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Confined within: National territories as zones of confinement

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The securitization of immigration has led to increased reliance on border enforcement, detention, and deportation to control unauthorized movements. Based on a case study of the ways that Salvadoran immigrants to the United States have experienced these tactics, this paper analyzes the spatial implications of current enforcement strategies. As movement across borders becomes more difficult for the unauthorized, national territories become zones of confinement. This carceral quality is a dimension of national territory in that undocumented and temporarily authorized migrants cannot exit their countries of residence without losing territorially-conferred rights, while if they are deported, their countries of origin become extensions of the detention centers they occupied before exit. This transformation of national spaces is accompanied by internal differentiation, as interior enforcement confines migrants to subnational spaces where they must remain to avoid detection or harassment. Securitization thus entails both extraterritoriality, that is the extension of U.S. legal regimes into foreign territories, and intraterritoriality, or the operation of different legal regimes within national territories. The paper also highlights the ways that securitization contributes to multidimensionality, such that spatial locations are rendered ambiguous, both inside and outside at the same time. Finally, the paper considers how these spatial transformations redefine citizenship and belonging.

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Over the past two decades, immigration receiving states have resorted to extraordinary spatial tactics to prevent irregular migrants from accessing the legal rights conferred by territorial presence. These tactics include excising territory for immigration purposes, locating customs inspections abroad such that travelers “enter” national space before leaving their destinations, policing migrants and would-be migrants in countries of transit and exit, and defining the international spaces of airports as outside of national territory (Coutin, 2007; Hyndman & Mountz, 2008; Mountz, 2010; Raustiala, 2009). These spatial tactics have coincided with an intensification of immigration enforcement more generally. In the United States, stiffened enforcement has included mandatory detention, militarization of the U.S.–Mexico border, workplace raids, state and local initiatives that target undocumented immigrants, police enforcement of immigration laws, restricting access to driver’s licenses and identity documents, reducing means of legalization, targeting aliens with criminal convictions, increased deportations, bars on legal reentry following deportation, and prosecuting immigration offenses (Andreas, 2000;

Cole & Dempsey, 2002; Coleman, 2007; Coutin, 2005; Eagly, 2008; Hing, 2006; Inda, 2006; Kanstroom, 2000, 2007; Nevins, 2002; Scalia & Litras, 2002; Walters, 2002). Like territorial excision, these law enforcement practices have significant spatial implications. I argue that the increased securitization of immigration makes national spaces akin, in certain respects, to detention centers. This carceral quality is a dimension of national territory in that undocumented and temporarily authorized migrants cannot exit their countries of residence without losing territorially-conferred rights, while if they are deported, their countries of origin become extensions of the detention centers they occupied before exit. This transformation of national spaces is accompanied by internal differentiation, as interior enforcement confines migrants to subnational spaces where they must remain to avoid detection or harassment. As, in the United States, “persons” are increasingly treated as “immigrants” (Varsanyi, 2008), alienage is embodied within noncitizen subjects as a dimension of personhood. The proliferation of law enforcement practices also has a spillover effect, such that citizens too must pass through inspection points, obtain passports to travel, demonstrate proof of legal residency and so forth. Treating residents, legal or otherwise, as potentially undocumented thus transforms the nature of citizenship itself.

Detention centers are key to this reconstitution of both persons and territories. As Nicholas De Genova (2002) has noted,

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immigration law enforcement is designed less to produce deportations than *deportability*; that is, a relatively small number of actual deportations give undocumented migrants a sense of vulnerability and thus constitute them as illegal and disposable workers. Likewise, increased emphasis on detention and deportation exacerbates migrants' alienage and illegality. Even migrants who are not apprehended experience exclusionary tactics such as being denied access to employment, housing, higher education, social services, healthcare, and public benefits. Such exclusionary practices situate migrants ambiguously as *outside* of national territory even when, physically, they are within. Through such spatial ambiguity, undocumented migrants' illegal status maps onto their physical location, making the space that they occupy a special case of what Raustiala (2009: 5) refers to as *intra-territoriality*, that is, "when different areas within a sovereign state have distinct legal regimes." Detention centers also have transnational effects in that it is the prospect of being detained and incarcerated following reentry that makes deportees' countries of origin places of confinement for deportees. As foreign territories become extensions of detention centers, a territorial transference, of sorts, occurs. Deportation and immigration enforcement thus also exemplify *extraterritoriality*, which occurs "when domestic law extends beyond sovereign borders" (Raustiala, 2009: 5). The fact that national territories in some ways resemble detention centers – both of these confine, both restrict movement – challenges liberal notions of nations as entities through which individuals can realize their capacities (Collier, Maurer, & Suárez-Navaz, 1995). At the same time, differences between national territories and detention centers – after all, the undocumented do cross-borders and are not formally confined – suggest the limits of securitization. Thus, increases in the size of the undocumented population have given rise to renewed calls for a path to legalization.

A number of factors are responsible for the new enforcement practices that have produced these territorial reconfigurations. First, the globalization of labor markets has led to a renewed emphasis on the forms of social control that produce deportability, such that migrant laborers are present and exploitable (De Genova, 2002; De Genova & Peutz, 2010; Wishnie, 2003, 2007–2008). Second, reliance on such labor has made undocumented immigration part of the "shadow economy" of neoliberalism and global restructuring (Coutin, Maurer, & Yngvesson, 2002; see also Heyman & Smart, 1999). Migrants travel illicitly, but produce remittances, which are then incorporated into national and international financial accounts, even as the dispersal of workers through deportation has made labor available for such transnational enterprises as call centers (Hernandez & Coutin, 2006). Third, neoliberalism has exacerbated social conflict, giving rise to intensified wars on crime and on terror. Criminal problems, such as gang violence, are increasingly viewed as cross-border phenomena that require transnational policing efforts, while the war on terror ignores national boundaries and treats its targets as aliens or even as inhuman (Cole & Dempsey, 2002; Raustiala, 2009). Fourth, investments in security apparatuses, such as detention centers, weaponry, and personnel, create a need for targets, contributing further to the production of illegality (Welch, 2002). Finally, current enforcement policies respond as well to fantastic constructions of "illegal aliens" as "other" (Chavez, 2001, 2008; Inder, 2006). It appears entirely counterproductive to disrupt family and community relationships by irrevocably exiling a legal permanent resident for a minor offense, yet such disruptions occur regularly. Such social and psychological costs suggest that there is also an irrational component to current deportation policies.

