

Confined Within: National Territories as Zones of Containment

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[Introduce the paper: Alison’s question, and point out how these considerations of space raise questions about the *reality* of the border – it is both material and fictitious. Describe recent research, list 3 foci of this talk.]

Within the current regime of international human rights, there is a paradox between nation’s rights to control entry across their borders, and human beings’ rights to exit particular nations. Obviously, the right to exit does not exist, as a practical matter, if there is nowhere to go. Furthermore, individuals who acquire temporary rights – what some have called “territorial personhood” – by virtue of being physically present within a given national territory can risk losing them if they leave.¹ There is therefore a sense in which nation-states have become zones of confinement, both because their citizens are unable to access alternative locations, and because certain noncitizens who are present within national territories are unable to return legally if they leave. To explore these forms of national confinement, I consider two cases: first, the situation of U.S. immigrants who are undocumented or who hold only temporary legal status, and second, the circumstances of individuals who have been deported from the United States to their country of origin. The former are confined in that they cannot legally reenter the United States, while the latter may face policing and surveillance in their homelands and stiff penalties if they are caught reentering the United States. Within both of these situations, there is potential movement between formal confinement within prisons and detention centers, and the less visible restrictions experienced by temporarily authorized or unauthorized migrants. The ways that detention centers and national territories can, in certain respects, stand in for one another suggests that these partake of the same order, that detention centers are themselves becoming nationalized spaces even as they are externalized as portals, holding centers for pockets of alien-ness, and thus conduits between national spaces.

The conversion of national territories into spaces of confinement has been furthered by the expansion of detention and deportation regimes, a phenomenon that has garnered considerable analytical attention. Various scholars have noted ways that immigration and criminal law enforcement have converged, resulting in the increased criminalization of migrants and in the use of immigration law to detain and deport suspected criminals (Cole and Dempsey 2002, Coutin 2005, 2007; Eagly 2008, Hing 2006, Kanstroom 2007, Nevins 2002). Increased militarization of the U.S.-Mexico border has resulted in a rising death toll among would-be immigrants (Bosniak 2006, Inda 2006, Nevins 2002). At the same time, over the past two decades, popular rhetoric regarding immigration has increasingly drawn a line between migrants, who are depicted as outsiders, and citizens, who are presumed to belong – particularly, if they are Anglo-Saxon (Chavez 2001, 2008, Motumura 2006). Daniel Kanstroom points out that historically, deportation has been used as a form of social control to rid U.S. society of individuals and groups that are considered undesirable (2000, 2007). Kanstroom’s analysis suggests that deportation is aimed not only at removing immigration law violators, but also at shaping the polity itself. Relatedly, Nicholas De Genova (2002) has argued that immigration law enforcement is designed less to produce deportations than *deportability*; that, in other words, a relatively small number of actual deportations give undocumented migrants a sense of vulnerability to deportation and thus constitute them as illegal and disposable workers. Recent workplace raids and efforts to apprehend “absconders” can only have increased this sense of deportability. Likewise, Heyman and Smart (1999) have pointed out ways that states depend on and in some ways benefit from the illicit activities that states themselves criminalize (see also Coutin, Maurer and

Yngvesson 2002, Ngai 2004, Varsanyi 2008). Such an analysis draws attention to the productivity of the citizen-alien dichotomy, to the ways policing this illicit realm gives life to numerous state agencies and tactics (Andreas 2000, Inda 2006). Indeed, Ngai (2004) and Bosniak (2006) note that law enforcement practices make alienage a fundamentally fractured category. Ngai refers to the illegal alien as “an ‘impossible subject,’ a person who cannot be and a problem that cannot be solved” (p. 5), while Bosniak points out that “the category of alienage embodies the unachievability of pure separation” (p. 140).

