

Thickening Borders: Deterrence, Punishment, and Confinement of Refugees at the U.S.

Border

Dissertation

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Abstract

This dissertation critically analyzes the relationship between the state and the asylum-seeker through bordering mechanisms, with particular focus on confinement at the border. It argues that in contravention of international humanitarian law, Western signatory states manage refugees through punitive forms of enforcement. These countries enact bordering techniques that “thicken” the border, making it more difficult for people fleeing violence to reach a safe territory. These bordering mechanisms amount to a form of state-sanctioned violence that endangers the lives of refugees during the journey and, through confinement, harms them on arrival. Moreover, individual states enact bordering mechanisms that extend beyond their territories and result in buffer zones that sometimes overlap, forming a transnational sovereign assemblage that works to prevent displaced populations seeking asylum from exiting the Global South. This formation makes it necessary to look beyond individual regimes and think of borders transnationally, something I do by exploring the cases of Australia, the European Union, and the United States to identify a global refugee regime of deterrence, punishment, and confinement.

My dissertation combines a novel approach to understanding borders with an analysis of bordering mechanisms at the U.S.-Mexico border. Using a transnational feminist lens, I explore how U.S. intervention in countries of the Northern Triangle creates racialized and gendered subjects that merge with existing stereotypes that

criminalize brown migrants. The material consequences of this discourse can be seen at the southern border, where Central American women who seek asylum are punished. I theorize what happens at the border as a combination of sovereign and disciplinary punishment that serves also as a form of governing populations by deterring further arrivals. This methodology unveils how racist narratives of “deviant” motherhood precede these women and shape their reception. These gendered and racialized narratives make the punishment of refugees acceptable by conflating the immigrant, the criminal, and the asylum-seeker. In addition, I argue that humanitarian practices and narratives espoused by nongovernmental organizations working at the border are themselves among the mechanisms that constitute the border. These actors become complicit by participating in the knowledge production that reinforces the current refugee regime.

This multi-scalar project makes several contributions to the scholarship on critical refugee studies, migration and immigration detention, and critical border studies. First, I approach bordering mechanisms at a transnational level showing the convergence of Western refugee management regimes into a transnational sovereign assemblage. Second, my research explains how states’ disavowal of responsibility for the conditions that displace populations, along with well-rehearsed narratives of threat, facilitates the extension of detention as a routine practice in the management of asylum-seeking populations. It focuses in particular on practices of punishment deployed against this population. And finally, I contribute to the critical literature on humanitarianism by exploring how humanitarian practices by nongovernmental actors at the border are entangled with neoliberalism and co-opted by the refugee regime.

Dedication

This work is dedicated to all the brave women in the world who daily attempt to cross the borders that try to contain them.

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Riva, Sara. "Across the border and into the cold: *hieleras* and the punishment of asylum-seeking Central American women in the United States." *Citizenship Studies* 21, no. 3 (2017): 309-326.

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Fields of Study

Major Field: Women's, Gender, and Sexuality Studies

Preface

This project grew out of an interest in people who cross borders. Among them, Zygmunt Bauman (1998) argues, there are *tourists* and *vagabonds*. As a border abolitionist and a tourist, I have always been concerned with the production of inequality through borders and its consequences, so when I had the opportunity to volunteer at a detention center at the U.S.-Mexico border I took it. That is where this project started.

Right after I finished my candidacy exams I was presented with the chance to volunteer for a nonprofit organization that works at an immigration detention center in Texas. During the very intense week I spent working in the facility, I met many women who had left the violence of their countries because they had experienced deep fear as well as trauma. These predominantly Central American women had decided that it would be safer to take their children and leave for a foreign land where they did not speak the language rather than stay put. The dangers of the journey, the anxiety of the unknown, and the prospect of mistreatment from U.S. authorities did not stop them from pursuing a safer future. When they reached the U.S.-Mexico border, some of these women were apprehended by border patrol officers while others approached the officers directly and told them they were afraid to return to their countries.

One of the things that struck me the most about these women's experiences was the constant mistreatment they had experienced since they set foot in the U.S. They told

me stories about being insulted by officers and locked up in freezing temporary holding cells, separated from their children, their belongings confiscated. Some had been left in wet clothes for days. I learned about these women's experiences through their own testimonies and those of the organization's staff members, and grew increasingly curious about the structural, political, social, cultural, and geopolitical dynamics of which the mistreatment was only a small—if deeply tragic—dimension. I shared these stories with friends and colleagues at the university and to my surprise nobody was aware of the treatment refugees were receiving at the southern border. Thus, the first objective of this dissertation is to document and expose contemporary practices of state violence against asylum-seekers at the border. I believe it is important for the citizenry to be aware of how the state treats vulnerable populations within its territory.

As I learned more about the global refugee regimes the more I became aware of other Western countries with similarly racialized projects and surprising convergences with the U.S. border regime. Thus, a second objective of this dissertation is to make visible the transnational connections between different Western regimes and techniques of “defense” against asylum-seekers. Pursuing these two goals led to illuminating discoveries of the ways in which the border has “thickened” for refugees in the post-Cold War era, making it harder for them to reach refuge. Such developments have understandably resulted in a proliferation of humanitarian work assisting migrants. Yet my past professional experience in the development sector and my experience as a volunteer at the border, encouraged me to think twice before embracing these initiatives uncritically. Thus, the third objective of this dissertation is to critically analyze the

humanitarian work taking place at the border and the ways in which it privileges particular subjects and forms of knowledge. While not always done uncritically, humanitarian work at the border too has become one of the mechanisms that shape the thickening of the border. In order to achieve these objectives, I investigate the geopolitical and historical background of state action and the way in which it materializes in particular border formations. I do this from a transnational feminist perspective that attends both to the ways in which these structures construct particular refugee subjects and how these structures are experienced by people who seek asylum. This project is thus the result of the on-the-ground experience that started in Texas and grew organically throughout my academic journey into the project it is today.

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Chapter 1: Introduction

Thickening the Border

In today's world, crossing a border can be a difficult and dangerous endeavor, sometimes even a fatal one. Despite the potential dangers of traversing borders, people continue to risk their lives to escape violence in their countries of origin; these people are called asylum-seekers. The terms "asylum-seeker" and "refugee" are often conflated in media outlets. For instance, news accounts talk about Syrian "refugees" rather than Syrian "asylum-seekers," which would be the juridically accurate term. Legally, refugees are those whose claims have been examined by the receiving state and found to have legitimate grounds to acquire the status. In contrast, asylum-seekers are subjects who request the status of refugee but whose claims have yet to be sanctioned by the state in which they seek asylum. The recognition of the refugee subject is thus a legal and rhetorical event, i.e., the refugee only comes into being as the result of a process of naming performed by a state (Luker 2015, 103). Making a tight distinction—outside legal discourse—between asylum-seekers and refugees runs the risk of legitimizing and centering the perspective of the state, and also unintentionally contributes to reinforcing the status difference in detriment of the people seeking protection (Luker 2015, 103). However, given that refugees have already been granted the protection of the state, the processes that refugees and asylum-seekers undergo when they reach a host country are

different. Refugees leave their countries of origin, refugee camps, or third countries with a recognition of their status as refugees. When recognized refugees reach the country of resettlement, they have already been through the necessary bureaucratic processes that identify them as such. Meanwhile, asylum-seekers cross borders without “permission” and need to start the request for refugee status once they set foot in the destination country. These are two very different processes that result in different relationships with the border and the receiving state. To avoid reifying the state-sanctioned distinction, in this dissertation I refer interchangeably to refugee and asylum-seeker, unless I am referring specifically to the legal processes and statuses associated with these processes. While I agree with other scholars that categories of asylum need to adapt to modern forms of displacement (Betts 2013; Mountz and Hiemstra 2014; Torres 2018) and that the lines dividing refugees from migrants are somewhat blurry, I distinguish between refugees/asylum-seekers, on the one hand, and migrants, on the other hand. In contrast to refugees I take migrants to be people who are crossing borders primarily for economic reasons or who make a conscious choice to move to other country, as opposed to asylum-seekers, who are fleeing persecution and thus forced to leave their country because they are at risk. At the risk of oversimplification, I maintain this distinction because these categories are different in public narratives and policy-making, yet one of the points of my dissertation is that they have become increasingly conflated by discourses of criminalization and targeted by convergent forms of confinement.

Attesting to the dangers of border crossing, data shows that since the 1990s, more than 7,000 bodies have been found at the U.S.-Mexico border (Miller 2018) and, just in

2016, an estimated 5,079 persons died on their way to Europe (International Organization for Migrations 2017). Among asylum-seekers attempting to reach Australia between 2000 and 2017, around 2,000 lost their lives (Border Crossing Observatory 2017). The few refugees who make it to the country of destination are likely to be confined in a detention center, sometimes indefinitely. These centers are often run by private corporations that profit from housing asylum-seekers. Violence is part of the detainees' daily experiences in those centers of confinement, where this population experiences punishment, abuse, neglect, and even death. Even though the state is formally responsible for the well-being of these asylum-seekers, the increasing privatization of detention centers makes it challenging to render the state accountable for these incidents.

The privatization of detention centers belongs to a group of practices that I refer to as bordering mechanisms. Borders are not just physical boundaries situated between two nation-states that one needs to cross to reach a new country but are rather an assemblage of different moving parts that constitute a whole.¹ These parts together are what I call bordering mechanisms, or techniques. They are formed by a collection of practices—route surveillance by officers, confinement at the border and elsewhere, outsourcing the management of detention centers, and legal processes to obtain refugee status, and so on—combined with dehumanizing discourses enacted by states, political actors, humanitarian organizations, and private corporations. These mechanisms render the border thicker for refugees impeding their arrival in a safe country. Being confined inside the refuge territory still means being at the border. For instance, one can cross the U.S.-

¹ For instance, one of the ports of entry to the United States is Dublin's International Airport (U.S. Customs and Border Protection 2007, 31).

Mexico border and get confined in a detention center in Pennsylvania, or one can get confined in Papua New Guinea by trying to reach Australia and one would still be experiencing U.S. and Australia's borders respectively.² The ensemble of bordering mechanisms—material and discursive—that states and other actors implement to make it arduous for refugees to reach their shores result in what I call the “thickening of the border.”³ This thickening results not only from state mechanisms of border control geographically located at the territorial frontier of the states but also from geopolitical efforts to contain people in other nations (Conlon, Hiemstra, and Mountz 2017, 8; Parker and Adler-Nissen 2012, 776). The thickening of the border takes place by increasing the legal, material, and symbolic distance between the state and the asylum-seeker.

By thickening the border, bordering mechanisms create buffer zones that ward off countries from potential refugees and isolate refugees in the Global South. Given that bordering mechanisms are transnational and involve agreements and actions in third countries, when buffer zones shielding different nations extend and overlap, they amount to what I call a transnational sovereign assemblage. This assemblage spatially confines displaced populations in the Global South and should be properly understood as transnational, as opposed to national. Although the result is a fairly monolithic barrier for refugees, this assemblage is not homogeneous in structure but is instead composed of differently balanced, dyadic relations between countries, heterogeneous dehumanizing

² Additionally, managing to enter a country does not guarantee being away from the border's reach. Some people live in a state of liminality for years, by for instance, when they remain in a country without documents or get temporary statuses. These subjects are subjected to surveillance and in constant risk of deportation. This question, while important, is outside the scope of this project.

³ In his 2017 article, Matthew Longo also refers to borders as becoming “thicker and bi-national.”

narratives prevalent among domestic publics, confinement practices, externalization measures, and other deterrence mechanisms, with different degrees of reach and success.

Why is this project important?

Borders are imperial formations (Razack 2017) that have come to be recognized as spaces of suffering and death (Weber and Pickering 2011). Yet the very people fleeing from violence, who themselves experience border regimes as violent and threatening, are constructed as threats. These constructions make them deserving of punishment in the eyes of the receiving publics and legitimize their exclusion from safety and security. By tracking these twin processes, this project questions the naturalness of borders as necessary institutions of protection and shows how they are, instead, sites of oppression. It questions the legitimacy of borders by, first, reconstructing the ways in which the punitive arm of the state targets refugees, evading its international obligations in the process; and second, by showing how racialized discourses that rely on tropes of criminality, neoliberal subjecthood, and humanitarianism are part of the assemblage of bordering techniques used to manage refugees. Additionally, by examining and documenting the violent and punitive practices that target asylum-seekers at the border and the ways in which Western states' practices merge into a transnational sovereign assemblage, my project illuminates two forms of convergence: that between immigration and refugee systems, and that between separate Western regimes that morph into a single Western border regime. Finally, by recording contemporary practices of state violence against asylum-seekers at the border I contribute to the broader project of making violence at the border visible and thus easier to challenge. In short, this project invites the

reader to rethink borders as naturalized elements of contemporary nation-states and instead makes its violence evident.

My Intervention in the Scholarship

My engagement with the mechanisms that thicken the border is an interdisciplinary project. As such, it contributes to the scholarship on asylum-seeking, humanitarianism, migration, race, confinement, and punishment. It connects bordering mechanisms in the U.S. to other regions by theorizing the ways in which the U.S. border has not only thickened but merged with other Western state's borders. My project also broadens the study of criminalization and punishment—extensively studied for immigrants—to people who seek asylum. I analyze the ways in which Central American asylum-seekers are racialized and gendered, and also explore the role that humanitarian discourse and organizations play in the current refugee regime. This dissertation also contributes to critical scholarships on refugee studies and border studies that question conventional narratives and social scientific accounts of the “problem” of refugees and borders.

The increase in immigration detention and removals in the United States has taken place alongside narratives of criminalization and securitization of immigrants. The number of migrants placed in detention in 1995 was 85,000 compared to a peak of 477,523 in 2012 (Center for Migration Studies 2014). This is the result of the convergence between the realms of national security, immigration, and criminal justice—all of which are forms of intervention based on the racialization of their target subjects. Scholars have labeled the convergence between criminal and immigration law and

enforcement “crimmigration” (Hernández 2015; Stumpf 2006). Immigrants are routinely depicted as job stealers, drug traffickers, and terrorists. Discourses proliferate and frame this population as a threat to the moral, cultural, and economic health of the receiving nation. Racialized discourses that conflate immigrants with criminals are widespread in the United States and have prompted scholars to address the intersection of immigration and imprisonment by, for instance, focusing on the role of state violence in daily life and “the interconnections between contemporary migration and penal policies” (Loyd, Mitchelson, and Burrige 2013, 3). My project builds upon these concerns and shows the extension of criminalization and confinement to a new population: asylum-seekers.

