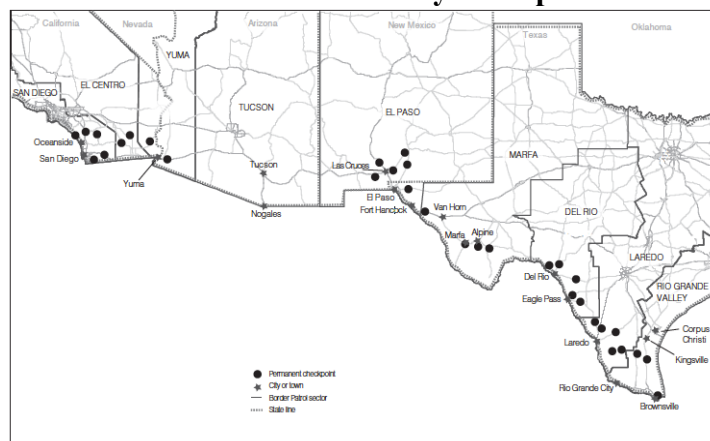
APPENDIX B—PICTURES

Picture 1. U.S.-Mexico boundary and border region



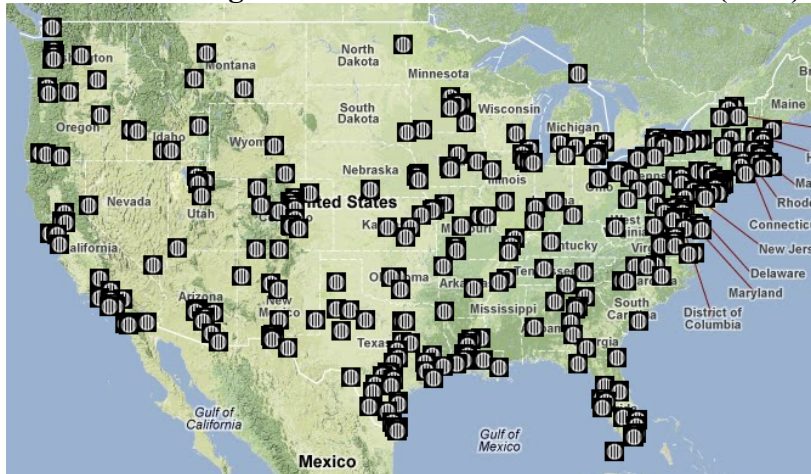
Dark-blue dotted line shows US-Mexico international **boundary** and light blue shadowing shows **border region** (source: EPA map).

Picture 2. Permanent secondary checkpoints in border region



Source: GAO 2009 (Available online at: <http://www.gao.gov/new.items/d09824.pdf>)

Picture 3. Immigrant Detention Centers in the U.S. (2007)



Source: Global Detention Project (available online at: <http://www.globaldetentionproject.org/countries/americas/united-states/map-of-detention-sites.html>)

Picture 4. Aerial view of Calexico and Mexicali



Source: Google maps

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