This work suggests that recent immigration enforcement tactics have increasingly resituated borders not only within the interior of the United States, but also within the very being of those deemed “aliens” and “citizens.” My contribution to analyzing such processes is to consider how these repositionings in turn reconstitute both national territories and spaces of detention. To prevent unauthorized aliens from accessing the privileges associated with territorial presence (Bosniak 2006), states have recently resorted to “excising” for immigration purposes portions of territories (e.g., islands) that they actually control (Mountz forthcoming).² At the same time, immigration and policing controls have been resituated outside of national territories, as when travelers pass through U.S. customs at the Vancouver airport, rather than after arriving in the United States. As such spaces are configured as somehow “outside” or “non-national,” as national borders are increasingly fortified, as heavily publicized raids create the impression that national interiors are being policed as never before, as increasing numbers of aliens are subjected to detention and deportation, and as immigration offenses are prosecuted at higher rates (Scalia and Litras 2002), interiority and exteriority are

themselves both sharpened and rendered ambiguous. They are sharpened through confinement, through preventing individuals from entering or leaving particular spaces, whether these are a detention center or a national territory. They are rendered ambiguous in that the denial of rights to those who are so confined positions them outside of the spaces they occupy, locating them “elsewhere.” Spatial ambiguity is thus a component of the “impossibility” of illegal aliens, and detention centers and national territories can be placed alongside airports and islands as spaces that are redefined through current immigration enforcement regimes.

To examine how detention and deportation practices redefine national spaces, I juxtapose migrants’ experiences of un- or only partly authorized presence, detention, and deportation. In so doing, I seek to understand how movement between unauthorized presence, formal confinement, and forcible expulsion reveals a certain equivalence between the spaces within which these activities occur. My analysis draws primarily on interviews conducted in Southern California and El Salvador between 2006-2008, focusing on the experiences of 1.5 generation Salvadoran migrants, that is, individuals who were born in El Salvador, but who grew up in the United States. 104 individuals were interviewed altogether, including 1.5 generation migrants, some individuals who were born in the United States, some who immigrated to the United States at older ages (e.g., as adolescents), and individuals 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 of the interview sample consists of 1.5 generation youth who did not obtain U.S. citizenship, and who were eventually deported.

The interview material includes numerous accounts of unauthorized entry, illicit presence, detention, deportation, and in some cases, unauthorized reentry. My interpretation of this 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).

Unauthorized Presence

Paradoxically, to unauthorized migrants, U.S. territory is both a prohibited space and a space of confinement. When they enter or remain in the United States without authorization, migrants acquire both territorial personhood and an illegal personae. They become “illegal” in that their very presence is an infringement of U.S. territory, an interruption of space that is otherwise jurisdictionally whole. While other visitors receive temporary authorization (even in the form of a tourist visa or permission to enter), unauthorized migrants must move without the color of law. Exclusionary laws and policies situate them outside of the spaces that they occupy. 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. 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 have the right to a hearing before an immigration judge – a right generally not enjoyed by individuals outside of the United States.³ Such migrants can apply for political asylum or cancellation of removal, if they are eligible for such remedies.⁴ 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,⁵ and the Temporary Protected Status (TPS) 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 legality of migrants who have temporary authorization, such as TPS or a pending application for asylum, is ambiguous. Such individuals may possess work permits, drivers 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. Earlier patterns of cyclical but unauthorized migration have been made difficult by stiffened border enforcement, further confining the undocumented to U.S. territory (Bean, Edmonston and Passel 1990).

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.⁶ 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 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.” After Marisol’s mother passed away, Marisol turned to her uncles seeking information about El Salvador, only to be told, “Oh, you grew up here, so all that matters for you is just this country right?” Marisol resolved, ““One day I want to go and see it and look at it with my own eyes to see what was going on, you know.”” Because I guess I hear news about it and all the times there’s killing – there’s like, you know. But to be honest with you right now I really don’t know that much about my own country. 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 and similarly situated 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.

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. 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 Gonzalez, 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 when that issue came up for me, I think what exists at a young age for undocumented youth is the promise of hope. From your parents. Like, "Don't worry, next year we'll get it. We're in the process." 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."

So I remember enrolling in the class and being with my friend. 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 it came time to – 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."