My project also historicizes and contextualizes refugee flows by tracing how U.S. policies in Central America since the Cold War have forced people to flee from the violence in the region while simultaneously reinforcing domestic constructions of Latinas/os as criminals. Historically and recently, Central American refugees from the Northern Triangle⁴ and Nicaragua have showed up at the border looking for safety for different but not completely unrelated reasons. Regarding the contemporary upsurge, I argue that the mistreatment these refugees experience at the border is facilitated by the conflation of the racialized (often irregular) migrant—already seen as a criminal—and the asylum-seeker. Moreover, the violence that refugees flee is understood by domestic publics as marking the fleeing victims themselves as threatening. These confluations justify their confinement at the border for arbitrary lengths of time and their subjection to punitive techniques. The racialized and gendered ways in which Northern Triangle

⁴ The Northern Triangle includes El Salvador, Honduras, and Guatemala.

countries are depicted in the U.S. make refugees from the region “readable” only as ineligible for asylum. In particular, men from the Northern Triangle are assumed to be drug dealers and gang members, and women in turn are seen as “deviant” mothers. Thus, the images that associate refugees with irregular migrants/criminals and with the violence taking place in their countries of origin precede these asylum-seekers, portraying them as underserving of protection long before they leave their countries of origin. Overall, states view the management of these “dangerous” populations as a problem and thus the extension of confinement from migrants to refugees becomes commonsensical.

Moreover, unlike most refugee scholarship, which treats receiving countries or regions in isolation, my dissertation expands the range of view transnationally and theorizes how the border has thickened in a way that fortifies the West as a whole through converging bordering techniques. My project puts these transnational bordering mechanisms in conversation with each other by analyzing how some nations create buffer zones against asylum-seekers, and the way in which these zones sometimes overlap to create an overarching transnational sovereign assemblage. My research evidences the importance of thinking in a transnational way when it comes to bordering techniques and refugee management.

In addition, my project conceptualizes humanitarianism at the border as part of the ensemble of bordering techniques. My research shows how humanitarianism is entangled with neoliberalism and coopted by the punitive system of refugee and immigration policy enforcement. Nongovernmental humanitarian organizations—despite being critical of border regimes—get entrapped in these regimes in ways that may assist

people in crossing borders, while also becoming part of broader neoliberal apparatuses of surveillance and confinement.

In sum, my project explores new assemblages of bordering techniques that have thickened the border beyond the space of receiving states. Moreover, the border regimes of Western states converge in two senses. First, they deploy common technologies of confinement, surveillance, and deterrence. Second, they operate jointly to create a transnational sovereign assemblage that materially corrals the majority of displaced populations in the Global South. Ultimately, I make a case for the border as a site of worrying transformations deserving of sustained scholarly attention.

Theoretical Frameworks

In order to examine the mechanisms that have thickened the border my project takes a multi-scalar approach that examines multiple sites and operates at several levels of abstraction. On the one hand, the macro approach focuses on how bordering techniques are transnationally connected and executed to form a broad barrier that is faced by displaced populations from the Global South. On the other hand, my strategy is attentive to the events taking place on the ground at the U.S.-Mexico border, attending to the entwined way in which institutions, practices, and bodies constitute the border. Thus my research studies institutional formations, processes of subjectivation, and transnational convergence associated with border practices. This dissertation moves from transnational bordering mechanisms globally enacted, to the bodies of the women who seek asylum. As feminist geographers Deirdre Conlon, Nancy Hiemstra, and Alison Mountz (2017) argue, a scaled approach deepens the understanding of the driving forces

of the expansion of detention regimes at the global scale and the broad and growing array of actors with a stake in detention. Conceptualizing detention and confinement across multiple scales requires a diverse range of techniques of interpretation, understanding, analysis, and documentation. Accordingly, my project is framed through a transnational feminist framework complemented by a Foucauldian lens that considers how confinement and punishment operate alongside discourses and practices of neoliberal humanitarianism. These two theoretical frameworks elucidate the effects of bordering techniques at different levels—from the individual level to the larger historical context that takes into account power structures and flows. In what follows, I give a brief overview of these frameworks and their relevance to my research, anticipating the chapters in which I will develop the approaches more fully.

This dissertation is indebted to the writings of Michel Foucault. In particular, I rely on Foucault's conceptualization of punishment and its relation to different modes of government. It is well known that Foucault sees a central transition between the forms of punishment that characterize sovereignty and those associated with disciplinary power. Foucault argues that punishment associated with sovereign power operated as a punitive spectacle, while punishment associated with disciplinary power tends to work as a productive/regulatory technique (Foucault 1977, 50). These types of power, however, can sometimes coexist and constitute one another (Butler 2004, 59-60; Foucault 1977, 216; Valdez 2016b). I contribute to this examination by arguing that supposedly archaic forms of punishment associated with sovereignty can also remain alongside disciplinary punishment. I make this case in Chapter 4, through an analysis of the mistreatment

Central American asylum-seeking women experience locked up in temporary holding cells. In Chapter 5, I use Foucault’s notion of “regimes of truth” and their relation to power and knowledge to theorize the processes of subjectification of refugee women through the training for and performance in “credible fear interviews” required for asylum-seekers. Foucault defines “regimes of truth” as “the ensemble of rules according to which the true and the false are separated and specific effects of power attach to the true” (Foucault 1980, 132). I use Foucault’s theorization of “regimes of truth” to make visible the subjects constructed by narratives of “real” versus “bogus” refugees, and the role of nonprofit organizations in this process. In this same chapter, I examine the perspective of the women being trained and explore to what extent their neoliberal performances operate alongside “practices of freedom” that engage critically with the power that emerges from knowledge sanctioned by regimes of truth. Foucault’s “practices of freedom” are useful to theorize how—despite being embedded in power relations—the subject can engage critically with circulating discourses and power regimes.

Narratives that justify refugee confinement are grounded in local geopolitical realities and rely on gendered and racialized tropes to construct a threatening refugee that endangers the receiving nation. These narratives hide the political and socio-economic violent circumstances give rise to asylum-seekers. A transnational feminist framework illuminates how these converging forms of confinement deployed globally emerge and are supported by a variety of gendered and racialized discourses articulated locally. As I state explicitly in Chapters 3 and 4, this approach allows me to decenter the United

States, denaturalize the state, and understand the local as the result of global historical connections and exchanges between regions of the world. This framework makes visible the mutual relations between countries in the Northern Triangle and the United States, and their embeddedness within global structures and economic and geopolitical trends. A transnational feminist lens is aligned with the critical refugee studies discipline that calls for an understanding of the “refugee” as a product of military intervention and other socio-political events while it highlights the co-constitutive nature of the “refugee” and “refuge” (Lê Espiritu 2014, 2017). I argue that a notable development of post-Cold War refugee politics is the gradual disappearance of the U.S. pretense of offering humanitarian refuge to individuals fleeing authoritarianism, and its replacement with the harsher, more honest face of militarized deterrence and confinement.

My research strategy is grounded in a feminist perspective. A feminist perspective is attentive to the impacts of gender as a system and its interaction with other systems of oppression such as race. In my examination of the refugee regime, I center the experiences of women and explore how gender, along with race, operates vis-à-vis punishment and confinement. Similarly, I pay attention to the ways in which neoliberalism constructs particular gendered subjectivities and explore how Central American women locked up at the border face and react to stigmatizing narratives and practices.

Methods

My dissertation employs a mixed methodology that combines interviews with participant observation, a critical engagement with the secondary literature, analysis of

news accounts, laws, and reports and policy analysis by governmental and nonprofit organizations. In addition, I use interpretive methods to critically assess discourses and how they operate alongside with practices. The fieldwork I conducted as part of my research comprised four trips to an organization working pro bono at an immigration detention center in Texas where I volunteered and carried out interviews with staff and other volunteers. I also established relations with nongovernmental organizations and activists in Australia and the United Kingdom that further informed my project.⁵

The detention facility where I conducted fieldwork is located in Texas and has a capacity of over 2,000 beds. I was able to access the detention center by volunteering for a nonprofit organization, which I refer to by the pseudonym Help at the Border (HABO), working with asylum-seekers in that detention center. Over the course of one year (2016), I visited the organization and the detention center on four occasions (for one week each time) and have—since my first visit—kept in weekly contact with its staff to gather information. These trips not only allowed me to interview different members of the on-the-ground staff of the organization, but also gave me the opportunity to engage in participant observation. I continue to perform voluntary work remotely for them.

One of the goals of my research project was to find out more about the experiences of the women who were confined in the detention center. However, as a feminist researcher, I was conflicted about subjecting these women to further scrutiny. In addition, many of these women live in constant fear of being found by gang members

⁵ I spent six months at the University of Queensland where I became better acquainted with the Australian refugee system via contact with researchers, activists, organizers, and volunteer work in the refugee community. I also spent four months as a visiting scholar at the Center of Migration, Policy, and Society (University of Oxford), where I was able to establish relationships with migration scholars as well as activists and other advocates.

from their countries of origin and thus I did not want to make them feel further exposed. For those reasons, I decided to conduct semi-structured interviews with the people who work for the nonprofit inside the detention center every day. I could obtain the necessary information through their interviews rather than exploiting the confined women for my research purposes. As a mark of feminist research—“an emphasis on creativity, spontaneity, and improvisation in the selection of both topic and method” (Fonow and Cook 1991, 11)—this decision changed the course of my project. Having been a nonprofit worker myself for many years before returning to school, my interest in how the organization was carrying out its work increased, and the organization itself also became a focus of my research.

Feminists have used semi-structured interviews to allow for the active involvement of participants in the construction of data for decades now (Graham 1984, 112). It is a method that not only includes opportunities for clarification and discussion but also open-ended questions that maximize discovery and description (Raymond 1979, 16). In my research, the interview method was a good entry point to understand practices and elucidate the connection between these and discourses—or how practices get shaped by discourse. The interview method—like all feminist methods—is premised on the idea that there is no “objective” truth to uncover and that our knowledge of reality is a social construction. In addition, interviewers are not removed from their participants and thus the resulting information is really a co-production between interviewer and interviewee (Oakley 1981). The interview method is very well complemented by the participant observation method, which involves other techniques such as direct observation,

participation and collaboration in the life of the nonprofit organization (as staff and/or volunteer), collective discussions, and self-analysis. This method combined with participant observation helped me gather the necessary information to analyze confinement at the border.

During my fieldwork, I experienced firsthand the difficulty of remaining removed from one's project and tried to be reflective about the process. Reflexivity—one of the feminist premises of research—involves examining oneself as the researcher, as well as exploring critically the nature of the research process (Fonow and Cook 1991). The former requires analyzing one's assumptions and preconceptions and how these affect research decisions, in particular the selection and wording of questions in the interview. During my time in the detention center I felt an inner contradiction. On the one hand, I recognized and fully supported the work the nonprofit organization was doing by helping the women navigate the U.S. asylum-seeking system. On the other hand, as I detail in Chapter 5, I was increasingly convinced that the operation of the organization unintentionally reinforces the current refugee system—of which I am critical.

I kept my contradictory feelings from the interviewees to avoid eliciting negative reactions or influencing their answers. I had to reconcile myself to the staff and volunteers and the agenda I supported through my work. Even though I understood how the work we did helped people, it was hard to engage in it while suspecting that it also reinforces a system that I believe is structurally harmful. I never shared this inner struggle with members of the organization, and this was—and remains—a source of conflict for me. In addition, I was aware that the few women we helped cross the border amounted to

a drop of water in an ocean of asylum-seekers. Unlike my former concern, I did share this frustration with my friends and colleagues and revealed my political position as a border abolitionist. Through these exchanges, I discovered that in the eyes of the organization's staff and volunteers, border abolitionism is compatible with the work we were conducting at the border, so the majority of the interviewees agreed with me that the ultimate solution was not to help women cross the border and obtain refugee status, although they still remained their committed to their work at the nonprofit organization. I realized that the only way to reconcile border abolitionism with the work we were conducting at the border was by not acknowledging how our work at the border reinforces the current border regime.

During my fieldwork, I was also aware of the power dynamics emerging from the nonprofit organization staff's indebtedness to me for working as a volunteer. In this situation, one of the ways they could express their gratitude was by allowing me to interview them. However, it was not exclusively gratitude that motivated the interviewees; the staff had strong commitment toward the project and also wanted to communicate to me how important their work was. This is particularly true for the first staff members I met. They had been working in the center for over a year—the longest any workers had lasted—and gave me as much time as I needed to conduct the interviews. I also got to know them better and established personal relations with some of them.

Lastly, a feminist epistemology acknowledges the emotional dimension in research and the recognition that “emotions serve as a source of insight or a signal of

rupture in social reality” (Fonow and Cook 1991, 9). While conducting research, in many cases I felt anger and frustration. Anger is a powerful motor (Lorde 1997) that I interpreted as a sign to explore a particular theme or question more deeply. In addition, this anger and frustration that kept coming back during my research—not only while I was in Texas but also when I was in Australia and the United Kingdom—gave me the energy to keep going. The emotions I experienced motivated me to work harder on the topic, to present my work as often as I could, and to focus on action—another characteristic of feminist research (Fonow and Cook 1991). As a feminist, my work is always political. In particular, as a border abolitionist the findings of my research at the border aim to change the status quo of those who suffer the material consequences of borders—which is the source of my anger. Ideally this project, and similar research on borders, could influence public policy and have social impact. With this goal in mind, I am focused on sharing the realities of refugee management in the West and the findings of my research in outlets that may reach a broader range of publics.

Chapter Outline

In the rest of the dissertation I explore different scales and sites with the goal of reconstructing the transnational, grounded, and embodied practices that constitute the contemporary refugee regime.

The next chapter (Chapter 2) explores the bordering practices that take place in Australia, the European Union, and the United States. This chapter argues that, taken together, the bordering mechanisms of confinement, deterrence, and border externalization in which these regions engage amount to a transnational sovereign

assemblage that thickens the border and keeps refugees away from Western territories. My analysis shows that when we look beyond individual countries' bordering techniques, a Western-wide sovereign assemblage emerges. This transnational sovereign assemblage is the result of myriad agreements with third (developing, sending) countries and relies on a variety of private actors that operate in diverse capacities and spaces to sustain this regime. The privatization of bordering practices has economically benefited many corporations that profit from the deterrence, processing, and confinement of refugees (as well as migrants). These practices evidence not only the neocolonial shape of the transnational sovereign assemblage, but also how it is distinctly neoliberal. The fact of externalization, along with the partial privatization of sovereign border control, allows states to disavow their responsibilities vis-à-vis international law and muddles systems of accountability for those subject to these regimes.