The spatial reconfigurations wrought by current immigration enforcement tactics demonstrate that the interplay between law and territoriality is complex. In the Westphalian system of

governance, law and space are *supposed* to map onto each other neatly (Raustiala, 2009). Law defines the state and its subjects *and* is supposed to pervade national territory. In contrast to earlier, feudal forms of spatiality, in which being closer to the center was important, within the Westphalian system, national territory is supposed to be equivalent throughout. Being next to the border or within the interior of a country is supposed to be legally equivalent (Chavez, 1992; Ngai, 2004). Legal responses to unauthorized migration disrupt such spatial configurations. Law complexly acknowledges yet prohibits the presence of the undocumented. Unauthorized migrants become territorial persons with specified legal rights even as a host of enforcement practices situate them outside of the polity, allegedly "in the shadows" or "underground" (Bosniak, 2006; Motomura, 2006; Varsanyi, 2008). Physically present but legally ambiguous, undocumented immigrants interrupt the legal continuity of national space. Furthermore, as the literature on transmigration demonstrates, migrants participate in multiple national economies and social networks, and therefore can be said to occupy multiple national spaces at the same time (Hondagneu-Sotelo & Avila, 1997). As they exist in multiple places simultaneously, migrants create opportunities for territorial interpenetration – through "alien" presences, "foreign" nations also enter. The ambiguity of presence and absence, rights and illegality, makes national territories multidimensional. On the one hand, the exclusion of undocumented immigrants permits national territories to remain whole, while on the other hand, the physical presence of excluded individuals creates "holes" within legal jurisdictions.

My analysis of the ways that current immigration enforcement tactics reconfigure spaces and persons derives from my own recent research regarding a group of migrants who are ambiguously situated; namely Salvadorans who were born in El Salvador but raised in the United States, the so-called "1.5 generation." Because of El Salvador's historical relationship to the United States, these migrants' legal statuses and spatial locations are particularly complex. During the 1980s, El Salvador was hailed as the "backyard" of the United States by the Reagan administration, which invested heavily in combating guerilla movements during the Salvadoran civil war. As a result, Salvadoran migrants were largely denied asylum during the 1980s but more recently have been regarded as having a "special" relation to the United States. As President Clinton stated during a May 1997 meeting with the Central American presidents, "These Central American countries are in a rather special category. After all, the United States Government was heavily involved with a lot of these countries during the time of all this upheaval" (Clinton, 1997: 571). This "special" relationship has been acknowledged legally, in that Salvadoran migrants were granted Temporary Protected Status (TPS), first due to the 1980–1992 Salvadoran civil war, then due to massive earthquakes that occurred in 2001. TPS confers work authorization but not the right to leave and reenter the United States or to become a legal permanent resident. Long-time Salvadoran migrants have also been permitted to apply for legal permanent residency under the Nicaraguan Adjustment and Central American Relief Act (NACARA). At the same time, Salvadoran migrants, especially youth, have been targets of anti-gang and immigration enforcement policies, contributing to rising deportation rates. The United States and El Salvador continue to collaborate around security issues, particularly, combating transnational gangs. Although the experiences of migrants from different nations differ, this case study illustrates the kinds of territorial forms that current immigration enforcement practices may produce.

In this paper, I draw primarily on interviews that I conducted in Southern California and El Salvador between 2006 and 2008 focusing on the experiences of 1.5 generation Salvadoran migrants. 104 individuals were interviewed altogether, and are identified here only through pseudonyms. Interviewees included 1.5

generation migrants, as well as some individuals who were born in the United States, who immigrated to the United States as adolescents, or who work with immigrant youth. Most interviewees originally entered the United States without authorization, and most acquired U.S. citizenship, legal permanent residency, or Temporary Protected Status, while a few remained undocumented. Just under half did not obtain U.S. citizenship and were eventually deported. My interpretation of the interview material is informed by my prior fieldwork within community organizations that sought legal status for Salvadoran immigrants, as well as my previous interviews with migrants, community activists, legal service providers, and U.S. and Salvadoran officials involved in formulating policies regarding Salvadorans living in the United States (Coutin, 1993, 2000, 2007). My analysis is organized around three forms of confinement potentially experienced by the undocumented: de facto confinement to national territory, formal confinement in a detention center, and de facto confinement within one's country of origin following deportation.

Unauthorized presence

Unauthorized immigrants experience a de facto confinement to U.S. territory both through increased border enforcement and through the acquisition of what Motomura (2006: 10) calls "territorial personhood," that is, the way that "simply being present in the United States bestows certain minimum rights on lawful immigrants and other noncitizens." When they enter or remain in the United States without authorization, migrants acquire an illegal persona. They become "illegal" in that their very presence is an infringement of U.S. territory, an interruption of space that is otherwise jurisdictionally whole. Unauthorized migrants can be denied housing (in certain cities), employment, welfare benefits, medical care, in-state tuition, access to public universities, and other key services (Rodriguez, 2008). At the same time, due to their presence within U.S. borders, these migrants acquire rights that are denied to individuals who are outside of the United States. Unauthorized migrants are able to attend public schools, receive emergency room care, and obtain an attorney at public expense if accused of a criminal offense. Unauthorized migrants who are placed in removal proceedings go before an immigration judge – a right generally not enjoyed by individuals outside of the United States (Legomsky, 2006; USCIS, 2008). Such migrants can apply for political asylum, if eligible. Programs that offer legalization or temporary legal status are also usually limited to migrants who were already present within the United States prior to a particular date. For instance, the 1986 Immigration Reform and Control Act permitted migrants who had been continually and illegally present since January 1, 1982 to apply for legalization (Bean, Edmonston, & Passel, 1990), and the Temporary Protected Status that was issued to Salvadorans following the 2001 earthquakes was limited to individuals who were physically present in the United States prior to February 14, 2001.