So there's a time where, I think, undocumented youth have to, have to create excuses for why they're not walking the conventional kind of path.

The inability to drive legally, described by Beatriz, further confines undocumented migrants geographically, thus contributing to the internal differentiation of 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, this aspect of their selves remains lurking, to emerge in particular contexts, such as when seeking a drivers 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.

So in your family, being undocumented is not a – you're not discriminated, you don't go out, that you have to be on guard. It's like a safe kind of space. And so you function in that space, where everything's kind of okay and there's hope and there's faith? But then you also come in to this other world where you're going to school, you're going to college, so you understand what mainstream media is saying about illegal aliens. You understand that there's books and there's laws written against people like you. But you don't know that when you're in this other world. Like, your parents feel it but they don't necessarily know.

In this movement between worlds, unauthorized migrants' abilities to confine (and thus largely ignore) their own illegality shifts. Illegality is a relationship between legal space and bodies that interrupt that space through unauthorized presence. In that 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.⁷

Recent immigration sweeps designed to apprehend absconders sharpen such spatial and physical differentiation. Stories in the Spanish language press have

emphasized the ways that workplace raids suddenly transform communities that otherwise appeared normal. For instance, the article “A community torn apart by the *migra*” published in *La Opinión* (Weiss and Collins 2008) begins as follows:

When Magalena 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 when 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.⁸

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

Interestingly, raids can also reveal the sense in which unauthorized migrants embody illegality. At a September 12, 2008 conference at Loyola Law School in Los Angeles, which I attended, attorneys affiliated with the Los Angeles Raids Rapid Response Network described how, after a raid in the Los Angeles area, attorneys were able to secure detainees' release pending hearings, as long as detainees wore ankle bracelets. The attorneys viewed this outcome as a victory, but soon discovered that to their clients, these bracelets symbolized criminality and therefore were deeply humiliating.⁹ The ankle bracelets appear to be a physical manifestation of the way that illegality is confined to a segment or aspect of an unauthorized migrant's life, but can also "affect everything." Raids thus sharpen internal and external borders, making territorial personhood more salient and yet also more limited.

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

Like offshore immigrant processing centers or the international space of an airport, detention centers are "portals," and thus are spatially ambiguous, located within and outside of the nation at the same time. A reflection of this spatial ambiguity is the fact that detainees still enjoy territorial personhood (e.g., they have a right to an immigration hearing), but that it is more limited (they may lack the right to be released on bail, they are not assigned a public defender, they are sometimes treated in an abusive fashion – see Seattle School of Law 2008). Detention centers are therefore different from

prisons, though both are spatially ambiguous. Like detention centers, prisons remove inmates from society, hence requiring inmates to “reenter” upon completion of their sentences (Petersilia 2003). Prisons are thus, in a sense, “outside” of what might be conceptualized as the “community.” But, unlike detention centers, prisons typically do not serve as portals between the United States and another country to which inmates may soon be transferred.¹⁰ Furthermore, though they lose numerous rights upon incarceration, prisoners enjoy a formal, legal equality (though this may be violated in practice). Thus, 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, however, as soon as prisoners are transferred into immigration custody, where their lack of U.S. citizenship becomes particularly salient. 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 and Dempsey 2002, Eagly 2008).

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. Although it is, to my knowledge, unnecessary for agents to destroy such documents, 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. After pleading guilty to statutory rape (a crime that, during our interview, he denied committing), Marcus Lopez was released on probation. Attempting to fend off deportation by demonstrating his good moral character, he obtained a job as a medical assistant, and he dedicated himself to work, his wife, and his baby daughter. 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 in to 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.