In Chapter 3, I explore the relationship between the asylum-seeker and the state. I analyze how the "refugee" is produced by the state, focusing in particular on how Northern Triangle asylum-seekers are the product of years of U.S. military intervention in the region. I argue that by focusing on the arrival of refugees at the border rather than on the way refugees came to be, countries displace their responsibilities and obligations toward this population. In addition, I analyze the ways in which foreign intervention in the countries of the Northern Triangle operates to create racialized and gendered subjects that merge with already existing stereotypes of brown migrants as criminals. Thus, Northern Triangle refugees are already read as criminals and deemed ineligible for

asylum long before they leave their countries of origin, in one more instance of border thickening.

Combining Foucauldian and transnational feminist frameworks, in Chapter 4 I move beyond global bordering techniques and focus in on the U.S.-Mexico border to analyze the particular kind of punishment experienced by women from the Northern Triangle. Women who seek asylum are confined in temporary holding cells (*hieleras*) kept at extremely low temperatures. Paying attention to the way in which these techniques target (wet) bodies and subject them to overcrowding, lack of privacy, and separation from their possessions and their loved ones illuminates the complex social, political, and economic meanings that are attached to these women's bodies long before they reach the U.S. This chapter argues that border confinement is at once a way to manage populations through deterrence and a punishment for crossing the border. My Foucauldian analysis shows that the punishment these women experience is a combination of disciplinary and sovereign power, and it emerges as commonsensical as a result of the conflation between the immigrant, the criminal, and the asylum-seeker at the level of discourse and in the practice of Border Patrol guards who control the southern border.

Based on my fieldwork experience at the immigration detention center, Chapter 5 analyzes the relationship between a nonprofit organization working at the southern border and the U.S. state. Using a Foucauldian framework, I critically analyze the humanitarian work that this organization conducts to help women seek asylum and the particular forms of knowledge it reinforces/produces. I argue that this type of humanitarian work at the

border has become a bordering mechanism itself. I also explore how the refugee regime privileges the construction of a particular subject who is critical of the situation in her country of origin but uncritical of U.S. responsibility for the violence that takes place there. In addition, I critically analyze the particular conceptions of the self through which confined women respond to the narratives that receive them and the neoliberal scripts that they are taught to perform by nongovernmental humanitarian agents.

I conclude this dissertation by briefly arguing that the violent bordering techniques described within should lead us to reconsider the institution of borders. It is my hope that that this work, and future work in this direction, will contribute to the larger project of achieving border abolition.

Chapter 2. Theorizing Borders: Transnational Sovereign Assemblage

They left Sri Lanka in a beautiful boat that had a tv and comfortable seats. A few hours into the journey, the asylum-seekers were told to throw their passports overboard and move into an older and smaller boat that had approached them. This vessel was in very bad shape. Later that day, a power boat picked up the captain and the crew and left the refugees adrift. Most asylum-seekers were sick—especially the children. The next day, the Australian maritime authorities found them and took them to Christmas Island where they were confined in a detention center for over a month. Later, some were transferred to the nation-state island of Nauru for what would turn out to be the next three years. Others were transferred to the country of Papua New Guinea for the next year. The rest were transferred to inland detention centers spread around Australia.⁶

This chapter deals with the tensions of migration management in Australia, the United States, and the European Union. I claim that these three regions enact border externalization measures to armor themselves against asylum-seekers and migrants, transferring the burden of enforcement and containment to countries from the Global South. This has two consequences, on the one hand it reinscribes a regime of limited mobility for certain subjects, and on the other hand, it reproduces a neocolonial order. When this fails, these Western regions resort to a wide array of methods of confinement

⁶ Story inspired in Mark Isaac's book, *The Undesirables: Inside Nauru*.

and outsource them to private business that profit from the small subset of asylum-seekers that make it to Western shores—as in the introductory story. It has become a common practice to confine people seeking asylum—including their children—in private immigration detention centers from which corporations profit. In this chapter, I explore how the measures developed by these Western regions to keep asylum-seekers away from their territories thicken the border by effectively creating an overarching, transnational sovereign zone that is not country-specific but rather an assemblage of Western countries' buffer zones. The monolithic character of this area multiplies the vulnerability of refugees and overburdens Global South recipient countries that in fact receive the bulk of displaced peoples. Moreover, this assemblage relies on a set of private and public actors—on occasion cooperating with each other—that governs migration detention and border externalization management.⁷ In addition to its neocolonial shape, this transnational sovereign assemblage is distinctly neoliberal and provides an example of how the neoliberal market logic operates by invading new realms. The outcome of the inclusion of for-profit corporations in border externalization practices further increases the vulnerability of asylum-seekers, decreases accountability and transparency in the management of these populations, and discharges states from their responsibilities.

Despite the fact that half the people who are displaced in the world are women and girls (UNHCR 2018), the refugee is still imagined and promoted in media and discourse (Indra 1987, 3) as a masculine subject—in particular, as a male intellectual fleeing

⁷ In this chapter, private non-state actors can mean for-profit companies, corporations, businesses, consultants, academics, think tanks, international organizations such as the International Organization for Migration (IOM), nonprofit organizations, and so on.

political persecution in an attempt to assert his individuality against an oppressive state (Luibhéid 2002; Nyers 1999, 25; Olivius 2016). Not only was the refugee constructed historically as male and thus imagined as such by the law, but today this image has been revived through discourses of danger.⁸ As a result of the spread of Islamophobia after 9/11, asylum-seekers and migrants are increasingly viewed as a threat.⁹ Similarly, recent conflicts in the Middle East have contributed to the construction of Middle Eastern refugees as dangerous. Syrian refugees in Europe are an example of how this population is primarily envisioned as male and a potential threat—as rapists and terrorists (Rettberg and Gajjala 2016). The image of the refugee as a male Muslim has shifted the issue from a refugee question to a security question. As a result, humanitarianism has become a public-private apparatus of containment, confinement, and deterrence.

Meanwhile, the image of the refugee as a male subject is disrupted by instances of gender violence that women suffer not only during their journeys but also once they are locked up in Western detention centers, and by events such as the 2014 U.S. border refugee crisis—portrayed as an influx composed almost exclusively of women and children across the southern border. As Cynthia Enloe (1990) argues, the homogenizing category of “womenandchildren” relegates both women and children to a domain that requires protection: the private sphere (Enloe 1990, 29). Discourses of women and

⁸ Women’s claims to refugee status have long been delegitimized by not acknowledging how women experience the five nexuses (race, religion, nationality, membership in a particular social group, and political opinion) differently from men; by using a narrow definition of “political opinion”; or by sometimes excluding from “persecution” harm specific to women, such as rape, genital female mutilation, or domestic abuse (Edwards 2010, 23; Tvedt 2013).

⁹ In my dissertation, I do not deal with the racialization of Muslims but several authors have done that work. See for example Mahmood Mamdani (2004); Lesley Pruitt, Helen Berents, and Gayle Munro (2018); and Catherine Dauvergne (2016).

children's vulnerability have been used to both justify military interventions and broader exclusionary immigration enforcement regimes (Williams 2015, 14). Crossing the border makes women and children into objects of pity that need to be rescued from their violent homelands and yet, once they reach the U.S. they are locked up and punished. The transition of these women from objects of pity to "un-grievable" subjects (Butler 2004) is made possible through a dehumanizing narrative of "deviant" motherhood that precedes them and depicts them as threats. This xenophobic rhetoric is reinforced both through the media and the asylum-seeking process. The border then becomes a place that divides the world into saviors and villains. However, through the refusal to "stay in one's proper place," these women—and those helping them—engage in an act of "radical reterritorialization" (Butler and Athanasiou 2013, 21). Such an act need not be intentional or glamorized—these women are fleeing from violence after all—but is one that goes to the "root" and changes the political landscape through a claim of belonging that reminds the United States: you owe us! And yet reterritorialization is nevertheless denied through detention and deportation processes that are enabled by an "un-grievability" discourse.

This chapter does not deal specifically with gender at the border, but rather with the converging and mutually reinforcing ways in which Western countries' techniques of bordering create a transnational assemblage that refugees face.¹⁰ Still, it is important to acknowledge that these converging forms of confinement deployed globally emerge and are supported by a variety of gendered and racialized discourses articulated locally as Chapter 4 makes clear. These narratives are grounded in local geopolitical realities and

¹⁰ This work acknowledges that it is harder for women to navigate the asylum-seeking structures that result in the figure of the "refugee" being imagined as male.

rely on gendered and racialized tropes to establish how refugees threaten the receiving nation while hiding the violent political and socioeconomic circumstances that provoked asylum-seekers to flee, and Western connections to those circumstances. These racist narratives are among the mechanisms that thicken the border by depicting refugees as ineligible for asylum long before they leave their countries of origin. For instance, as I show in Chapter 4, at the U.S.-Mexico border Central American asylum-seeking women encounter narratives that depict them as “deviant” mothers, and system profiteers justify their confinement and punishment. Meanwhile, in a European context, discourses have centered on male Muslim refugees and their alleged violent sexual mores and connection to terrorism in order to justify their confinement (Rettberg and Gajjala 2016).¹¹ Similarly, narratives about “queue jumpers” and terrorist connections justify the confinement of refugees in Australia. What this chapter shows is that while systems of confinement converge transnationally, these processes are also securely rooted in local dynamics that rely on narratives of threat that utilize gendered and racialized controlling images indebted to domestic geopolitical processes.

This chapter has five parts. First, I argue that the mobility management trends of Australia, the European Union, and the United States, taken together, form what I call a transnational sovereign regime. Individual regions’ regimes overlap and become an assemblage that thickens the border of the West as a whole, making it harder for refugees to reach safe countries while increasing the dangers of the journey. Second, I show that

¹¹ However, despite the association between Islam and terrorism, strongly supported by the media and politicians, less than 1% of Muslim prisoners have been convicted of terrorism-related offences (Lamble 2013).

neoliberalism and its impulse to incorporate private actors within migration management—in particular for-profit corporations—has been a central dynamic in the processes of border thickening and the creation of buffer zones that overlap and operate as a transnational united front that creates distance between the asylum-seeker and the state. The rest of the chapter further specifies the character of the transnational sovereign assemblage, its neoliberal character and the way in which buffer zones increases the vulnerability of asylum-seekers, and on the other hand relieves states of their responsibilities as signatories to international treaties.¹² Thus, in the third section I analyze mechanisms used to deter asylum-seeking populations, whose deployment transfers the burden of enforcement and containment to Global South countries. Fourth, I specify how the relations that Western countries establish with countries of the Global South constitute the transnational sovereign assemblage. In this section I emphasize the continuity between neoliberalism’s exploitation of subjects in the Global South and the way in which corporations profit from the confinement the bodies of those few asylum-seekers who make it to the West. Finally, I explicate the centrality of private corporate actors in the overlapping buffers zones that allow Western states’ actions to reach beyond their own territories. In closing, I argue scholars need to grapple conceptually with this emerging “privatized sovereignty” already in existence on the ground, one that—as I show below—is open for the business of confining displaced bodies from the Global South.

¹² As I detail in Chapter 3, the U.S. is a signatory not to the 1951 Refugee Convention but to the 1967 Protocol Relating to the Status of Refugees.

Australia, the European Union, and the United States v. The Anglosphere

In this chapter, I argue that Australia, the European Union, and the United States¹³ enact a wide array of measures to corner refugees and migrants that effectively thickens the border, resulting in a transnational sovereign assemblage. It is through legitimizing discourses that depict refugees and migrants as a threat to the nation, and practices such as the privatization of border management or agreements with third countries from the Global South that this zone is created and maintained. I refer to the totality of these discourses and practices as bordering techniques or bordering mechanisms. While the transnational sovereign assemblage comprises the overlapping border regimes of Australia, the U.S., and the European Union, in specific parts of the chapter I zero in the United Kingdom as a distinct regime of the EU that has particularly furthered the bordering techniques I describe. When I do so, I refer to Australia, the U.S. and the EU jointly as the Anglosphere.¹⁴

The Anglosphere as a group of English-speaking countries that describe and/or prescribe civilization, empire, military coalitions, customs union, or political association (Vucetic, 2011). The core countries that form the Anglosphere are: Australia, Canada, New Zealand, the United Kingdom, and the United States. Although their populations combined comprise less than 7% of the world's population, the power they hold is

¹³ In this chapter, I will also be referring to these three countries as Western countries, or as the Global North. I am nevertheless aware that these three countries do not constitute all of the Western countries, nor the whole Global North.

¹⁴ There are two reasons why I am not including Canada and New Zealand in this chapter. First, because of time and space constraints, and how my point is equally illuminated by not using these two countries. Second, in regard to immigration control each has another state that acts as a buffer—the United States and Australia, respectively—which puts them in a different geopolitical position. This does not mean that Canada and New Zealand have not enacted similar migration policies to those in Australia and the U.S.; however, they are in a more advantageous position to deploy a migrant-friendly rhetoric because the number of asylum-seekers they receive is much less than their buffer countries.

evidenced by the facts that “‘their’ language is the global language, ‘their’ economies produce more than a third of the global gross domestic product, and ‘their’ version of liberalism in society and economy defines most human aspirations” (Vucetic 2011, 3). Vucetic claims that the Anglosphere is a product of its racialized past, in the sense that cooperation among this select group of English-speaking states became possible through a variety of racialized processes. Even though this category might seem somehow homogenizing, it does capture a pole of power and claim to superiority, based in the past on the discourse of civilization as well as the institutions of British imperial rule, and in the present, on an avowed embrace of democracy and human rights, which grounds new imperial ambitions. I find it useful for the purposes of this chapter to conceptualize the Anglosphere as a group that shares racialized notions of who belongs to the nation and that hold hegemonic power and a belief in superior civilization.

Australia, the United Kingdom, and the United States enact mechanisms to keep refugees away while at the same time profiting from the bodies of those few who manage to arrive. In addition, these three countries are the most sought-after migration destinations in the world, and their policies shape migration regimes globally (Dauvergne 2016, 3). Similarly, their shared practices in refugee management and detention are significant given that they seem to mimic the hegemonic bloc that was built upon common racial regimes associated with their imperial past. Moreover, Australia, the United Kingdom, and the United States have continued to converge by updating their structures of domination through a system of state-sponsored neoliberal exclusion.