Although it confers rights, territorial personhood also traps within U.S. borders those who are unauthorized or only temporarily authorized. The very conflation of legality and territoriality (Raustiala, 2009) that is supposed to keep the unauthorized out also makes those who acquire rights by virtue of being present reluctant to lose them by leaving. The legality of migrants who have temporary authorization, such as TPS or a pending application for asylum, is ambiguous. Such individuals may possess work permits, driver's licenses, and social security cards, and therefore appear to be documented. At the same time, such migrants are not eligible for legal permanent residency and, as individuals who entered without authorization or overstayed visas, are in many ways like the

undocumented. If they leave the United States without first securing advanced parole from immigration authorities, TPS recipients and asylum applicants lose their status, and become ineligible to reenter. Advanced parole is granted for only a limited time (a few weeks or months) on the grounds of an emergency such as a serious illness or a death in the family. Even if they secure advanced parole, temporarily authorized migrants must be careful not to accumulate more than six months of absences because doing so would define their stay in the United States as discontinuous and would make them ineligible for remedies such as cancellation of removal (which requires ten years of continuous presence in the United States). Unauthorized migrants do not have a legal status to lose, yet territorial personhood still traps them. Unauthorized migrants cannot apply for advanced parole, and therefore do not have a legal means of reentry if they leave the United States. Continuous presence was an eligibility requirement for legalization under IRCA, and therefore could be required in any future legalization program that might be created. Furthermore, unauthorized immigrants develop considerable social ties such as jobs, family, home ownership, community involvement that would be jeopardized by leaving the country without a legal means of reentry. And, as Monica Varsanyi (2007, 2008: 879) notes, in the United States, there has long been a tension between "intensive border militarization" and "lax internal immigration enforcement," permitting undocumented immigrants to feel that they have become part of U.S. communities, even as their presence is officially prohibited. Earlier patterns of cyclical but unauthorized migration have been made difficult by stiffened border enforcement, further confining the undocumented to U.S. territory (Bean et al., 1990; Gutierrez, 1995).

Interviews with undocumented or temporarily authorized Salvadorans convey their sense of confinement. Monica Ramirez, a 20-year-old college student and TPS recipient, was frustrated that she could not travel to El Salvador to study and to visit her father, from whom she had been separated since the age of eight. She stated, "When I was in high school, I always wanted to go visit El Salvador because I would, like, hear [of] people going. That was my thing, like, 'Oh I want to go visit my family.' And my dad even... just you know go back to, like, my childhood place." Marisol Sanabria, a 19-year-old undocumented college student who immigrated to the United States at the age of five, described even greater deprivation. Raised in Los Angeles in Boyle Heights, Marisol complained that when people asked her about life in El Salvador, she had to admit, "I really don't know" because my mom all her life she worked, you know, and she never had the chance to like teach me how to cook like *pupusas* [a popular Salvadoran dish] and stuff like that... I feel like left out some part of my life – there's like a culture, like there's something missing from me." Marisol believed that, if she were to obtain legal status, she could fill this hole by traveling to El Salvador.

Monica and Marisol's experiences were echoed by Manuel Cañas, a 29-year-old airport worker and TPS recipient, who, when asked whether he would like to one day become a U.S. citizen, responded immediately:

I would love to be a US citizen. Because to be honest, I want to visit my country. I haven't been there since I left. I know that everything has changed, you know? My uncle was telling me that El Salvador isn't the way that it used to be. All those forests that used to be there are all cut down and there are houses. The ranch that we used to go to, my aunt's ranch, it's gone. It's all houses now. All that has totally changed. What I love about my country is the way it used to be. Even though the war was going on, but it was a beautiful place.

Like Monica and Marisol, Manuel chafed at his inability to relive childhood memories, update his knowledge of El Salvador, and visit

friends and relatives. Significantly, no legal barrier prevents these migrants from leaving the United States or from entering El Salvador. Rather, they are confined by their inability to reenter this country legally, in short, by their dependence on the (albeit limited) territorial personhood that their presence in the United States affords them. Of course, poverty, language barriers, and racial and ethnic differences, all of which are linked to immigration status in complex ways, can also exacerbate confinement.

Both undocumented and temporarily authorized migrants are confined to U.S. territory as a whole, but the undocumented also experience confinement to more local settings. For them, highway checkpoints, I.D. checks at airports, and the possibility of border patrol agents boarding trains and buses create internal boundaries. The existence of such internal boundaries is also linked to what [Monica Varsanyi \(2008\)](#) refers to as the “rescaling” of citizenship, that is the increased ability of states and local governments to set and enforce immigration policies, whether these be prohibiting police from questioning individuals regarding their immigration status, or at the opposite extreme, establishing penalties for landlords who rent to undocumented immigrants (see also [Bosniak, 2006](#); [Rodriguez, 2008](#); [Spiro, 1997](#); [Wishnie, 2003, 2004](#)). For the undocumented, U.S. territory is legally differentiated internally, though such intraterritoriality ([Raustiala, 2009](#)) may not be apparent to legal residents. Marisol Sanabria, for example, discovered what it meant to lack papers when her mother told her that she could not participate in a class trip:

In middle school I remember there was a field trip. I don't know where, I think it was out of the country. And I was asking my mom, “I really want to go, I really want to go.” But I never knew that, to be honest, I never knew what was the difference to have papers and not have papers. Until that moment that she told me, “well you can't get out of the country, you know, can't go out of the state.” And I'm like, “I [will] use my school I.D., I'd do anything. I'm a student you know.”