Standing between apprehension and deportation, the detention center is a particularly liminal space. The territorial personhood that unauthorized immigrants had enjoyed previously is considerably eroded in this space that, as noted above, is a portal, of sorts. Detainees do not face criminal charges, 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 right to 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 even made you sign the papers without you [being] willing to sign the paperwork. I remember that when I got in the detention center, they said, “We’re gonna transfer you into Phoenix.” I said, “I want to fight the case.” They said, “No, you can’t fight the case.” And they just literally woke me up one day and said, “You’re getting transferred.” You didn’t get notice or anything. They would make new fingerprints, they would make copies of it, if you didn’t want to sign the papers. 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.” Sometimes they would just make copies of fingerprints. You would just ask them a question, say, “Can I file this? Can I file that?” They would just say, ‘I don’t know.’ They would never give you an answer. 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. 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. Mandatory detention policies significantly undercut exercise of the appeal process. Cesar Rojas, a legal permanent resident who had entered the United States at the age of 3 and who was deported to El Salvador when he was 29, explained "I didn't think I was going to be deported. I fought it for a year. I went to BIA. They deported me, from Arizona. Then I got the same thing from BIA. I thought, 'I'm just wasting my time.' You could go to the 9th circuit, and you could be there for 6 years and still get deported. I knew a guy who was fighting the case for 9 years. Still got deported."

The liminality of the detention center forces detainees to experience themselves as foreign (see also Yngvesson and 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. Interviewees, who in many cases thought of themselves as quasi-citizens, discovered that, legally at least, they were not who they thought they were. The stripping away of their prior legal identity was a violent act. Many interviewees could not fathom the possibility that they could be deported. Lorenzo Gómez, who was convicted on drug charges recounted, "I thought I was going to be a resident forever, and I never thought there was going to be some immigration laws that would change and that would actually make them revoke my residence card." Similarly, Enrique Lemus and David Alvarez

thought that because of their legal permanent residency, there would be some way to avoid being deported, that, as David put it, “maybe you could work something out.” 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.”

For Victor Castillo, being reconstituted as foreign was *actually* violent. 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, he refused to go. He explained,

They’re [the ICE officers in El Centro are] saying, “Uh, well it’s nice that you think you’re a US citizen, but you’re getting deported, mister. And here’s the deal, you have to go to your consulate.” And I’m like, ‘No, I’m not going to go. I’m respectfully refusing to go see my consulate.’ Because I know that once I have a final order of removal, once the consulate identifies me by a picture and says, “Yes, that’s him,” I’m on the next plane back to El Salvador.

When he refused to go to the consulate, he related, the ICE officials reacted violently, first psychologically and then physically:

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 ready to serve my country, I was a registered voter, I voted for governor of CA, I voted for presidents, my whole life was over there, my wife, my kids, I was a total American, 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 detention center realizes the spatial confinement associated with territorial personhood. The detention center is where the spatial interruption of national territory through unauthorized presence becomes relocalized. Through the detention center, the multiple internal borders (that, for example, prevented

Marisol Sanabria from going on a class field trip or Beatriz Gonzales from obtaining a drivers 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. The unauthorized or temporarily authorized (and, as the above interviews indicate, even legal permanent residency can be only temporary) exist in both of these dimensions of national territory, but, to the degree that such people are confined within, 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 a continuation of their prior confinement.

Deportation

Deportation returns migrants to their country of origin where, although they enjoy formal legal equality, they are also set apart from other citizens. Although a few deportees may return willingly, most experience return 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. In El Salvador, deportees are not formally confined in that they are free to move within their national territory, to exit that territory, and to enter nations with which their own countries have travel agreements. For instance, Guatemala, El Salvador, Nicaragua and Honduras permit their citizens to travel to and within each other's territories. As noted at the outset of this paper, however, the right to exit their countries of origin or, in this case, the region of Central America, 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. Recall, for instance, Victor's statement that he had been banished from his country. Furthermore, these deportees' prior history— the normalcy that they established in the United States and that was erased through detention and deportation – continued to differentiate them from other Salvadorans, placing them apart, and, once again, creating internal spatial boundaries. Such differentiation was potentially life-threatening, if deportees were 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 extended the confinement that these migrants had experienced in the United States.

The continuity between incarceration, detention, and deportation is conveyed by the fact that numerous interviewees described 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. Just to get married. 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."

Interviewees struggled to understand the length of time that they had to remain outside of the United States:

Amilcar: It's like, when you got the deportation letter, "You're inadmissible to the United States at any time." It's not for five years, it's not for three years.