Australia by itself constitutes an important case study because of the way it has pioneered new forms of restrictive politics—such as mandatory detention or redefinition of its territory—towards asylum-seekers (Gibney 2004, 20). All three countries are liberal democracies that share similar legal traditions and refugee management systems (Hoang and Reich 2017, 2) and both the United States and Australia were once white settler colonies, sharing “histories of migration and settlement, and multicultural populations” (Mountz 2010, 141). Meanwhile, Australia and the United Kingdom permit indefinite immigration detention (something very unusual among European countries) (Conlon and Gill 2013, 247). Similarly, all three countries have been critiqued for embracing rhetorical frames of dangerousness and criminality for those seeking asylum (Turnbull 2016). The Anglo frame helps us trace historical linkages and understand the way in which hegemonic blocs with a common racial and imperial imagination are updated in ways that illuminate how the particular forms of management they deploy, rather than constituting individual initiatives, create—together—more resilient and world-encompassing forms of exclusion of asylum-seekers. These three countries “best illustrate Liberal capitalism noted for limited welfare nets, flexible labor markets, weak trade unions, high levels of social inequality and an individualistic ethos” (Flynn 2016a, 177)—what we now refer to as neoliberalism. The involvement of private actors in public issues is known to be more pronounced where neoliberalism is more advanced (Menz 2013), and thus my choice of these three countries for the parts of the chapter that deal with the privatization of immigration detention centers.

Transnational Sovereignty v. Transnational Sovereign Assemblage

Borders are processes in constant change, they do not affect us all the same way, and they are neither fixed, void of meaning nor confined to a territory (Beurskens and Miggelbrink 2017, 753). Borders are not just filters, they are productive: they produce and reproduce inequalities (Anderson, Sharma, and Wright 2009). Equally, borders are not fixed in terms of time. Through indefinite detention or temporary visas some people get stuck at the border for years. Others live on a daily border where they constantly fear deportation. Borders can thus be thought of assemblages that are not temporally or territorially fixed but are composed of different actions that I refer to as bordering techniques or bordering mechanisms—such as border externalization processes, privatization, outsourcing of border control, discourses, and so on—that together constitute a bigger whole (Watkins 2017, 961; Van Houtum 2010, 959).¹⁵ Bordering techniques enacted from different nations form an assemblage that then results in a larger, overarching zone that acts as a (transnational) border assemblage for asylum-seekers.

Closely connected to how borders function is the notion of sovereignty. Sovereignty was institutionalized in Europe with the 1648 Peace of Westphalia—universalized in the twentieth century—and was considered the logical ground of power and order expressed in the law (Hansen and Stepputat 2006). This type of sovereignty implied having control over the territory's borders. Classic notions of sovereignty—under the early Westphalian system—understand borders as clearly demarcating the “outside” from the “inside,” with spatially and temporally fixed definitions, and establish the “ultimate” authority of the

¹⁵ This way to conceptualize borders is in line with critical border studies (see next chapter).

state within this territory (Agnew 1994, 62; Longo 2018, 5; Pickering 2004, 363; Rudolph 2005, 4). Similarly, the International Commission of Intervention and State Sovereignty Report (2001) describes a sovereign state as one that is “empowered in international law to exercise exclusive and total jurisdiction within its territorial borders” (ICISS 2001, 12).

However, as scholars have argued (Baldacchino and Milne 2006; Mountz 2010), the divide between sovereign and non-sovereign territory is no longer useful to understand sovereignty in regard to territoriality. Notions of sovereignty, and its border delimitation, have changed over time. Sovereignty has expanded from being understood as controlling the limits of one’s own territory to transcending its physical borders within different domains—such as capital, humanitarianism, or migration governance. Christopher Rudolph shows that within globalization and in the interest of capital, the “transgression of borders becomes an essential affirmation of sovereignty rather than an evidence of its decline or growing irrelevance” (Rudolph 2005, 3). For instance, Nathan Lillie (2010) claims that through the exploitation of non-territorial definitions of sovereignty, capital goes offshore, shielding itself from social control (Lillie 2010, 683). Similarly, Jessica Whyte (2016) argues that in order to justify intervention by Western countries in the Global South, notions of sovereignty changed in the mid-1990s from “right to intervene” to “responsibility to protect.” Thus, if a country cannot protect its citizens, intervention by the international community is legitimized. In a parallel manner, sovereignty within immigration governance is no longer understood as authority “over a territory, but as the responsibility to protect a population” (Whyte 2017, 309). This securitization narrative

justifies intervention outside the limits of one's territory to protect one's citizens—in this case, from foreigners. Today, sovereignty, as defined by borders, can be thus conceptualized as an assemblage of processes and actions—or practices (Parker and Vaughan-Williams 2009, 586). Taking the European Union as an example, the number of actors involved in exercising sovereignty has brought scholar Cory Johnson (2017) to conceptualize this phenomenon as “parasovereignities.” He claims that the practices that take place in the European Union to control each country's borders belies the classical notion of sovereignty as well as the idea that territories are fixed. Maribel Casas-Cortes, Sebastian Cobarrubias, and John Pickles' reference to European Union member states' capacity to operate in third countries and return migrants as an “ad hoc transnational bordering assemblage,” where assemblage refers to institutions, state authorities, and policies (Casas-Cortes, Cobarrubias, and Pickles 2016, 243). Similarly, other authors have called for a conceptualization of sovereignty regimes rather than sovereignty (Beurskens and Miggelbrink 2017, 751). The way sovereignty is practiced by Western countries today allows their actions to create spatial buffer zones that go beyond their territories, in some cases becoming overlapping jurisdictions (Longo 2017). What these authors overlook is the ways in which these regionalized sovereign regimes work at a global scale. I claim that these assemblages create buffer zones for specific countries that overlap to form a transnational sovereign assemblage that transcends specific regions and works as a shield for refugees anywhere in the planet. In addition, I deploy a comprehensive understanding of bordering mechanisms that is not exclusively based on externalization measures but that also includes include legitimizing discourses that

accompany the practices enacted by institutions, governments, and other involved actors. This is important because it gives a deeper understanding of the ways in which the Global North maintains people from the Global South contained in their regions of origin.

According to scholars such as Alison Mountz (2010), and Josh Watkins (2012), transnational sovereignty is the way single countries exercise sovereignty beyond the sovereign limits of their territory. Even though this practice is not always exercised by state actors, it is still an exercise of statehood that connects sovereignty to territory (Beurskens and Miggelbrink 2017, 752). Transnational sovereignty—as these and other authors define it (Ashutosh and Mountz 2012; Collyer 2012; Hiemstra 2012; Martin 2012a; Samers 2010)—is exercised through the externalization of the border. The externalization of migration control implies state actions to prevent migrants and asylum-seekers from reaching a country¹⁶ that extend beyond the territorial border. “[B]y enacting sovereign powers beyond transnational sovereign boundaries” (Mountz 2010, xxxi) practices of border externalization evidence how transnational sovereignty is exercised. In order to protect their sovereign territory, and its people, states displace the border beyond the territory. Displacing the border involves different mechanisms that I will discuss later; however, according to Brett Neilson (2010) the defining characteristic of border externalization is “the involvement of third countries in the creation and management of the border regime” (126). Border externalization is an overarching term that encompasses different mechanisms that are used to push the border farther away

¹⁶ A migrant’s *country of origin* is the country from which a migrant departs though not necessarily the state of which the migrant is a national or citizen; the *destination state* is the migrant’s intended destination; and *third countries* or *countries of transit* are those states through which a migrant will or intends to transit *en route* (Frelick, Kysel, and Podkul 2016, 193).

from asylum-seekers and migrants, such as outsourcing the border through private entities, offshore processing and detention, or “remote control.”¹⁷ Transnational sovereignty is exercised through, for example, the establishment of detention offshore facilities; short-term stateless zones associated with transit, used to isolate migrants before they disembark from planes or once they enter the airport; dynamic sites of interdiction, which involve interception practices at sea and other tactics to prevent migrants and asylum-seekers from reaching the sovereign territories they are aiming for; and locking people up in centers located outside the nation-state (Mountz 2010; Hyndman and Mountz 2007, 82). For instance, Australia funds detention in nation-states such as Nauru, Indonesia, and Papua New Guinea, which are not part of Australian sovereign territory (Grewcock 2013, 22; Mountz and Briskman 2012).

There are other externalization practices,¹⁸ such as cooperation with other countries in deportation procedures; surveillance of routes and carriers of migration, including economic sanctions for private carriers that transport “irregular” migrants; technical cooperation in border surveillance techniques; Safe Third Country agreements¹⁹ (Mountz 2010, 123); data sharing (Longo 2018); and development, implementation and/or training in technological security measures. Technology, such as biometric measures, is being used to protect national economies and exclude those who are not desired visitors. Dean Wilson and Leanne Weber (2002) explore how surveillance practices constitute new

¹⁷ Aristide Zolberg refers to “remote control” as the emergence of visa regimes that enable states to regulate the entrance to their territory before the person’s arrival (Zolberg 2003).

¹⁸ This is not an exhaustive list; unfortunately, Western countries keep coming up with ways to move their borders farther away from their actual territories, excluding refugees from jurisdictions where they can make claims for shelter (Mountz 2010, xxxiii).

¹⁹ Requires asylum-seekers to file a refugee claim in the country of first presence provided that it is a signatory to basic international refugee treaties (Lavenex 2006, 334).

regimes of control, and how these are used under the securitization of mobility rhetoric that diminishes human rights. Part of the selection process that identifies “desirable” immigrants occurs through screening that takes place offshore, where potential refugees will be less likely to be issued a visa. It is in this way, along with surveillance practices and information exchange with other countries, that the border has become no longer associated with national territory. For instance, using electronic visas, or requiring air carriers to cooperate in the screening of passengers on behalf of the Australian government, has enabled Australia to regulate mobility through spaces over which they have no legitimate sovereign control (Wilson and Weber 2002, 130).

Externalization practices are usually outsourced to private companies. Governments subcontract private actors to carry out these services. The majority of visa externalization, for instance, has been outsourced to two leading private service providers: VFSGlobal and TLSContakt (Infantino 2015); detention is done by private companies such as CoreCivic or GEO; carrier’s control is exercised by private airlines; and transportation of asylum-seekers and migrants from one detention center to another, or to deportation points in some cases, is done by the same companies that own corporations such as CoreCivic. Thus, as Federica Infantino (2015) asks in her book *Outsourcing Border Control*: “if border control is emblematic of state sovereignty, why do contemporary states rely on non-state actors to implement such control?” (Infantino 2015, 8). Regarding migration control, some work has been done on the delegation of public tasks to non-state actors that sheds light on the significance of transferring public functions to private actors. Virginie Guiraudon (2001) calls the delegation of state competence upwards

(towards the supranational level), downwards (towards the local level) and outwards (towards the private sector) “de-nationalizing control.” According to Guiraudon, state delegation implies displacing the venue in which policy is elaborated and implemented and thus shifting state sovereignty—up, down, and out. This shift is done to achieve policy goals, to reduce the cost of control, and to avoid the judicial constraints on a state’s capacity to control migration. Therefore, shifting competence does not diminish the state’s sovereignty, but improves its capacities (Guiraudon and Lahav 2000; Infantino 2015). In a way, by privatizing sovereignty, the state does not lose control of its borders but rather, extends its control through private companies and corporations.

All these actions—bilateral and multilateral agreements, direct interdiction, preventive policies, and so on—produce new global spatial formations (Frelick, Kysel, and Podkul 2016, 193; Watkins 2017, 4). In particular, I argue that the mechanisms that these countries are deploying through the externalization of their borders creates buffer zones that overlap and make it necessary to look beyond particular countries—or regions such as the European Union, or even dyads of countries and externalization partners—and think of a transnational sovereign assemblage. Unlike these authors, my notion of transnational sovereignty refers to a zone made up by the overlapping and mutually reinforcing borders established by Australia, the European Union, and the United States that migrants and refugees from the Global South face as a monolith. The way, for instance, that Australia and the European Union are both operating via Frontex in the Middle East to prevent migrants from leaving their countries, prompts us to understand border externalization enforcement practices as creating a transnational regime of

sovereignty (Watkins 2017). The buffer zones overlap within this regime, keeping the Global North “protected” from the Global South. The commonality between the methods and corporations that operate the externalization of the border implies that this transnational regime of sovereignty presents a united form of exclusion of the “other” from the West as a whole.

Creating Distance between the Refugee and the State

In this part of the chapter I analyze an aspect of the transnational sovereign assemblage that makes itself visible in Western settings—and in offshore detention centers. A distinct characteristic of the transnational sovereign assemblage is how it creates distance between the state and its confined asylum-seekers in a way that in fact amounts to another instance of border-thickening. The thickening of the border here is possible due to the privatization of bordering mechanisms. Following Judith Butler’s discussion of how the lives of some racialized Muslims in the West are devalued to the extent that they are considered disposable, I reconstruct the mechanics through which the thickness of the sovereign assemblage is also constituted by refugees confined in the West, who are marked as “non-grievable” through discourses of dehumanization that precede them (discussed in the next chapter in the context of Central America).

In her ethnography, Federica Infantino recounts her encounter with a woman desperately crying outside the office of the private company that expedites visa applications in Morocco because hers has been refused and she cannot travel to see her children. Inside the center, Infantino interviews a worker who remarks, “You see, with the outsourcing, applicants go down there and they don’t talk to us, they don’t know

against whom they have to scream” (Infantino 2015, 62). In describing this scene, Infantino illuminates two points. The first is that outsourcing visa services to private businesses is a strategy to diminish the costs of border control, and the second is that this strategy permits the state to avoid responsibility. In addition, the barrier between the visa applicants and the workers that results in a lack of bureaucratic accountability illustrates how the Moroccan woman’s life is devalued. Another example of how the public-private partnership creates distance between the citizen and the state is the pressure exerted by some countries on private companies to perform de facto immigration control. For instance, airline companies may reject a passenger without providing a reason or whatever information it may possess about the individual. Meanwhile, rejection by an airline is not a public decision and therefore is not subject to national administrative regulations. People who are denied access to an airplane can be sent back to their home country, in principle, without leaving any trace (Gammeltoft-Hansen 2013, 141). This form of bureaucratic functioning that uses private companies to carry out state functions, Infantino argues, enhances “the social production of indifference” (Herzfeld 1993). Through layers of private actors, the state manages to establish distance between itself and refugees, i.e., to thicken the border. The privatization of bordering practices allows the state to circumvent its legal responsibilities by setting a distance between the state and the asylum-seeker through a private corporation—an institution external to the state (Doty and Wheatley 2013; Flynn 2014; Gammeltoft-Hansen 2013, 145; Guiraudon and Lahav 2000; Infantino 2015; Mitsilegas 2010). These bordering practices create distance between citizens seeking refuge and receiving states. However, this distance does not

mean that the state has lost control over its territory, on the contrary, it shows how its arm reaches further than ever.