Similarly, Beatriz Gonzales, a Mexican immigrant and youth organizer, described how she learned that she was undocumented:

At the age of 15, 16, 17, like your peers, like you start talking about getting a license... So I remember enrolling in the drivers ed. class, thinking, “Okay, by next year I'm going to have my papers. So I can enroll in the class, get the permit now, and I know I'll have a year to get my license.” And so that kind of made you feel normal. Because “Well, I'm in the class and I'm doing the same thing that other youth are doing at the same age.” Well ... when everyone started getting their license, they were like, “Beatriz, why haven't you? Why haven't you?” And I'm like, “Oh, well, um, I'm not going to have a car, so I'm not going to get my license.”

The inability to drive legally, described by Beatriz, further confines undocumented migrants geographically, thus contributing to the internal differentiation and multidimensionality of national territory.

As unauthorized migrants are confined to particular spaces, their illegal status also becomes confined to minimalized yet potentially powerful segments of their lives and beings. In the passages that are quoted above, both Beatriz and Marisol thought that they were “normal,” that they were *like* their friends or *like* other students. Marisol's comment, “I [will] use my school I.D.... I'm a student you know” draws attention to the way that, at young ages, unauthorized migrants' status as students (a benefit of territorial personhood) seems to trump and thus erase their illegality ([Gonzales, 2008](#)). Nonetheless, illegality remains lurking, to emerge in particular contexts, such as when seeking a driver's license, applying for college, or considering an opportunity to travel within

or outside of the United States. The discrepancy between the “normalcy” of their everyday lives and the “abnormality” of being undocumented is both mind-boggling and experientially wrenching for undocumented youth. Beatriz, for example, described having to live in multiple yet incompatible realities: “I think that one of the biggest challenges for undocumented youth is that they function in both worlds... The world where being undocumented doesn't matter. And then the other world is where being undocumented IS the point that matters and affects everything.” In this movement between worlds, unauthorized migrants' abilities to confine (and thus largely ignore) their own illegality shift. Illegality is a relationship between legal space and unauthorized presences that interrupt space. Because space is not always defined primarily in legal terms, the salience of migrants' illegality can also vary. Being undocumented can “not matter” or “affect everything,” depending on these migrants' social location. Thus, migrants embody illegality in ways that mirror territorial confinement. Just as U.S. territory becomes internally differentiated for unauthorized migrants (through being restricted to local spaces) so too does illegality become a component of undocumented migrants' physical being.

Recent immigration sweeps designed to apprehend absconders sharpen such differentiation. Stories in the Spanish language press have emphasized the ways that workplace raids suddenly transform otherwise normal communities. For instance, the article “A community torn apart by the *migra*” published in *La Opinión* ([Weiss & Collins, 2008](#), translation mine) begins as follows:

When Magdalena Domingo Ramirez López moved to this city [Greenville] in South Carolina two years ago to work in a chicken processing plant, she felt like she was at home.

On weekends, the neighborhood around the House of Raeford was filled with the sounds of salsa music and the scents of the foods of her native Guatemala. The 29-year-old woman went shopping with her three children in the nearby shops that were filled with Hispanic immigrants, some in the country illegally, others not...

But that happiness vanished suddenly on October 7th when federal agents carried out raids on the plant, arresting 330 presumed undocumented immigrants...

One day after the raid, families awaited news of their loved ones in detention centers. Meanwhile, streets and businesses were empty because those who were not detained remained in their homes, afraid that the federal agents would return.

This account of the transformation of a community is not unlike Beatriz and Marisol's accounts of their own realization that they were undocumented. A vibrant community in which people worked, played music, ate, shopped, and had families was suddenly emptied. Normalcy became illegality.

As raids demonstrate, migrants can move between being present without authorization and being formally confined. The detention center is therefore the counterpart of the confinement that the unauthorized experience within U.S. territory.

Detention

Intensified immigration enforcement has led to renewed emphasis on detention, giving detention centers a territorial significance that is not unlike excised territory or the international space of the airport. As “portals,” detention centers are spatially ambiguous, located within and outside of the nation at the same time. Unlike prisons, where convicts serve out their sentences, detention centers house individuals while they are in removal proceedings or are awaiting deportation. A rise in apprehension rates coupled with the elimination of bail for most detainees has

meant that more noncitizens are spending more time in detention. Detention is an administrative form of custody rather than a punishment. While a U.S. citizen and an undocumented immigrant who are charged with a crime share the same due process rights throughout their involvement with the criminal justice system, this formal equality appears to evaporate as soon as prisoners are transferred into immigration custody, where their lack of U.S. citizenship becomes particularly salient. This evaporation of formal equality is also a product of a shift between the mandate that states and local governments treat immigrants as “persons” under the U.S. constitution, and plenary power which allows the federal government to treat migrants as “aliens” or “nonpersons” and therefore as subject to “rules that would be unacceptable if applied to citizens” (*Mathews v. Diaz*, 1976: 1891, quoted in *Varsanyi*, 2008: 879). Such differences in legal rights may be a key factor in the increasing tendency for U.S. authorities to charge noncitizens with immigration violations instead of with crimes (*Cole & Dempsey*, 2002; *Eagly*, 2008).

In detention centers, the spatial ambiguity of unauthorized presence is intensified. For example, detainees’ accounts of being taken into immigration custody convey their sense of being “removed” before they are actually deported. Pablo Ramirez was at home, getting ready for work, when Immigration and Customs Enforcement (ICE) agents arrived to detain him and his brother, Jorge. Pablo recounted,

We had papers. We had our green cards. And we thought with the green card, we were citizens, basically. I remember that when ICE came to pick us up at the house, they said, “Where’s your green card?” And usually, I used to carry it in my wallet. I took it out and said, “So what’re you going to do now?” And he’s like, “Well, you ain’t an American citizen. So you’re going back to your country no matter what.” And right then and there, he just, boom! Flipped it over and broke it in half.