Susan: That's what I don't understand. People say five years, but then –

Jorge (Ramirez): See, they gave me 10 years, but it's the same thing.

Amilcar: The judge told me, "You will not be allowed in 10 years." But then the deportation paper says "at any time." It doesn't say "10 years," it doesn't say, "five years." It says, "At any time."

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, as Amilcar Mejia noted above, the exile that they were experiencing appeared to be indefinite.

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. 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.

Susan: Why?

Marcus: 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: Harrass 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.

Francisco: It's hard. That's why we don't go out to the malls. They misjudge you.... We select places that we go. We don't go anywhere. Especially, the crime here, and to avoid problems, or confront someone that might not like you. The way they solve things here is by shooting you in the head. That's not the way that I want to actually die. People they feel like intimidated because you look different or you come from the United States. They hate you because you've been somewhere that they want to be.

Marcus's and Francisco's accounts of harassment were echoed by numerous deportees, and Francisco's fear of being shot appeared to be realistic. Manuel Urquilla, another interviewee, told me of the murders of two friends who had also been deported. One was killed at a party, presumably by gang members, and another was murdered at a street stand where he sold CDs, presumably also by gang members.

Marcus, Francisco, Manuel, and other interviewees insisted that, as deportees who had spent a significant amount of time outside of the United States, they were marked as

“different” and as potentially criminal. 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.” These differences set deportees apart socially. 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.’”

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, purchased cars so that they would not have to travel by bus, and, in an effort to blend in, brought along a girlfriend when patronizing commercial shopping centers. 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.” With support from his mother in the United States, Manuel actually purchased a home in a gated community outside of San Salvador: “Even, we have to come to the extreme that I live in Santa Ana.

I have a mother who said, ‘Let’s buy a house in a secure area.’ And where I live, no one can go. You have to show an I.D. and they actually have to let me know if I want you to come in or not. That’s how secure it is.... It’s the only way I’m living here is I feel secure where I’m at.”

By setting themselves apart, some deportees were able to recreate something of the life that they had experienced in the United States. 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. Carlos Guzman and Enrique Lemus, both of whom worked at a Call Center, described such activities:

Enrique: See, I see myself as a Salvadoran living the American lifestyle.

Carlos: Or *trying* to live the American lifestyle!

Enrique: Not “trying,” because I mean, we’re different from other people.

I’m different from my neighbors. They look at you, they can’t be like you!

Susan: So what are those differences?

Enrique: The dress style, the food –

Carlos: It’s not only the food –

Enrique: -- that you eat, the type of things that you might have in your house are not the same as other people, the way you walk.... 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.

Carlos: Another example by that is with the guys that lived in the States and got deported, we might get together and play American football, or basketball, or handball.... I like football season or basketball season. Because that reminds me so much to the States. I always liked sports. And when those seasons are here, I get together with my friends, to do like a little barbecue, we buy some beers. Those are reunions [get-togethers] that we used to have in the States about sports, that were sports-related.

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,

Victor: 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!"

Nelson (Zapatero): Killing myself.

Victor: That's what I thought! 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. In the above excerpt, Nelson's sympathetic comment, "Killing myself," suggests that he may have considered this option as well. Edgar, another interviewee, said that when he was deported, he felt "alone, abandoned, destroyed." Depression and thoughts of suicide can result from deportees' sense that they are trapped. Cesar described his lack of options, 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 Manuel 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 deportees were not formally confined, their lives in El Salvador were defined in relation to the (im)possibility of returning legally to the United States.¹¹ Many opted to return illegally. Immigrant advocates who worked with deportees in El Salvador estimated that 40-60% of deportees returned to the United States without authorization. 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!!” Lorenzo had direct experience of the risks associated with illicit entry and travel. I will quote his harrowing account of his journey through Mexico at length:

I didn’t have no money to pay a coyote.... So I had to sleep in the streets. When I got to the Mexican and he Guatemalan border, that’s when the real deal starts. Because the hardest part about getting to the US is going through Mexico....