When incidents take place in those detention centers it is not always clear who to blame, as states do not claim responsibility, instead arguing that these centers are run by corporations (Conlon and Hiemstra 2014, 337). Private companies try to avoid blame by arguing that they have signed a contract with the state. This is one of the instances when one could argue that the state and the private company compete with each other, but by trying to pin the responsibility on one another the result is cooperation toward the goal of minimizing accountability. Through confinement not only are individuals physically isolated from legal structures and made operationally invisible (Dickson 2015, 441), but their lives are also devalued when nobody assumes responsibility for the incidents that take place within detention centers. The combination of this lack of accountability and the dehumanizing discourses that precede asylum-seekers contributes to the “un-grievability” of the lives of refugees. A brief account of incidents that have taken place in detention centers in Australia, the United Kingdom and the United States illustrates the violence asylum-seekers experience once confined and how this violence results in a lack of state accountability.

Between January 2010 and May 2012 there were at least 24 deaths in United States immigration detention centers;²⁰ out of those, ICE has produced documents for only 17. At least half of those 17 documents suggest that these deaths took place due to a failure to comply with ICE medical standards (Takei et al. 2016). In the Australian case, at least 39

²⁰ There have been 56 deaths in immigration detention centers during the Obama administration, including six suicides (Takei et al. 2016, 5).

asylum-seekers have died in offshore and inshore detention facilities since 2001, 8 of those in centers in Manus Island and Nauru (Asylum Insight 2018). In addition, at least three women²¹ detained in Nauru have been raped (de Costa 2016). Meanwhile on September 4, 2017, the BBC broadcast a Panorama undercover documentary²² that included footage of an all-male private immigration detention center in the U.K.—Brook House.²³ The documentary shows a number of incidents that take place within the center, such as a high levels of drug consumption by detainees, a prisoner forcing a suspected 14-year-old²⁴ boy to test a batch of drugs, G4S guards “choking and mocking” detainees, another guard denying urgent medical assistance to a man who has taken drugs, and a custody officer confessing to assaulting a detainee by banging his head and bending his fingers back. In response to the documentary, G4S suspended ten members of their staff and started an investigation (BBC 2017). The U.K. immigration minister reacted to the release of the documentary by condemning the actions of the private actors without addressing the detention reform that was promised in 2016, or the implications—if any—of the fact that a recent government inspection of that detention center found the facility to be in compliance with all the norms (Abbott 2017). According to the NGO No Deportations, in U.K.’s immigration detention centers there have been 2,703 recorded suicide attempts since 2007, and 33 recorded deaths since 1989 (No Deportations 2017).

²¹ The reason only three women have reported rape is because they wanted to get an abortion, which is illegal in Nauru. This means that the probability that many other women have been raped is extremely high (de Costa 2016).

²² As mentioned in Chapter 5, this documentary highlights the importance of bearing witness in detention centers.

²³ The U.K. government has subsidized this detention center with over 100 million pounds since 2009.

²⁴ In the documentary, the viewer can hear the boy claim to be 14 (even though his documentation shows that he is 18). The guards working for G4S seems to all agree that he is indeed 14, and yet, he is still confined in an adult center.

Private companies seek to avoid blame by denying that they are the ones “managing” the detention center, while states will either deny their responsibility for a privately-run facility or settle in a lawsuit. Such was the case with the 2017 Australian settlement in which 1,905 asylum-seekers who were held in the Manus Island detention center brought a class action suit against the Australian government and the private corporations G4S and Broadspectrum.²⁵ Despite the incidents that took place in the Manus Island detention center, private companies still managed it until its recent closure. This behavior reasserts the “un-grievability” of refugees’ lives. Similarly, measures that are enacted to deter people from seeking asylum, such as policing common migration routes, or locking people up in detention centers, subjects them to increasing vulnerability on the trip—provoking more deaths (Basaran 2015; Hirsch and Doig 2018; Mountz and Briskman 2012, 22).²⁶ In these situations too, there is a lack of accountability from the state (Mitsilegas 2010, 63).²⁷

In *Precarious Life* (2004), when referring to detainees in Guantánamo, Judith Butler argues that the exclusionary process of “indefinite detention” produces “a host of ‘unlivable lives’ whose legal and political status is suspended” (Butler 2004, xv). The process of becoming “un-grievable” is enacted through a combination of dehumanizing

²⁵ Broadspectrum—formerly known as Transfield Services—is shamefully owned by a Spanish company, Ferrovial, since 2016. The company changed its name to distance itself from the alleged human rights abuse that took place in Nauru and Manus Island detention centers (Wiggins and Smith 2015).

²⁶ Many people who cross the border are confined in places where they are subject to mistreatment from the receiving state (Riva 2017). And many others commit suicide in detention centers (Koziol 2017).

²⁷ Rough estimates indicate that the number of refugees who have lost their lives in the Mediterranean since 2014 is over 14,000. In 2016 only, at 5,079 migrants died (International Organization for Migrations 2017). On their way to reaching Australia, it is estimated that around 2,000 asylum-seekers lost their lives between the year 2000 and August 2017 (Border Crossing Observatory 2017). Meanwhile, the U.S. Border Patrol reported 322 migrant deaths in fiscal year 2016. It is estimated that since the 1990s over 7,000 people have lost their lives crossing the U.S.-Mexico border (Miller 2018). Nobody has taken responsibility for any of those deaths as these are lives have already been dehumanized through discourses of threat and deviancy.

discourse and the refusal of discourse—as an example she mentions the impossibility of placing an obituary for such people (Butler 2004). Similarly, the lives of asylum-seekers confined indefinitely in offshore detention centers in Pacific or British islands, or inland U.S. immigration detention centers, are not considered “grievable.” These lives too are constructed as “un-grievable” through a dehumanizing discourse that precedes them and thus makes them subject to indefinite confinement. In addition, the way in which the state lets people get hurt and/or die in custody by subjecting them to conditions of vulnerability renders certain individuals valuable and others, irrelevant or threatening (Butler and Athanasiou 2013, 165). The combination of the confinement of “un-grievable” lives and the privatization of border externalization measures results in a thickening of the border that creates distance between the violence and neglect that confined refugees experience and the state.

In the case that occupies me, the lack of state accountability in all the cases where refugees have accidents or die in privatized detention centers illustrates the disposability of their lives. Discourses depict asylum-seekers as a threat to the nation, and thus the loss of their lives is simply understood as a danger that no longer exists, rather than something to be grieved. In addition, the fact that the state frees itself from international responsibilities through the privatization of refugee management further supports the idea that refugees’ bodies are disposable, as the management of their bodies is privatized and their political subjectivity denied in the process.

Excluding Refugees from the Global North: Confinement, Containment, and Deterrence

As stated above, Australia, the European Union, and the United States deploy confinement, containment, and deterrence measures to avoid the reception of asylum-seekers in their territories through the creation of a transnational sovereign assemblage. These countries engage in enormous efforts to make sure refugees “never reach the territory of the state where they could receive its protection” (Gibney 2004, 2) and to keep them contained in the Global South (Frelick, Kysel, and Podkul 2016; Hyndman 2000). Although the result is a monolith zone for refugees, this assemblage is not a homogeneous structure but one made up of different bordering mechanisms such as differently balanced dyadic relations between countries with more or less capacity to negotiate, deterrence mechanisms with different degrees of success, outsourcing and privatization of border management practices, and dehumanizing discourses about asylum-seekers.

One of the bordering practices that have enabled the transnational sovereign assemblage is the imposition of domestic standards around the world via unilateral demands—for instance, when the United States incorporated biometrics into its border technologies, the rest of the countries had to incorporate them too in order to travel in or through the United States—and data sharing between Australia, the European Union, and the United States (Mitsilegas 2010). Behind these global measures lie surveillance and deterrence mechanisms intended to prevent “unwanted” travelers from reaching Western regions and to transfer the responsibility of enforcement and containment to the Global South. Bordering practices also include deterrence measures that can range from

European and U.S. financing of diffusion campaigns that circulate information about the dangers of the journey in countries of origin (Andersson 2014; Kaneti and Assis 2016), Australian offshore indefinite confinement, and “people swap” to other mechanisms such as the externalization of visa services and stricter visa requirements (Loescher and Milner 2003, 595; Menz 2011, 117). These measures are possible because Western countries make arrangements—based on their positions of power—with countries from the Global South. These agreements are part and parcel of the transnational sovereign assemblage. Meanwhile, countries from the Global South seek to make the best possible deals with Western countries, using different negotiation skills, and even on occasion engaging in migration diplomacy—defined as “the strategic use of migration flows as a means to obtain other aims, and the use of diplomatic methods to achieve goals related to migration” (Tsourapas 2017, 2370). Transnational enforcement practices that externalize the border create confinement regions outside the Global North but also transfer the risk from Western countries to those in the Global South (Andersson 2014).

People Swap as Deterrence

One of the most extreme mechanisms used by countries to deter asylum-seekers from reaching their shores is the “refugee swap.” This measure is based on the premise that there will be no resettlement for those who make it to the country without proper documentation, thus eliminating the incentive to reach that country. The “refugee swap” consists of an agreement between two countries to exchange asylum-seekers. Australia has engaged in this less than honorable practice twice. The first attempt took place in July 2011. The Australian and Malaysian governments signed an agreement on refugee

transfer and resettlement. This bilateral agreement—called the Malaysian “People Swap,” or the “five-for-one deal”—allowed for the transfer of up to 800 unauthorized refugees to Malaysia in exchange for the acceptance of 4,000 refugees for resettlement in Australia over four years (Billings 2013, 287; Grewcock 2013, 20; McKenzie and Hasmath 2013, 426). This agreement was used as a deterrent measure against future asylum-seekers, and as proof that the Australian government could regain “control” over its borders (McKenzie and Hasmath 2013, 426). The High Court of Australia declared the plan invalid on two grounds: first, Malaysia is not a signatory of the 1951 UN Refugee Convention and other relevant human right instruments; and second, there were unaccompanied children among the unauthorized refugees, of whom Australia had become the legal guardian. As Malaysia is not a signatory of the 1951 Refugee Convention, the Australian government feared that something might happen to the unaccompanied minors, and thus these children could not be removed to Malaysia (Dickson 2015, 441; Grewcock 2013, 21). A more successful “people swap” negotiation took place between the Australian and U.S. governments during President Obama’s administration. The exchange had yet not taken place when the new president took office, and therefore through a phone call that took place in January 2017, Australia’s prime minister, Malcom Turnbull, tried to convince Donald Trump to honor his predecessor’s deal. As of May 2018, a few of the asylum-seekers who were locked up in Nauru and Manus Island detention centers have already been transferred to the United States for possible resettlement, which is always up to the destination country to decide (Kaldor Center for International Refugee Law 2018).

Confinement and Containment

Confining people in third countries is an example of a deterrence mechanism that Australia and the United States both employ. For many years, Australia has confined people in Nauru and Papua New Guinea to send the message that those arriving by boat will not be resettled in Australian territory. Similarly, the United States has historically locked people up in short-term detention centers located in Antigua, Dominica, Bahamas, Guam, and Panama, and a long-term detention center in Guantánamo, Cuba (Frenzen 2010; Koh 1994; Magner 2004; Taylor 2005). This measure is intended to deter future asylum-seekers from making the journey, while the latter's containment in countries from the Global South relieves Western states of their responsibility towards these noncitizens. It has also been argued that confining people in national immigration detention centers is deployed as a deterrence mechanism. Even though the UNHCR strongly advises that confinement of asylum-seekers be used only as a last recourse, in practice this population is routinely locked up once they reach their destination countries. States argue that the confinement of asylum-seekers is necessary in order to verify their identities and prove they are not a threat to the country.

In countries with a land border, such as the United States, this population is also confined at the international border.²⁸ There is an assumption that every border-crosser will disappear into the territory and live as an undocumented migrant—already understood as a “criminal” in the United States. However, empirical research shows that 90% of the people who are given a “notice to appear” at the border—a document that

²⁸ The U.S. southern border is 1,954 miles long and legally extends 100 miles into U.S. territory (Torres 2018).

summons the person to a court hearing closest to their destination town—show up at their hearing (Sampson, Mitchell, and Bowring 2011). In any case, the United States is not willing to take risks by letting “criminals” into the country and thus confines great numbers of asylum-seekers indiscriminately—including women and children.

The agreements established between Australia, the European Union, or the United States with Global South countries are part and parcel of the transnational sovereign assemblage. These relationships vary in shape and form but most of them have colonialist overtones. The relationship between Australia and Nauru, for example, replicates power dynamics that are a legacy of colonialism (Billings 2011, 273; 2013, 281; Chambers 2015). Some of the deals that take place between Western and low-income countries, particularly in regard to offshore arrangements, have been condemned by human rights organizations (Amnesty International 2017). Human rights advocates argue that the power imbalance between the Western country and the “contracting” state results in those deals benefiting only the strong country and reinforces racist regimes. According to Christopher White (2014), regional agreements that confine people in other nation-states or remote islands are not mutually beneficial for both countries, but rather, constitute an attempt by Western governments to manage irregular migration by shifting their responsibilities to less powerful third countries.

As an example of how some of these agreements echo colonial relations based on a particular legacy of power dynamics, let us look at the agreement Australia established with Nauru. Nauru was a German colony from 1888 until in 1920, when the League of Nations placed it under a mandate shared between Australia, the United Kingdom, and

New Zealand. During this time, Australia assumed administrative power over the island until its independence in 1968. In 1900, scientists working for a company in Sydney discovered the island's only resource: phosphate. Subsequently, the British Phosphate Company—a joint venture between Australia, the United Kingdom, and New Zealand—extracted up to a third of Nauru's phosphate deposits. By the 1980s Nauru's phosphate reserves were almost depleted, and the country has depended ever since on foreign aid from Australia to survive. Aware of this dependency, Australia took advantage of Nauru's lack of bargaining power and in 2001 Nauru agreed to host an asylum-seeker detention center in exchange for foreign aid. In this deal, Australia agreed to pay all costs for hosting the asylum-seekers, plus provide Nauru with AUD\$10 million in development aid (note that Australia's budget for development aid for Nauru in 2000-2001 was AUD\$3.4 million). Nauru has also attempted to exercise power over its "colonizer," with more or less success. For instance, in 2004, asylum-seekers in the detention center went on a hunger strike—some of them famously sewed their lips together as a sign of protest—and Nauru asked the Australian government for help. Even though this plea was probably a genuine demand for assistance, the then Australian immigration minister, Phillip Ruddock, alleged that Nauru was—consistent with its behavior in previous years—using the plight of a small number of asylum-seeking hunger strikers to extract money from Australia (Greenhill 2010, 326). In any case, the Australian government still needed Nauru for political purposes regarding asylum-seekers and was willing to continue the agreement. Thus Australia decided to renew the contract of the detention center on the island until June 2005 by agreeing to provide Nauru with another AUD\$26

million in developmental aid and sending Australian officials to run the Nauruan finance department and police force. In December 2007, newly elected prime minister Kevin Rudd announced that Australia would put an immediate end to the Pacific Solution²⁹ and close Nauru's detention center (Greenhill 2010, 329), which reopened in 2012. Even though there was an announcement in 2016 to close it again, in November 2017, the Australian government renewed Nauru's contract to host the detention center for a year and paid AUD\$385 million (Kaldor Centre 2017). Some of the asylum-seekers held in this center are now being transferred to the United States as part of the "refugee swap" deal. Nauru's economic dependence on Australia not only has shaped asylum-seeking policy in the region (Afeef 2006), but also illustrates how Western countries are literally confining asylum-seekers in the Global South. In addition, this relationship is an example of how these agreements are part of the transnational sovereign assemblage.