The destruction of a detainee’s green card at the moment of apprehension appears to be something of a ritual, as I heard similar stories from other interviewees. This act symbolically removes the legal protection that permitted migrants to remain in the country. Furthermore, once they are in immigration custody, migrants often discover that they can never again return to their homes and communities. One interviewee who had this experience was Marcus Lopez, who was taken into immigration custody while on probation for statutory rape (a crime that, during our interview, he denied committing). One day, when he presented himself to his probation officer, “there were two guys sitting on the desk. They just told me, ‘You got a warrant to get you deported. This is INS.’ Locked me [up]. I lost everything. My car just got thrown in the streets. The house [was lost].” Although he had simply been performing a routine activity, Marcus found himself seemingly irrevocably pulled into another space, the detention center, where he was removed from the people, places, and relationships that made up his life, and where his only means of exit was deportation.

A further indication of the territorial ambiguity of the detention center is the fact that there, the territorial personhood that unauthorized immigrants had enjoyed previously is considerably eroded. Detainees are not charged with crimes, are not serving a specified sentence, have no predetermined release date, do not have public defenders, often lack the right to be released on bail, and frequently become convinced that it is useless to fight deportation because they cannot win. They are serving what one interviewee referred to as “dead time” – “time that you’re not guilty of. You’re just locked up.” Their family, community, and employment relationships are disrupted, and they are subjected to frequent and unannounced transfers to other detention centers. Of course,

detainees technically have not yet exited the United States. They may have a right to an immigration hearing, they can still receive visits from relatives, they have the privilege of hiring an attorney at their own expense, and there is always a chance that a few could prevail in court and win release. Detention center conditions nonetheless seem designed to convince migrants that they are on their way out.

Marcus Lopez described the many frustrations that he experienced after being detained during the visit to his probation officer. Marcus had immigrated to the United States at the age of 12 to live with his father. He completed high school and married his U.S. citizen girlfriend, with whom he had a child, and had qualified for a work permit through a pending application for residency under the Nicaraguan Adjustment and Central American Relief Act. Before he could become a resident, however, he was convicted of petty theft and committing a sexual offense with a minor (a charge that he said was fabricated). He was attempting to turn his life around when he was taken into immigration custody. He recounted:

And they wouldn’t even let me see the judge. I requested it so many times. Even though when the detective, officer, from INS took me to the headquarters of INS in Baltimore, I told him, “I’m married to a US-born citizen.” He said, “We don’t care. That’s not the way we work.” And we got there, fingerprinted me. He said, “Would you like to see a judge?” I say, “Yes.” He said, “If my supervisor approves it, you’re able to see it.” He did not. They denied it. I would send letters from the detention center requesting a judge or a trial or something to fight the case. They would never respond. They would just be a pain to us... They would force you to sign your own deportation, saying that you are agreeing to get deported...” So that’s what they’d say. “Okay, if you don’t want to sign, just stay here. You’re going to be here 12 years, if you want to...” And the treatment when you get deported is like you’re a dog. To them, it is like we are clowns. Almost like we are from another planet. That’s how they treat you.

Practices such as frequent transfers, denying detainees a hearing before an immigration judge, lengthy procedural delays, and continual pressure to sign deportation papers appeared designed to convince detainees that it was hopeless to attempt to return to their previous lives. Like Marcus, many interviewees were told repeatedly by guards, immigration officials, and fellow detainees that fighting their cases would lead only to endless detention. Mandatory detention policies significantly undercut exercise of the appeal process. Amilcar Mejia was unique among interviewees in that he won his immigration case, only to have the judge’s decision overturned on appeal. Because he did not want to remain in detention, Amilcar chose to sign deportation papers rather than continuing to appeal.

As their territorial personhood is eroded, detainees experience themselves as foreign (see also *Yngvesson & Coutin*, 2006). Many interviewees were legal permanent residents or at least work permit holders prior to being detained. Their criminal convictions made them ineligible to retain their residency, thus stripping them of their U.S. legal personae and leaving only an alienage that was not even temporarily authorized. This stripping away was akin to banishment. According to Beccaria, banishment

nullifies all ties between society and the delinquent citizen... The citizen dies and the man remains. With respect to the body politic, [civil death] should produce the same effect as natural death. (*Beccaria*, 1963: 53, brackets in original; quoted in *Walters*, 2002: 269)

The “man” who remains after ties to society have been nullified is nothing but a body, an extralegal being, an alien. Interviewees,

who in many cases thought of themselves as quasi-citizens, discovered that, through detention, they became this alien. Francisco Ramirez, brother to Pablo and Jorge, whose experiences were described above, used an analogy to explain how, through detention and deportation, a single facet of an individual's experience or being comes to dominate and thus erase all else. Picking up a mug that happened to be sitting on the table during our interview, Francisco commented, "See this cup? You don't see the white [background], but what stands out more is the black spot, that logo there. That's what they see. They don't see what's around it, they only see that one little dot, that one little stain."

The stripping away of a prior legal identity is a violent act, as demonstrated by the experiences of Victor Castillo (see also *Seattle School of Law, 2008*). Victor had entered the United States legally during the 1960s, at the age of four. Because he was adopted by a U.S. citizen when he was eight, he believed himself to be a U.S. citizen as well, so he never applied for naturalization. In his forties, after several drug-related convictions, he was placed in deportation proceedings, having lived 41 years in the United States. When immigration officials told him that they were going to take him to the Salvadoran consulate to verify his nationality (thus establishing his alienage), he refused to go. Victor described what happened next:

They give you a little jump suit, elastic waistband, it fell to my ankles, I was shackled hands and feet, and they kept me in that condition, naked, for at least an hour. Then when a major finally came in, he didn't have no feelings for me, "You know what? You're gonna go or you're gonna go." And I'm like, "I promise you, I'm gonna go. But let me pull my pants up." "Okay." "Now, put your shoes on." "No, I'm not going." Boom! And they twisted me in a knot. It was an experience. Traumatizing. All I was trying to do was present my case.