So it’s hard. I said to myself, “I don’t know where to get out, and I’m gonna get caught. What do I do?” I started to see other buys with backpacks – illegals, right? I started to ask questions. “What do you do to get to the Mexican border? And when I’m in the Mexican side, instead of catching buses, I don’t have no money and I don’t know where to get on and off without being caught.” “No, brother, you don’t do that. You catch a freight train. A cargo train.” “A

cargo train! Where do I catch a cargo train?” “You go to the first city, the Mexican city, Tapachula, right, and there you go to the train station....

I got mugged on the way over there. I saw people that fell off the train.... One of my buddies.... But this guy was drunk. Very drunk. We kept telling him, “Dude! You can’t be drinking and hopping on the train like that. Because, you know, if you’re drunk you could fall. You could make a mistake, man.” He didn’t listen. Sure enough, he fell off that train. We couldn’t get off the train because it was going so fast and we couldn’t believe what happened. We were just, “Awww!” We were shocked. “Wow!” And then we bought the newspaper the next day to see if we’d see something, and we sure did. His limbs were everywhere. His head was just cut off. It was horrible!

And a lot of the women get raped. Because they have a lot of gang members. What these gang members, they’re organized.... I got mugged, I got stuck up. “Sure, what do you need, sir?” Just run up all your money! And if they like your shoes, they take your shoes. And if they like what you’re wearing. They have one thing, right, because it’s organized crime. They wasn’t allowed to hit you unless you did something to them. Or unless you refused to give them your money. Anything. Or if they find out that you are a rival gang member, they would throw you off the train, right into the wheels. I was sleeping and they mugged me, and they grabbed me by the neck. “Wake up!” And I had a machete right here [motions toward stomach.] “Alright, just run up all your money, that’s all we want.” “All right man, I believe I don’t have much money, I have 10 or 13 pesos, man if you want them, okay!” “Just lay on the floor.” Children, women,

and they raped women too. I actually saw that happen too. Other people get mugged, killed, assaulted, dead. People die every day on that train.

This account demonstrates both the degree to which people are trapped – it is very difficult to travel without authorization – and the ways that migrants develop their own resources to defy confinement. Lorenzo learned how to hop a train, evade Mexican immigration authorities, and respond to thieves, and he attempted to advise other migrants whom he met along the way. Clearly, unauthorized migration generates profits, not only for the capitalists who hire unauthorized labor, but also for the gangs that prey on migrants en route. Confinement to an illicit realm entails violence, suffering, and even death, as demonstrated by Lorenzo’s description of his companion’s fall from the train. To avoid confinement, one interviewee had seriously makes 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 individuals consider such extreme actions demonstrates the way that deportation traps rather than liberates.

Conclusion

These accounts of migration, detention, and deportation suggest that stepped up immigration enforcement has redefined both national territories and detention centers, imbuing each with the quality of being nationalized yet geographically elsewhere. Thus, for undocumented or temporarily authorized migrants, U.S. territory becomes a site where migrants both experience particular exclusions (such as the denial of work authorization) *and* acquire rights by virtue of their physical presence. Similarly,

detention centers are hypernationalized in that they remove unauthorized migrants from the community and thus reassert national sovereignty. At the same time, these spaces are *portals* through which migrants pass on their way *out*. As portals, detention centers are spatially ambiguous, a legal border of sorts between U.S. territory and that of other nations. This ambiguity is marked by the reduction in territorial personhood that migrants experience when they are relocated within this space. The detention center is thus the inversion of the international space of an airport, where the legal fiction of travelers' externality is maintained – travelers land in a country but do not legally enter it. In the detention center, migrants are within U.S. territory, but the detention experience seems designed to convince them that they are already outside, that they have already been removed in all but the physical sense. Recall that, at the moment of apprehension, an ICE agent allegedly told Pablo Ramirez, “Well, you ain’t an American citizen. So you’re going back to your country no matter what.”