However, not all nation-states from the Global South have the same bargaining capacity. Some countries that have signed agreements with Western nations are aware of their power and are capable of engaging in—more or less—subversive relations with them. These nations are usually middle-income countries that engage in both coercion and cooperation with Western countries in regards to migration management, or what some authors call migration diplomacy (Tsourapas 2017, 2368). The use of migration diplomacy can be conceptualized as the tool countries use to obtain some leverage in their negotiations with Western countries. In *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*, Kelly Greenhill identifies 56 cases in

²⁹ The Australian Pacific Solution (2001-2007) dictated that anyone arriving in Australia by sea would be detained and confined in other nation-states.

which countries have used migration coercion in order to shape decision-making processes in politics. This technique has been deployed in particular by low-income countries—or countries in a less powerful bargaining position—that have the ability to target migration “crises.” Greenhill argues that Global South countries create political leverage in negotiations by creating refugee crises, or by threatening to create one.

A good place to see how migration diplomacy takes place is Europe. Contemporary European examples of the bargaining power of countries from the Global South can be seen in how Turkey handled the European refugee crisis, how Morocco established its economic relations with Spain, or how Ukraine acted as an extension of the European border. Despite the negotiation skills some of these nations might deploy, these agreements are still based on unbalanced relationships of power that contribute to the transnational sovereign assemblage. One such case is the relationship Libya established with Italy, as well as with the European Union. While this instance is a good illustration of migration diplomacy, I want to use it to highlight the way in which a country from the Global South can become responsible for the containment of asylum-seekers.

Libya’s relationship with the EU has always been driven by economic interest. On the one hand, the EU imposed economic sanctions on Libya that were nevertheless sidestepped through different mechanisms when it was convenient for an EU member state. For instance, in an example of private-public intertwinement, Tony Blair’s visit to Gaddafi in 2004 resulted in a 165-million-euro contract between the Dutch-British company Shell and Libya (Dietrich 2005). On the other hand, Libya’s economic dependence on member states helped the EU establish cooperation with that country.

Libya has no process enabling refugees to apply for asylum; however, that did not stop Italy from establishing several agreements over the years to cooperate in border surveillance. In 2004, in a successful migration diplomacy effort, Libya stopped controlling the exits declaring that it would “no longer act as Europe’s coast guard” and demanded that the EU lift the economic sanctions. It was not until more than 10,000 asylum-seekers and migrants reached the coasts of Italy that the European Union lifted the embargo (Greenhill 2010, 330). In 2007-2008 irregular migration into Europe peaked again, with 37,000 irregular migrants intercepted at the Italian border. Gaddafi then told Rome that if Italy wanted the migration exodus to stop it needed to offer a formal apology for the atrocities committed during its time as a colonial power in Libya. In 2008, the then prime minister, Silvio Berlusconi, offered a formal apology and signed an agreement to provide \$5 billion over the next 20 years to develop Libya’s infrastructure. In return for the money and the apology, Libya agreed to be Italy’s ally against irregular migration. Italian and Libyan joint patrols began in 2009, and by 2010 the European Union had declared the project a success. That same year, Gaddafi proposed to continue helping Europe—in a racist reference to sub-Saharan Africans, so Europe would not “turn black”—for 5 billion euros (Tsourapas 2017, 2377).

Resettlement as Deterrence

A precedent in migration management was the agreement Australia established with Cambodia to deter asylum-seekers by relocating them to a developing country with little to no capacity to meet their needs. In 2014 Cambodia and Australia signed a Memorandum of Understanding that provided for the permanent settlement of refugees

held in Nauru by the Australian government in Cambodia. Cambodia agreed to the arrangement on a trial basis, beginning with three to four refugees. The first five refugees were resettled in Cambodia in 2015, a sixth was resettled in November 2016, and a seventh in May 2017. Australia agreed to undertake “the direct costs of the settlement arrangements” and also provided AUD\$55 million in development assistance to Cambodia over four years in exchange for its co-operation. All of the refugees have since returned to their country of origin (Sampson, Gifford, and Taylor 2016).

This agreement forms part of the transnational sovereign assemblage, reminding citizens of the Global South that they will not be relocated in a Western country. Australia claims that responsibility for those at fault for “people-smuggling”—which is its way of talking about asylum-seekers. Rather than saying refugees are not welcome, they refer to how the boats should be stopped to avoid the “people-smuggling” business—should comply with regional agreements about burden- and responsibility-sharing. The deal Australia made with Cambodia was thus portrayed as a way to share responsibility in the region, regardless of the two countries’ unequal economic power. This negotiation was surrounded by secrecy and to date there no public source has revealed what the agreement really entailed (Gleeson 2016). The Australia-Cambodia agreement established a precedent in refugee policy and resettlement whereby offshore processing policies are also used as a deterrence mechanism to teach asylum-seekers on their way to a Western country that they will only be resettled in the Global South. In addition, this deal shows the lengths to which a Western country is willing to go in order to contain refugees in the Global South.

Agreements reached between Western countries with third countries are usually balanced in favor of the former. As I have shown, this does not mean that countries from the Global South completely lack bargaining power; however, these agreements only take place when a Western country—usually the benefiting party—needs a third country. As a result of these agreements, the burden of enforcement and risk is transferred to countries from the Global South. Not only do these countries become the places where refugees are literally confined for years, but also, through these relationships containment becomes a strategy to keep asylum-seekers in regions from the Global South.³⁰

Shaping the State: Profiting from Asylum-Seekers

Paloma was locked up by a border patrol officer when she crossed the U.S.-Mexico border asking for asylum. She had been in the immigration detention center for four days when I met her. While in confinement, she and her children had been given clothes and a room to share with other families. When I went to talk to her about her Credible Fear Interview I asked her about her job in her native country. Taking her hand to the back of her neck and pulling the tag of her t-shirt to show me the brand's name, she said: "I used to work in a maquiladora for this company. I made these t-shirts!"³¹

Paloma's story shows the endless cycle of exploitation that Third World women's bodies are subjected to by corporations. Not only was her labor exploited in her country of origin, but once she reached the United States corporations profited from confining her in a privatized immigration detention center.

³⁰ It is worth noting that the top refugee-hosting countries in the world today are all located in the Global South: Turkey, Pakistan, Lebanon, the Islamic Republic of Iran, Uganda, and Ethiopia (UNHCR 2017).

³¹ Based on a story that was told to me during an interview I conducted with a member of the HABO staff.

The inclusion of private actors—including corporations—in migration and refugee management is key to the creation and maintenance of the transnational sovereign assemblage that fortifies the West against people from the Global South through deterrence and confinement. Meanwhile, the few asylum-seekers who manage to make it to countries of the Anglosphere face a high possibility of confinement in a for-profit detention center. This system not only reinscribes a structure that echoes colonial discourses, in which Western corporations profit from the bodies of people from the Global South, but it also influences state actions. On the one hand, the hardening of sovereignty and its effort to reach beyond and within borders makes states adopt a decentralized institutional formation that incorporates private actors. Due to neoliberalism, private and non-state actors have gradually entered the border control arena, including detention and removal (Abbott and Snidal 2009; Betts 2013; Menz 2011). Within immigration and refugee management, many logistical services, such as transportation of migrants and asylum-seekers, clothing and food provision and telephone service in detention centers, airborne deportation operations, processing of visa applications, prison management, drone vigilance, and so on, have been privatized. On the other hand, private actors not only play a key role in the creation and maintenance of the transnational sovereign assemblage, but also influence the state and produce new power structures that echo colonialism. The inclusion of these private actors—absolutely necessary for the maintenance of the sovereign assemblage—also influence, shape, and even harden the techniques, to the extent that profit is extracted from every marginal migrant who goes to detention. In this way, the market logic transforms sovereign

regimes, through, for instance, the incentive to lock people up. Neoliberalism has been a key feature in the expansion of the immigration and refugee detention system (Doty and Wheatley 2013, 434). Even though neoliberalism has enabled the privatization of public structures across (almost) the whole planet, the Anglosphere has been more prone to this tendency (Flynn 2016a, 182; Menz 2011). Thus, in the next part of this chapter, I will be exclusively referring to the Anglosphere as defined in the first section.

Before the 1980s, detention as a governing immigration practice was “largely an ad hoc tool employed mainly by wealthy states in exigent circumstances that typically made use of prisons, warehouses, hotel rooms, or other ‘off-the-shelf’ facilities” (Flynn 2014, 167). Thus the commodification of migrant detention took place mostly after the 1980s. Within border securitization, confinement today has become one of the key elements in detention, and thus in the management of migrant and refugee populations. The origins of confinement in immigration governance are connected to the securitization of migration (Bigo 2002; Huysmans 2006; Mountz 2011), after 9/11 border security merged and became the center of national security (Longo 2018, 3). The securitization rhetoric is based on the idea that migrants are potential threats—to security, culture, the economy—and justifies the confinement of any foreign population. Immigration detention centers, such as Campsfield in Oxford, U.K.; South Texas Family Residential Center, in Texas, U.S.; or Curtin Immigration Reception and Processing Centre in Australia, are run by private corporations. Extreme cases are offshore processing centers such as the ones Australia has contracted with Papua New Guinea and Nauru; or the one the United States has in Cuba—Guantánamo—all privately run (Frenzen 2010, 392). One of the elements

that facilitates the homogenizing of detention regimes in the Anglosphere is the fact that many of the same big, for-profit corporations that run most of the private prisons operate in Australia, the United Kingdom, and the United States. This is one means through which techniques of confinement get diffused in all three countries. The global security firms that lobby and bid for contracts to develop the new technologies and infrastructures of border enforcement (Gammeltoft-Hansen 2013; Hernández-León 2013; Menz 2013), intentionally or not, homogenize the regimes of border control.

The companies that operate in Australia, the U.K., and the U.S. in regard to asylum-seeking and migrant detention are CoreCivic (formerly known as Corrections Corporations of America or CCA), GEO, and Serco (Menz 2011, 124; Turnbull 2016). In each country the privatization of migrant detention has taken place at a different time but mainly in conjunction with the global neoliberal turn (Menz 2011, 130).³² Today, the scope of migrant detention in those countries has reached historic levels. In the U.K., seven out of the nine immigrant detention centers—and all of the short-term holding facilities—are run by multinational for-profit companies. In the U.S., for-profit companies control more than half of the detention bed spaces (Sinha 2016, 83), and in Australia all immigration detention centers are run by private companies (Bacon 2005, 3).

The United Kingdom has the largest capacity to confine immigrants and refugees in the European Union, with 3,500 beds (The Migration Observatory 2017). There has been a sharp rise in the U.K.'s detention capacity from a total of 250 in 1993 (Bhui 2013) to 32,163 persons entering immigration detention in 2016 (Global Detention Project 2016a).

³² In the U.S. and the U.K. immigrants and asylum-seekers can be locked up with prisoners who have been convicted or sentenced to imprisonment (Turnbull 2016).

The cost of confining a person in a private prison ranges from £120 to £130 per day (Silverman and Massa 2012, 679; Flynn 2016a, 184). However, locking people up is not the only way in which private companies profit; there are other ways in which the border business flourishes. For instance, in fiscal year 2004-2005 the United Kingdom spent over 6.5 million pounds on transfers among facilities through its expansion of the use of migrant detention in the form of “Asylum Screening Units” associated with entry at airports and “Removal Centers” (Mountz et al. 2013). In addition, the U.K.’s immigration system does not limit the amount of time that a person can legally be locked up, so keeping people confined generates constant profit.

Indefinite detention is a feature that the United Kingdom shares with the infamous Australian asylum-seeking regime. In Australia, people can—and are—confined for years. Australia has been using incarceration as a method of social and political control throughout its history. Confinement has been used to target people who were perceived as a threat to the racial composition, social cohesion, or national security of white Australia (Nethery 2012). According to Christina Bacon (2005), Australia’s private system of immigration detention centers is the result of a meeting that took place in 1988 between a worker from CCA (today CoreCivic) and the then minister for corrective services (Baldry 1994, 130; Bacon 2005). In the past decade Australia’s detainee population has fluctuated. In 2009, 375 people were detained; in 2013 this number increased to 5,697; and in 2016 it fell to 1,807 (Skodo 2017). In regard to offshore detention, the total amount spent on Manus Island and Nauru private detention centers since they opened is

AUD\$4.89 billion.³³ The budget for 2014-2015 was AUD\$1.1billion (Asylum Insight 2017). As noted above, Australia’s policy aim is to prevent asylum-seekers from reaching its shores through deterrence measures. When this fails, Australia holds them indefinitely in private detention centers, making them into profit for private corporations.