Victor was beaten so badly that he had to be hospitalized with a broken back. But the beating worked. He no longer resisted deportation: "I wasn't about to refuse again, and get my butt kicked again." As Victor's and other interviewees' experiences indicate, in the space of the detention center the part of them that was "normal" was ripped away such that the illegality – which in this case was also foreignness – was no longer confined to a segment of who they were but rather became the totality. As Victor explained, "I was American in my heart, my mind. And for them to just uproot me, and just throw me [away]... I've been *banished* from my country... and they said forever!"

Through such violence, the spatial interruption of national territory through unauthorized presence becomes relocated in detention centers. There, the multiple internal borders (that, for example, prevented Marisol Sanabria from going on a class field trip or Beatriz Gonzales from obtaining a driver's license) are concentrated, creating a portal between nations. To again paraphrase Beatriz Gonzales, within national territories, there are multiple worlds, the world where being undocumented doesn't matter and the world where it is everything. Unauthorized and temporarily authorized persons exist in both of these dimensions of national territory, but the borders of the nation bound their movement. The space that is occupied by the unauthorized is not only illicit (in that these individuals are excluded, situated elsewhere), but also is bounded by law (which surrounds them and places them within this illicit space). It is this internal exclusion that the detention center, as portal, spatially enacts.

Removed from their communities, with diminished territorial personhood, detainees are to a large degree already "elsewhere," therefore deportation is the seemingly inevitable realization of the illegality experienced in detention. Deportation situates deportees within another national territory, namely, their country of origin.

There, their inability to legally reenter the United States makes this new territorial location to some degree an extension of the detention center.

Deportation

Deportation is territorially complex. On the one hand, it "sorts" citizens and territories, such that individuals are returned to their country of citizenship. On the other hand, the enforcement practices associated with deportation disrupt territorial demarcations by enforcing one country's laws in another country's territory. The deportations that I analyze here are thus instances of extraterritoriality (*Raustiala, 2009*) in at least two senses: first, they enable U.S. immigration officials to act within the territory of El Salvador, and second, migrants' countries of origin are places of confinement for deportees. Although a few deportees may return willingly, most experience deportation as an act of force, an expulsion that releases them from ICE custody but subjects them to surveillance and policing in their country of origin. Though deportees enjoy the right to exit their countries, this right is not particularly meaningful if there is nowhere to go. For deportees who spent a significant portion of their lives in the United States, therefore, *presence within* their country of origin is simultaneously *absence from* the United States, and is therefore akin to exile. Furthermore, deportees' prior history – the normalcy that they established in the United States and that was erased through detention and deportation – continues to differentiate them from other Salvadorans, placing them apart, and, once again, creating internal spatial boundaries. Such differentiation can be life-threatening, as deportees are subjected to harassment from police, security guards, or gang members. The risk of harassment (or worse) hampered deportees' abilities to move within their own national territories, and thus further extends the confinement that these migrants experienced in the United States.

The sense that national territories are zones of confinement is conveyed by some deportees' description of their lives in El Salvador as a "sentence." For example, when asked to describe his future plans, Amilcar Mejia responded, "I guess I have no plans... This [living in El Salvador] is just part of my sentence. I'm just going it day by day. Just a little bit more freedom. I guess I haven't settled in yet, it hasn't kicked in. That I'm destined to be here for the rest of my life. I guess it hasn't set in that this is a life sentence. I just don't want to accept it." The temporal suspension of the detention center – "dead" time, seemingly endless detention while fighting deportation – continues through such uncertainty, even as judges' specifications of the penalties that deportees will incur upon reentering without authorization appear to limit the time that deportees must spend outside of the United States. For instance, Javier Ayala, who had lived in the United States from the age of eight to the age of twenty-five, commented, "I went before the judge, I signed the deportation, and the judge said, 'We're going to give you five years [during which time] you cannot enter the United States. If you do, we're going to give you up to 25 years, and a fine of \$25,000.'" Interviewees were unclear what would occur at the end of the specified period – could they then reenter the United States legally, if they were eligible for a family visa petition? Or would the convictions that, in many cases, had resulted in their deportations also make them ineligible for legal reentry? In essence, the exile that they were experiencing appeared to be indefinite, and in fact, aggravated felons and those who reenter the country without authorization following deportation are subject to a permanent bar on lawful reentry (*Chacon, 2007*).

Of course, deportees were not actually confined and therefore enjoyed much greater liberty than they had when they were in detention, a fact that many interviewees appreciated. Remarking on

what appeared to him to be the greater permissiveness of Salvadoran law, Wilbur Quezada, a deportee who had been convicted on drug-related charges in the United States, commented, “Because one is in one’s own country, one has more freedom to do what seems appropriate to one... Here, one has more liberty.” In El Salvador, deportees potentially could work, form families, and enjoy leisure activities.

Deportees nonetheless experienced severe restrictions on their movement and activities, and thus experienced a form of intra-territoriality (Raustiala, 2009) that parallels that experienced by unauthorized migrants living in the United States. To cope with the risk of harassment by police, security guards, and gang members, those interviewees who had the economic means to do so removed themselves from the general population. Such interviewees avoided areas that were known to be gang territory, rented homes in middle class (and therefore relatively secure) neighborhoods, and purchased cars so that they would not have to travel by bus. Some interviewees prominently displayed their work badges when they were out in public so that they would not be mistaken for gang members. Cesar, who had put his English skills to good use by getting a job at a call center, told me, “Every time I walk, I walk with my badge. ‘I work, man!’ I wear it on my days off.” Francisco Ramirez and Marcus Lopez, neither of whom had ever belonged to gangs, described the continual harassment that they encountered in El Salvador:

Marcus: I just get pulled over. All the time. Just getting arrested. Because the way I look. The way I dressed. The way probably I talk...