Through deportation, the territory of El Salvador also becomes a legal outside, and, like the detention center, a space of confinement. Deportees' location in El Salvador is therefore in some sense like their unauthorized presence in the United States. Note, for instance, the following exchange between deportees:

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," indicating 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*. I do not mean that he did not consider himself Salvadoran at earlier points in his life, but rather that 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. In other words, when Amilcar states, "Now, I'm Salvadorean," "Salvadorean" means, among other things, *not* a U.S. citizen.

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, in that they are physically present, unauthorized immigrants acquire territorial

personhood – limited legal rights afforded by their presence within a particular national territory. Unauthorized presence, in a sense, activates the boundaries of the nation as a prohibited space, a space of confinement, beyond which the unauthorized must not stray if they wish to maintain their (however limited) legal rights. The unauthorized therefore live with a continual ambiguity: their lives may be “normal” and completely “abnormal” (illegal) at the same time. When such migrants are apprehended, the detention center becomes the place where their unlawful presence is concentrated, a site that is on a border and thus ambiguously situated within and outside of the United States. In the detention center, migrants experience an embodied transformation, as the illegality or alienage that was once confined to a portion of their being takes over. As Amilcar put it, “Now, I am Salvadorean.” 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. Their “illegality” in relation to the United States therefore continues.

In sum, there are clear connections between the “impossibility” of the illegal alien on the one hand (Ngai 2004, Bosniak 2006), and the territorial splintering that is entailed in confinement on the other. Enforcement practices that produce deportability (De Genova 2002), detention, and actual deportation fracture territories, such that the United States is comprised both of an “underground” occupied by undocumented immigrants and an “above ground,” detention centers are on the borders of nations, and foreign

territories become the “outside” occupied by migrants whose presence is prohibited “within.” As persons who embody contradictory legal identities – unauthorized yet territorially present, prohibited yet retaining traces of a prior legal existence, foreign yet national – migrants themselves may be territorial portals of sorts, enabling alienage to enter the United States and something of the United States to be situated elsewhere. Through policing, detention, and deportation, immigration law enforcement fractures both spaces and persons, producing new confinement.

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¹ Motomura (2006:10) has coined the term "territorial personhood" to refer to the way that "simply being present in the United States bestows certain minimum rights on lawful immigrants and other noncitizens." See also Bosniak's (2006) discussion of the privilege afforded by territorial presence.

² Note as well the 1901 invention of the category of "unincorporated territory" that accompanied U.S. acquisition of territories in Spain. According to Ngai (2004:100), these territories were defined as belonging to but outside of the U.S., and residents of those territories acquired the newly coined status of "U.S. nationals," neither citizens nor aliens.

³ But, individuals who are interdicted at sea and who articulate a well-founded fear of persecution may have the right to a credible fear determination and subsequently a hearing before an immigration judge. See Legomsky 2006, USCIS 2008.

⁴ Political asylum is available to migrants who can prove that they have a well-founded fear of persecution by their government or by groups that their government cannot control on account of their race, religion, nationality, political opinion, or social group membership. To obtain cancellation of removal, migrants must prove good moral character, ten years of continuous presence in the United States, and that their deportation would pose an extreme and exceptional hardship for their U.S. citizen or legal permanent resident spouse, parent, or child. Needless to say, it is difficult to obtain either of these remedies.

⁵ Add details about SAW, refer reader to a source on IRCA.

⁶ Pseudonyms have been used for interviewees, throughout.

⁷ In this sense, 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.

⁸ Translation mine.

⁹ In this case, attorneys successfully argued that ankle bracelets were a form of custody, and, after bond hearings, were able to have the bracelets removed.

¹⁰ Extradition may be an exception to this claim.

¹¹ Note that some interviewees had been formally confined in El Salvador. Cesar had been accused of attempting to kidnap a taxi driver, and had spent a few months in prison in El Salvador. Other interviewees had been jailed for several days for "investigation" to determine whether or not they were gang members. Interviewees also reported that deportees who are wanted for crimes in El Salvador are taken into custody at the airport, when they return.