Meanwhile, the U.S. Department of Homeland Security’s Immigration and Customs Enforcement locked up 193,951 people in 2015, and 352,882 people in 2016 (Arnold and Cady Hallet 2017). Confining migrants and asylum-seekers in detention centers costs taxpayers approximately \$2 billion each year (Sinha 2016, 85; Williams 2015, 12). In 2009, the Obama administration established a mandatory detention bed quota that requires the Department of Homeland Security to have up to 34,000 beds available daily for immigration detention. Anita Sinha argues that “quotas generally have demonstratively compelled action” (2016, 82) and in this case it has proven to be true, as the mandatory bed quota resulted in an increase in the number of detainees (Flynn 2016b; García Hernández 2015). The way this congressional quota contributes to the increase of migrant detention is through the guaranteed minimums that ICE is required to pay contractors, regardless of how many people are detained. Contractors receive a set payment from ICE independent of the number of beds that are filled. Because ICE’s interests are not the same as the private detention centers’—which would probably save money with fewer people confined as long as they received their guaranteed minimums—ICE is motivated to detain as many people as possible in facilities with guaranteed minimums to avoid the appearance of inefficiency. These guaranteed minimums

³³ Recently Australia has renewed its contract with Nauru’s detention center for AUS\$385 for the next twelve months (Andrew and Renata Kaldor Center 2017).

influence ICE's decisions as to how many people to confine, where to confine them, and for how long (Detention Watch Network 2015).³⁴ Today in the U.S., nine out of the ten biggest ICE immigration detention centers are private, making 62% of all ICE immigration beds operated by private corporations (Flynn 2016a, 184). Of this amount, GEO and CoreCivic combined operate 72% of the privately contracted ICE immigration beds (Flynn 2016a, 184). In addition, a recent *Washington Post* investigation found that CoreCivic receives \$20 million per month to detain women and children at Dilley—South Texas Family Detention Center—regardless of how many women and children are actually held (Detention Watch Network 2016). CoreCivic and GEO are two very profitable companies that have expanded their share of the private immigrant detention industry from 37 to 45% in 2014. CoreCivic's profits increased from \$133,373,000 in 2007 to \$195,022,000 in 2014. Similarly, GEO's profits increased 244% (Sinha 2016, 92). In addition, CoreCivic also owns a subsidiary called TransCor America, LLC, which is the largest prisoner transportation company in the U.S. TransCor generated \$4.4 million in 2014, and \$2.6 million in 2016. This data shows that the trend to privatize detention centers and its services, combined with the increase in immigrant and asylum-

³⁴ It is possible to obtain information through a Freedom of Information Act (FOIA) Request. You can FOIA the private prison companies wherever they have a transaction with the government, to get information on contracts, rules, and email communications. However, ICE tends to resist such requests. For instance, in November 2017, Detention Watch Network filed a FOIA request to access information in regard to the national bed quota. ICE did not comply with the request until a court order in July 2014 obliged it to do so. When ICE released the documents in response to the FOIA request, a lot of the data that could clarify the cost of detention in each facility and the fiscal and human impact of detention quotas had been redacted. ICE claims that such information is "confidential" and that if publicly released, it would cause competitive harm to private contractors. ICE's legal position is supported by the private contractors themselves, who have submitted sworn statements attesting to the need to keep this information private (Detention Watch Network 2015a).

seeking detention serves the interests of private corporations (Conlon and Hiemstra 2014).

Despite the fact that these companies have generated profit over the years, some of them have other activities that are not exclusively related to immigrant and refugee detention. For instance, Serco provides cleaning services, IT services, and parking management services. Thus it is hard to know how much profit they earned from each area of business. In any case, if prison management were not a profitable business these companies would most certainly not be investing in the sector. In addition, data shows that in the United States alternatives to detention would save the administration a lot of money, as they cost as little as 70 cents to \$17 per day in comparison to the \$159 that ICE spends to detain one person for one day (National Immigrant Justice Center 2017).

In short, economic and legal incentives—such as the mandatory bed quota—to lock people up have resulted into higher confinement rates. Authors such as Alison Mountz argue that detention and deportation are interlocking industries in the migration assemblage that generate profit through the privatization of services (Mountz et al. 2013). Thus, when both detention and deportation increase, the “output” as well as the profits of migration control increase. In this way, private actors influence the state through the incentive to confine people. In addition, the confinement of noncitizens reinforces the image of asylum-seekers as criminals that deserve to be punished and whose eligibility for citizenship should be questioned (Conlon and Gill 2013; Skodo 2017). Another way in which corporations shape the state is through social acceptance of the private-public intertwinement. In the U.S., corporations try to make profits through the partnering with

political actors who favor transferring immigration functions from the federal to the state level. In that vein, Tania Golash-Boza has linked corporations that profit from the incarceration of migrants to conservative commentators and politicians as part of a large complex of increasingly privatized control (2009). An example of this direct connection can be seen on the attempt to pass Arizona’s Senate Bill 1070, aka the “show me your papers law,” that allowed police officers to check the immigration status of people they suspected were undocumented immigrants. If this law had passed, the number of detained people, and thus the number of detained people in private immigration detention centers, would have increased (Hernández-León 2013, 39). CCA, GEO, prison lobbyists, and companies gave financial backing to many of the politicians campaigning for its legislative approval—the bill was co-sponsored by 36 people, and 30 of those received campaign contributions from private prison corporations (Doty and Wheatley 2013, 429; Feltz and Baksh 2012).³⁵

The Western world has a long history of confining and exploiting the bodies of women and people of color. The demonized asylum-seeker is confined, and profit is generated from the physical care of her body (housing, feeding, clothing, and transporting it). However, it is not only through the exploitative form of labor and resource extraction that characterized colonialism—echoed by Paloma’s example of making t-shirts in a maquiladora in her country—that Western states profit from postcolonial subjects; here profit emerges from the technologies of exclusion themselves, where passive, confined bodies produce profit from being “out of place” rather than through their labor. This is

³⁵ For more connections between the political and corporate sectors see Douglas and Saenz (2013).

how corporations in the Anglosphere extract wealth from asylum-seekers' bodies (Mavhunga 2011, 152). These material practices of confinement are supported by discourses and technologies that conceptualize the refugee as the “invasive other” (Ticktin 2017), what Martinican thinker Aimé Césaire (2000) referred to as (colonial) “thingification.” There is a long, colonialist history of concepts and words like invasion, pollution, dirtiness, insects and infestation insect being used metaphorically in connection with “undesirable” populations, which are now reappearing with reference to asylum-seekers. Clapperton Mavhunga (2011) writes about the African colonial context and how the use of metaphors that linked the colonized to pests leads to treating people as plagues threatening to destroy everything and thus justifying the confinement and isolation of certain groups. This is the current rhetoric in the Anglosphere, which presents an image of refugees as invaders that threaten the status quo. This dehumanizing vision of asylum-seekers can lead to practices that consider them as things, such as the “refugee swap.” Those bodies thus become commodities for exchange—or to keep—in order to make a profit. Locking up people who seek asylum illuminates how global confinement systems work. As most refugees come from countries from the Global South, confinement is highly racialized and can therefore be seen as a part of the larger racist system of mass incarceration (Cisneros 2016; Davis 1988, 2011; Gilmore 2007). Punishment regimes are shaped by neoliberalism and are substantively enforced by transnational corporations controlling the detention, transportation, and visa processing (among other things) of migrants and refugees, tasks that were formerly performed by the state. The locking up of people who seek asylum who belong to the Global South perpetuates a system that has

colonialist overtones while illuminating and enforcing racialized ideologies (Sudbury 2005, xiii).

In sum, the privatization of migration management highlights how the private and public spheres cooperate with each other. Private actors on the one hand are paramount to the creation of the transnational sovereign assemblage, and on the other hand, shape sovereign regimes by transforming them into profit-making apparatuses that follow a neoliberal logic. Through the confinement of the refugee population, private centers are on the one hand, profiting out of the bodies of people of color in continuity with their operations overseas, and, on the other hand, seamlessly integrated with the public's perception that refugees are a threat that requires efficient management rather than subjects whose treatment deserves accountability.

Conclusion

The bordering techniques that Australia, the European Union, and the United States have put in place in regard to migration and refugee management have created overlapping buffer zones that together constitute a transnational regime of sovereignty. This transnational sovereign assemblage results in an overarching transnational zone that evidences the importance of looking beyond specific countries. This is because border regimes of individual Western states are entwined and work alongside other Western border regimes to create pernicious and overarching bordering practices that fortify the West against humanitarian claims, concentrate displaced populations and refugees in the Global South, and increase asylum-seekers' vulnerability. This transnational sovereign assemblage is made possible partly through the privatization and contracting-out to

corporations of a myriad of practices that make up sovereignty as border control, and the agreements that Western countries establish with countries from the Global South. While Western states have felt the need to incorporate private actors into border securitization management, these neoliberal measures in turn shape sovereign regimes by, for instance, magnifying the economic incentive to confine people. The neoliberal character of the transnational sovereign assemblage is illustrated through the private management of refugees. Despite country differences, common methods and corporate providers that make possible techniques of confinement, surveillance, and deterrence at home and abroad make this transnational regime of sovereignty present itself as a unified form of exclusion of the “other” from the West as a whole. Analyzing Australia, the European Union, and the United States thus illuminates the thickening of the border through the creation of this overarching transnational border that excludes asylum-seeker, insulating Western nations from the reach of people of color from the Global South.

The measures these Western regions use to deter asylum-seekers transfer the burden of enforcement, risk, and containment to countries from the Global South. In this chapter I have shown two ways that are used by the Anglosphere to thicken the border: confining refugees in nations from the Global South, and establishing agreements with other countries that make them responsible for keeping Western borders safe from migrants and asylum-seekers by controlling emigration. When these measures fail, Western countries further resist the influx through a wide array of methods of confinement, mostly run by private companies that profit from the small subset of asylum-seekers that make it

to Western shores. The confinement of refugees generates profit for private corporations that receive government funds for keeping people locked up.

Chapter 3: Theorizing Refuge and the Refugee Subject

This chapter analyzes the particular ways in which the state produces the refugee, while subsequent chapters move on to analyze the management of asylum-seekers. Borders are where the violence that takes place within states gets crystallized. Moreover, borders themselves become sites of violence where migrants and asylum-seekers are locked up, mistreated, neglected, and punished. The symbolic crystallization of violence and the violence that takes place *in situ* make some borders in the world turbulent locations. Yet the spaces that are understood as turbulent and the moments that are taken to be crises depend on the particular relation between these spaces and moments, and Western states. States construct crises and emergencies as “exceptional moments” that are later used as a rationale to further limit migrant and refugee rights (Dauvergne 2016; Mountz and Hiemstra 2014; Torres 2018). Western states in particular have a lot of power in deciding when a “crisis” takes place as these countries are the most sought-after destinations for refugees and migrants and thus are in a stronger position to set the terms of global migration. Consequently, it is important to analyze Western immigration regimes from two angles. The previous chapter explored how in response to migration and displacement Western border regimes have been radically transforming, becoming a transnational assemblage that reaches beyond their physical borders. The thickening of the border takes place through mechanisms such as the border externalization measures

of confinement, deterrence, punishment, and so on, that aim to contain asylum-seekers in the Global South. This chapter traces the transformation of refugee regimes from humanitarian endeavors to punitive apparatuses—the way in which refugees are no longer seen as a humanitarian concern but as potential threats.

The upsurge in Central American asylum-seeking women and children crossing the border into the United States in the summer of 2014 was a central event that motivated the transformation of the contemporary U.S. refugee regime. Even though the United States is a signatory to the 1967 Protocol on the Status of Refugees, it now routinely confines asylum-seekers—including women and children—at the southern border. This chapter interrogates the emerging relationship between the state and the asylum-seeker by answering three questions: How are refugee flows produced by the U.S.-Central American relations that follow from geopolitical priorities? How is the symbolic project of the construction of the refugee subject throughout history a consequence of geopolitical relations? And, how have refugee regimes shifted from humanitarian endeavors to punitive apparatuses? To answer these questions, I analyze how the “refugee” is produced through moments of violence that need to be historicized. I show the meanings that are attached to Central American refugees in the United States and the exodus from the region that follows from subsequent waves of violence. These issues cannot be understood without tracing longstanding U.S. military intervention during the Cold War, the war on drugs and the connected question of transnationalized gang crime, and U.S.-backed military and paramilitary response by Central American states. These historical processes operate alongside particular narratives about the region

which converge with widespread racialized narratives about Latina/o migrants in order to imbue Central American subjects with particular racialized meanings. This population has been racialized as gang members, drug dealers, “deviant” mothers, and overall criminals—already existing stereotypes in the U.S. migration mythology—who represent a threat to the United States. In this way, Central Americans are depicted as not worthy of asylum long before they reach the U.S.-Mexico border. Through media, rhetoric, and foreign policy—such as the 1967 Protocol ratification—the United States constructed itself as a place of refuge during the Cold War. In particular, the ratification of the 1967 Protocol allowed the U.S. to position itself as a place of freedom vis-à-vis countries with communist regimes—considered U.S. adversaries. The history of refugee admission in the U.S. is thus connected to a broader history of humanitarian-tied endeavors outside and inside U.S. borders, closely entwined with Cold War geopolitical interests. This is particularly clear in refugee programs established for Cuban and Nicaraguans and—only reluctantly—Salvadorans (Tempo 2008, 3). U.S. Cold War refugee programs reinforced the narrative of the country as refuge from authoritarian communist regimes, a construction that is disrupted today by new geopolitical arrangements but also flatly denied through violent on-the-ground practices against those seeking asylum.

Global and local processes are connected, and in order to make visible those linkages I denaturalize borders as fixed and necessary institutions and instead understand them as socio-spatial practices that result from interconnected global and local processes, or “bordering mechanisms.” For this, I use a combination of three frameworks: transnational feminism, critical border studies, and critical refugee studies. Building on

scholarship that has used these lenses to problematize the border and to locate refugees in the complex matrix of militarization processes, war, and displacement, I combine these three frameworks to situate and explore Central American asylum-seekers in history. Transnational feminism is attentive to the ways in which institutions are imbued with power and thus allows me to illuminate the connection between the global and the local by making visible how the United States' intervention in Central America fuels population displacement. In this sense, the confinement of a Central American woman who seeks asylum at the U.S.-Mexico border must be understood as the result of entwined local and global processes.

My understanding of the border as a practice or mechanism, rather than a fixed institution is in line with critical border studies (Kaiser 2012, 323; Parker and Vaughan-Williams 2012, 729; Van Houtum and Van Naerssen 2002). Bordering “encapsulates national imperatives and politics as well as geopolitical efforts to control and contain ‘other’ territories” (Conlon, Hiemstra, and Mountz 2017, 8). Following the nuanced analysis of borders in critical border studies, I use “bordering mechanisms” or “bordering techniques” to refer to the compilation of discourses and practices used to establish borders. I show that the United States and other Western countries—through a variety of practices legitimized by discourses—engage in bordering techniques that thicken borders and result in the immobilization of people who seek asylum, despite clear international rules that mandate the reception of asylum-seekers. Borders are the result of historical events and transformations that expand the proverbial “line in the sand” (Parker and Vaughan-Williams 2012) into a geographically dispersed assemblage. Understanding

borders as assemblages of territorial and trans-territorial processes allows us to connect transnationally places such as the United States and Central America through the history of these two regions and to see how the militarization and externalization of the southern U.S. border reinforces and operates in this context.