Francisco: They call us gang bangers.

Marcus: It’s not usual to them here...I used to get just disrespected from the police. Just pulled [over] from that. With not proper words. Just, “What the fuck are you doing here?”

Francisco: We got beat up by the cops. Me and my two brothers [who were also deported]. They told us, “We don’t want you deported guys here.”

Marcus: And even in the malls.

Francisco: Harass you.

Marcus: The [security] guards.

Francisco: That’s why I don’t like going to the malls here. Because especially with my two other brothers, they think we’re up to something. Even though we’re just walking around being like a normal person. They just follow us and make us go through all this embarrassment, in front of everyone. “Pull up your shirt! Let me see if you have a gun!” Search us. And everyone starts looking at us like –

Marcus: – like we’re criminals.

Such differences constitute deportees as the inverse of what Spiro (2006: 208) refers to as “external citizens,” that is, “the growing populations of citizens who reside outside of their countries of citizenship.” Instead, deportees are de facto aliens in their country of citizenship. Marcus explained, “You don’t even have to say anything [for people to know you are from somewhere else]. The way you cut your hair, the way you walk, just anything, they will just *know* you’re not from here.” Interviewees described boarding buses, only to have other passengers grab their purses and look away. Employers were reluctant to hire deportees, particularly those who had tattoos. Even friends and acquaintances seemed to regard interviewees as foreign. Victor recounted, “I’m like, ‘These are my people! I was born here. But I’m a stranger here.’ They don’t – people don’t look at me like I belong here. They look at me like I’m a stranger. ‘This guy can’t even speak Spanish. You know, he’s saying he’s Salvadoran. He ain’t Salvadoran, he’s gringo!’ That’s what they say, ‘He’s gringo.’ ‘He was born here but that don’t mean he’s *from* here.’”

In response to being treated as alien, some deportees recreated something of the life that they had experienced in the United States, thus reconstituting the spaces that they occupied. To do so, they obtained jobs where they could speak English (primarily at call centers, working for U.S. companies), socialized with other deportees, formed relationships with women who had lived in the United States, taught their children English, celebrated U.S. holidays, followed U.S. sporting events, and held barbecues and parties as they would have done in the United States. Enrique Lemus, who worked at a call center and therefore spoke English to his customers, described how he and co-workers had redefined the space that they occupied:

Once you start using your English and speaking to someone else that you can relate to. You kind of start forgetting where you’re at. You kind of make your own environment. Now that I’m at the call center, I deal with people that *have* been deported and I go out with them. We speak English. We kind of make ourselves believe that we’re doing something that we’re doing, even though we know where we’re at, we get our own little space for a moment.

During interviews, several deportees who worked at call centers told me of answering the phone at work, only to have callers exclaim, “Finally, I got an American! Where are you?” Ironically, these “Americans” were in El Salvador.

At the opposite extreme, other deportees found themselves entirely without resources, living in the streets, and hopeless regarding their future prospects. Victor, who, as noted above, had believed himself to be a U.S. citizen before being deported, was in this situation. He recounted,

And so, I don’t have a country over there, I come over here, I’m not even accepted, right? And it was like, I was hating everything. I actually wanted to kill myself. I thought suicide. I was sharing that yesterday, my testimony at a bible study. It was to a point where I was in this apartment, 4th level, and I said, “I’m out of money. I just blew \$350 in two days. I know my family ain’t gonna send me more money. I’m going to sell my clothes, and as soon as my clothes is gone, I’m jumping!”... And I sold my clothes. And then I just felt the Lord talk to me and said, “Sit down. I’m going to get you out of here soon.”

Victor’s thoughts of suicide, though extreme, were not uncommon among interviewees. Deportees linked depression and thoughts of suicide to their sense of being trapped. This sense of being trapped is *anticipatory*, much as extraterritorial enforcement of U.S. immigration law is “*anticipatory in space*”;... based on the future contravention or infringement of U.S. immigration law (i.e., undocumented entry), and... thus doubly *anticipatory in time*” (Coleman, 2007: 620, *emph orig.*) Cesar, for example, described his fear of future confinement, saying, “If I go back [to the United States], I could have to do more time. But then again, do I want to go to prison in the United States? Or do I want to go to prison over here [in El Salvador]? Or do I want to get killed? At least in the United States, I’m not gonna get killed. I might go to jail, but over here, it’s 50% that they’re gonna shoot me.” Faced with a choice between what one interviewee described as a “death sentence” in El Salvador and possible incarceration in the United States, some deportees despaired of improving their life circumstances.

In short, although interviewees were not formally confined, their lives in El Salvador were defined in relation to the (im-)possibility of returning legally to the United States (see also Shachar, 2007). Some interviewees had attempted to return, only to be deported again by Mexican or U.S. authorities. Interviewees found themselves weighing the possibility of being reunited with family members and securing more lucrative jobs in the United

States against the risks of traveling without authorization, the high fees charged by smugglers, the possibility of prison time for unlawful reentry, and, even if they successfully evaded detection, the pressure of having to live as a fugitive. Victor commented, “It’s *feo* (literally, “ugly”) to live under this fear. Trapped. You want to do what is right, but no, ‘the things of the street,’ ‘hide yourself, they’ll pick you up.’ No, *hombre!*” Similarly, Lorenzo, who had been a legal permanent resident before being deported due to drug convictions and who had already served a four year prison sentence for unlawful reentry, explained his thinking about making another reentry attempt: “I’m scared. Because if I get busted crossing, I’m going back to the BoP [Federal Bureau of Prisons]. For reentry again. This time, I’m gonna get double time. 8 years. So I really don’t know what to do. I’m so confused. I need time. I miss my family so much! I’m really hurt!!” One interviewee had seriously considered paying doctors to alter his fingerprints so that he could return to the United States with a new identity, however, he feared that his fingers would melt or that he would be left with no feeling. The severe deprivation that makes such extreme actions conceivable demonstrates the way that deportation traps detainees.

Conclusion

In his recent book about the history of territoriality, Kal Raustiala notes that paradoxically, “the legal differences inherent in the Westphalian system of territorial sovereignty create strong incentives for extraterritoriality” (2009: 230). This paradox is borne out in the case analyzed in this paper. The contradictions that unauthorized migrants, detainees, and deportees experience within and between their legal identities and territorial locations are a function of complex relationships between bodies, law and space. In a jurisdictionally ideal world, bodies are lawfully present within particular nationally bounded spaces. Law is thus mapped onto bodies through legal status, whether temporary or permanent. In the case of unauthorized immigrants, an unlawfully present body interrupts this mapping, creating holes, of sorts, within national territories. Through legal measures designed to exclude (and thus reduce the draw for) unauthorized migrants, bodies are located “outside,” in the “underground” that the undocumented allegedly occupy. At the same time, unauthorized immigrants acquire limited legal rights due to their territorial presence. The unauthorized therefore live with a continual ambiguity: their lives may be “normal” and completely “abnormal” (illegal) at the same time. Detention centers are designed to remove those whose presence may be unauthorized, and therefore reinforce the Westphalian system of sovereignty. Yet, as portals, detention facilities, which have become more central to immigration enforcement, also partake of spatialized enforcement tactics that externalize spaces in an effort to prevent access to U.S. territory. Detention centers thus also disrupt national territories. Such disruptions of space are furthered by deportation, a border control mechanism that is considered a hallmark of sovereignty. At the same time, in that deportation extends confinement, migrants’ countries of origin become extensions of US detention centers, producing further territorial displacements.

The securitization of immigration therefore has complex spatial implications. Enforcement practices that produce deportability (De Genova, 2002), detention, and actual deportation fracture territories, such that the United States is comprised of both an “underground” and an “above ground,” detention centers become borders of nations, and foreign territories become the “outside” occupied by migrants whose presence is prohibited “within.” The presence of unauthorized migrants makes national

territories multidimensional, both in the sense that enforcement practices confine migrants to particular subnational spaces, and in that space takes on different meanings in the presence of the unauthorized. Intraterritoriality, that is, the operation of different legal regimes within the same national territory, comes about not only through jurisdictional designations, such as demarcating a reservation as a different sort of sovereign territory (Raustiala, 2009), but also through the presence of people subject to proceedings in which certain constitutional rights (such as the right to an attorney at public expense) do not apply. Multidimensionality and the “holes” created by the presence of alien persons also permit a sort of territorial transference through which migrants occupy multiple national spaces at the same time, and territories, in a sense, interpenetrate. Likewise, enforcing U.S. immigration laws defines other nations, such as El Salvador, as the “outside” of the United States, making them territorially ambiguous. As the place to which deportees are, in their view, “sentenced,” foreign territories become part of the U.S. immigration enforcement regime.

The securitization of immigration and the spatial implications of enforcement tactics contribute to the reformulation of citizenship and membership more broadly. There are clear connections between the territorial splintering that is entailed in confinement and what Mae Ngai (2004: 5) refers to as the “impossibility” of the illegal alien as “a person who cannot be and a problem that cannot be solved” (see also Bosniak, 2006). These migrants embody contradictory legal identities — unauthorized yet territorially present, prohibited yet retaining traces of a prior legal existence, foreign yet national. Deportation would seem to resolve ambiguity by sorting out the legally authorized and unauthorized. Nevertheless, within their countries of origin, deportees can once again experience themselves as foreign. This foreignness is not only a matter of acculturation to U.S. society but also of the imposition of a legal identity — “Salvadoranness” — defined in relation to what deportees are *not* — not U.S. citizens, not legal permanent residents, not present within U.S. territory, not permitted to reenter the United States. This redefinition is made clear in the following exchange between two deportees who were interviewed in El Salvador:

Amilcar: Our mentality [living in the United States], our thought was, we thought, “Wait a minute, I’m a green card holder, that should automatically make me a citizen. My mom’s a citizen, my dad’s a citizen, my sister’s a citizen. Everybody over there’s a citizen!” So it’s like. Why am I not a citizen?

Jorge: Because you’re Salvadorean, man.

Amilcar: Now, I’m Salvadorean.

In this excerpt, Amilcar says, “Now, I’m Salvadorean,” suggesting that he *became* Salvadoran, in contrast to his earlier legal identity as a green card holder and quasi-U.S. citizen, *through* the process of detention and deportation. His identity as Salvadoran results from a stripping away of the legal personae he had occupied in the United States, but Salvadoranness is not simply what is “left” when his U.S. legal identity (in his case, as a legal permanent resident) is removed, rather it is, in some sense *newly reconstituted*. Even though Amilcar probably also considered himself Salvadoran at earlier points in his life, through deportation, he became *legally* Salvadoran in a way that he had not been previously. Their legal identity as Salvadoran citizens resituates deportees within El Salvador even as the fact that this legal status was established definitively in the United States, prior to their deportation, sets them apart. Such redefinitions of citizenship, as seemingly arbitrarily allocated, potentially alienable, and constituted through security procedures, surely have ramifications for even native born citizens who nonetheless must travel through checkpoints, prove

their legal status in order to obtain a driver's license, and defend themselves against suspicions of being aliens. Enforcement tactics that treat all residents as potentially suspect (though, given racial profiling, not to the same degree) have important implications that are worthy of further study.

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