Similarly, critical refugee studies is an approach that evidences the co-constitutive relationship between refuge and refugee by contextualizing the “refugee” (Lê Espiritu 2014) as a product of a socio-economic and historical events, i.e., as a product of state violence, civil wars, U.S. immigration law, and Cold War foreign policy (Schlund-Vials 2016). These processes are obscured by the construction of the United States as a place of refuge from authoritarianism, in particular, communist regimes. Confinement, strategies of deterrence, externalization measures, and other related bordering practices emerge as components of borders that result from transnational forces, domestic political processes, and geopolitics. In analyzing these processes, I pay particular attention to the relations between the state and the asylum-seeker, which are the focus of subsequent chapters.

This chapter provides the theoretical and historical background to contemporary bordering mechanisms and the productive relationship between the state and the asylum-seekers. It does so in four parts. First, I outline the way in which the three above-mentioned frameworks are useful to locate the asylum-seeking subject within the violent historical and social context through which she is created. The second part succinctly describes the history of asylum-seeking with particular emphasis on the United States. Section 3 deals briefly with the history of Central America, highlighting U.S. involvement in the region. This section argues that the mass displacement of Central

Americans towards the United States is partly a consequence of U.S. intervention, which was accompanied by particular racializing narratives about the region that filter the reception of asylum-seekers today. The U.S. has a poor record of welcoming refugees and immigrants. Scholars have theorized how the figure of the refugee in public and political imaginaries has historically been “othered” (Malkki 1992, 34; Ramsay 2017, 3), a narrative that coexisted uneasily with the construction of the U.S. as a humanitarian power that would welcome refugees fleeing from communist regimes. This changed with the end of the Cold War, 9/11, and a growing securitization rhetoric that merges migrants and refugees, and understands both as a threat to society (Cannizzaro and Gholami 2018). Since the fall of communism, the U.S. regime of refugee management has been substantially transformed into a set of discourses, policies, and practices to deter asylum-seekers from reaching U.S. territory. In section 4, after examining the sources of violence that make people flee from the Northern Triangle, I explore the immigration externalization practices of the country that receives them, the United States.

Transnational Feminism, Critical Refugee Studies, and Critical Border Studies

Transnational feminism can refer to a method, a theoretical framework, a practice, and a way of knowledge creation. The first step in defining transnational feminism is to differentiate the transnational from the global. Transnational and global feminism both emerged as a form of critique—as an activist and scholarly challenge—to global entanglements. They both address the uneven effects on local spaces of worldwide economic flows and other global phenomena, and they are both U.S.-centric methodologies. However, these two approaches differ in that global feminist approaches

see the global as a homogenizing force that moves in one direction—from the West to the non-West—and leaves out complex power dynamics and erases difference (Grewal and Kaplan 2001, 663), dynamics that are considered by the transnational.³⁶ Transnational feminists center disruptive knowledges in order to de-center the U.S. Following a beautiful analogy by Laura Briggs, Gladys McCormick, and JT Way, feminists claim that transnationalism “can do to the nation what gender did for sexed bodies: provide the conceptual aid that denaturalizes all their deployments, compelling us to acknowledge that the nation, like sex, is a thing contested, interrupted, and always shot through with contradiction” (Briggs, McCormick, and Way 2008, 627).

Transnational feminism has its origins in postcolonial theory and it acknowledges that identities are embedded in power relations that are usually rendered invisible in the global. Even though there are no claims about “overarching forces,” this framework aims to understand how certain dynamics—such as economic flows, or neoliberalism—are filtered through borders, political relations, intersections between particulars, hegemonies in place, and other power structures, to appear in particular shapes on the ground (Swarr and Nagar 2012). The goal of this approach is to make visible these connections in order to discern the “movement of goods, individuals, and ideas happening in a context in which gender, class, and race operates simultaneously” (Briggs, McCormick, and Way 2008, 633). Even if transnational effects influence all levels of social existence, the outcomes are always historically specific and varied (Grewal and Kaplan 1994, 13). A transnational frame of analysis thus challenges the idea of the nation and its fixity by

³⁶ For that reason, global feminism has also been termed “imperial feminism” (Amos and Parmar 1984).

making visible its historical contingencies and by connecting gender and sexuality to the project of nation-building (Ballantyne and Burton 2014; Byrd 2011; Hall 2008; Smith 2011; Stoler 1995; Suchland 2015). As Joanne Meyerowitz (2009) rightly claims, nations, their laws, and their traditions did not develop in isolation. Instead, these are social constructions based on geographical, political, social, cultural, and economic interests. Transnational histories recognize the power that some nations, or individuals, hold over others, and focus on the uneven connections and flows (Meyerowitz 2009, 1274).

Just as transnationalism does for the nation what gender did for sexed bodies, critical border studies continues this project by denaturalizing the border and sovereignty, marking them as contested, interrupted, and contradictory. Critical border studies scholars challenge the ways in which borders are understood—what and where borders are—and reveal them to be intimately entwined with other institutions (Parker and Vaughan-Williams 2012, 729). These scholars advocate moving “away from classical approaches in which borders, assumed to be mere delimitations of sovereignty, were considered as naturalized and static territorial lines” (Brambilla 2015; Van Houtum 2005). Instead, borders are seen as assemblages, as spaces of performance, and as constituted by violent bordering practices and resistance to those practices (Brambilla 2015; Parker and Vaughan-Williams 2012).³⁷

³⁷ Some authors have used the concept of “borderscapes” to illustrate the spatial and conceptual complexity of the border as fluid and changing, established and changing, traversed by bodies, discourses, practices, and relationships (Brambilla 2015; Perera 2007; Rajaram and Grundy-Warr 2007).

An account of transnational feminism and critical border studies should make sense of how gender, race, and patriarchy have been central to the project of nation-building in the United States. In this vein, Miroslava Chávez-García focuses on the shifting of the U.S.-Mexican border in 1848 and California becoming part of the United States two years later:³⁸ “we did not cross the border, the border crossed us.” This period materially challenges understandings of borders as natural separations between states, centering instead their connection to nation-building and geopolitical processes, and historicizing their production and reproduction over time.

A critical refugee studies approach is necessary in my research because a focus on “refugees” or “migrants” tends to direct attention to questions of integration and improvements in the lives of refugees in the receiving country (Lê Espiritu 2017). This approach, characteristic of much of the sociological and political science literature on migration, does not capture the historical conditions that produced those massive displacements to the United States and elsewhere and posits the refugee as a “problem to be solved” without scrutinizing the process of construction of refuge/receiving countries (Lê Espiritu 2014, 5). Moreover, refugees willing to enter the United States boost the desirability of the nation by constituting ongoing evidence that the United States is “choiceworthy” (Lê Espiritu 2014, 175).

Thus, transnational feminism, critical border studies, and critical refugee studies share an understanding of the need to analyze connections between local and global processes, de-naturalize the nation and borders, and encourage us to be critical about their contested,

³⁸ The legal and governmental system in California was not immediately imposed; it took at least two years for the implementation of U.S. civil authority (Chávez-García 2006, 81).

interrupted, and contradictory nature. I rely on these frameworks to de-center the United States and illuminate the co-constitutive nature of “refugees” and “refuge” by highlighting the consequences of U.S. military intervention in Central America and its role in the creation, transformation, and meaning of borders. When the border is historicized, then punishment and confinement have to be explained rather than presumed to be necessary. A combination of these frameworks allows me to analyze the violence at the border—externalization measures of confinement and punishment, and the overall asylum-seeking process—as constructed through narratives of racialization, securitization, and anti-immigrant sentiment.

Prominent among these narratives is the United States’ effort to publicize gender violence in countries of the Global South, including the Central American countries from which contemporary asylum-seekers come (Amnesty International 2005; Amnesty International USA 2003; Fontes 2010; Ruhl 2006). These narratives have allowed the United States to reframe itself from a supporter of civil wars in the region, to a protector of women’s rights (McKinnon 2016b, 20). Despite this, when Central American women flee the violence of the region and try to reach the United States, they swiftly transform from victims to threats (more on this on Chapter 4). There is more continuity in the construction of Central American men from sending Central American countries, who are seen as dangerous gang members and perpetrators of the violence that afflicts their women, or as drug dealers who want entry to “take advantage” of the opportunities the United States can offer them. The Northern Triangle—formed by Guatemala, Honduras, and El Salvador—is thus viewed as a source of criminality and the people fleeing from

the violence in that region are perceived as criminals. In this sense, a transnational critical border approach is also necessary to complement critical security studies, to the extent that the securitization of refugee flows builds upon constructions that start long before they reach the territorial U.S.-Mexico border. These constructions are indebted to historical entwinements between the U.S. and the countries of the Northern Triangle that result in new arrivals being deemed unworthy of protection. In this sense, the figure of the asylum-seeker is a site of transnational critique where bordering practices such as confinement, NGOs mediation, and transnational sovereignty converge. This figure exposes the connections between historical and social processes of colonization, military intervention, forced displacement (Lê Espiritu 2017), Cold War foreign policy, and U.S. immigration law, and evidences the ways in which violence has been normalized through bordering practices.

Production of *Refuge*: Asylum-Seeking History in the United States

The requirements for refugees and asylum-seekers under international and U.S. law are the same.³⁹ The person must have a “well-grounded” fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion if they return to their home country. However, the 1951 Convention Relating to the Status of Refugees does not specify how states should determine whether an individual meets the definition of a refugee. The establishment of asylum proceedings and refugee status determination is up to each state party to develop. The Convention and

³⁹ The term “asylum-seeker” is a politically expedient label given to people who are seeking recognition of their refugee status, but the category does not exist under the 1951 Refugee Convention. The difference between a refugee and an asylum-seeker is that the former applies for refugee status from their country of origin, while the latter applies once they enter the country.

its Protocol represent a merely symbolic humanitarian commitment as its ratification neither imposes a duty on the state to grant asylum nor grants anyone the right to entry to another country in order to seek asylum (Dauvergne 2016, 42; Taylor 2005, 3).⁴⁰ Robyn Lui (2002) argues that the construction of domestic refugee law itself is a result of political compromises and particular political junctures and therefore the task of this regime is not exclusively to provide humanitarian assistance but also to govern and police the movement of non-citizens. Thus, signatories of the refugee convention engage in symbolic gestures to associate themselves with humanitarian values, norms, and principles while often pursuing less than humanitarian policies toward actual asylum-seekers.

This symbolic association was powerfully deployed by the United States during the Cold War, when it positioned itself as a welcoming place, a place of freedom in opposition to communist regimes. But by focusing on the historical construction of the U.S. as a place of refuge, we lose sight of the radical shifts in the meaning of refugee subjects and Western states after the Cold War. While the former have become associated with threats and burdens to host countries, the latter now wish to appear as fortresses and hostile spaces, in the hope of deterring refugees from attempting passage. This new perception of refugees and the Western abandonment of even the pretense of refuge is the focus of critical attention in my dissertation.

The emergence of asylum policy was the result of the mass displacements that took place in Europe during the first half of the 20th century. World War I (1914-18) and

⁴⁰ It does, however, require states not to punish refugees for illegal entry to the country where they are seeking refuge (Dauvergne 2016, 46).

other events connected to it—such as the Greco-Turkish War and the 1917 Russian Revolution—created a great number of displaced people in Europe. In 1921 the League of Nations created the office of the High Commissioner for Refugees with the specific mandate to assist the large number of Russians who had been driven out by the 1917 revolution.⁴¹ Norway’s Arctic explorer, Dr. Fridtjof Nansen, was appointed to serve as High Commissioner for Russian Refugees, making the “Nansen passport” the first travel document for refugees.

In 1931 the League of Nations—and a year later U.S. president Herbert Hoover—claimed that there was no longer a need to provide asylum to displaced populations, because democracy was increasingly established in Europe and the problems of the post-World War I refugee crisis were nearly resolved (Zolberg 2006, 270). This was somewhat optimistic: Hitler was appointed chancellor of Germany in 1933 and became the head of state in 1934, eventually leading to the invasion of Poland that would initiate the Second World War. Sources estimate that the Second World War (1939-45) caused over 60 million deaths—around 3% of the population at that time—and by the end of World War II the number of displaced people in Europe was well over 40 million. Other events in other parts of the world were also creating refugees. For instance, the 1947 partition of India created 14 million refugees, and the 1948 creation of Israel displaced around 700,000 Palestinians. Contemporary refugee and asylum systems emerged after these events (Gibney 2004; Haddad 2008; Loescher 1996; McKinnon 2016b; Soguk 1999). In 1943 the United States took the lead in organizing the United Nations Relief

⁴¹ It was not until 1921 that a body of international refugee law began to form.

and Rehabilitation Administration (UNRRA) (Zolberg 2006, 304), replaced in 1946 by the United Nations' first international agency in charge of dealing with all aspects of refugee's lives: the International Refugee Organization (IRO). The IRO was initially focused on repatriation—although it was against forced repatriation—and for the first time “fear of persecution” became a criterion for refugee eligibility. It was in 1950 that the office of the United Nations High Commissioner for Refugees (UNHCR) was established.

The functions of the UNHCR include providing international protection—in particular the principle of *non-refoulement* of refugees, i.e., the prohibition against returning victims of persecution to their country of origin—and seeking permanent solutions through voluntary repatriation or assimilation in the new community. A year after its creation the UN adopted the 1951 Convention Relating to the Status of Refugees (hereafter the Refugee Convention), which defines the term “refugee,” outlines the rights of the displaced, and enumerates the legal obligations of states to protect them. This followed the 1948 Universal Declaration of Human Rights, whose article 14 (A) states: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” The Refugee Convention is focused on the freedom of the individual rather than the group—therefore each claim for refugee status must be considered individually by the country to which the person has applied—and on resettlement rather than repatriation.

Although most countries signed the Refugee Convention, the United States never did. However, in 1968 it ratified the 1967 Protocol, which subjects the country to the same obligations as the Refugee Convention. One of the reasons for the delay in ratifying

was the resurfacing of the nativism prevalent in the 1920s, associated with the belief that immigrants could harbor dangerous anarchist or communist sympathies. After the 1917 Russian Revolution, fears of Bolshevism in the country were channeled through an anti-communist congressional campaign against persons with suspected communist or anarchist affiliations (Wilsher 2012, 30). The fears of communism were so strong that the courts upheld Congress's power to expel communists (Wilsher 2012, 59). There was also a widespread belief among U.S. citizens that refugees would take their jobs, and that the admission of refugees into the U.S. would upset the national origins quota system then in place.⁴² Additionally, some argued that refugees should remain in Europe to help with reconstruction (Legomsky and Rodriguez 2009, 878). These grounds for opposing the admission of asylum-seekers remained prevalent well into the 1970s (Porter 2016, 210; Tempo 2008).

Until 1980 refugees could only be admitted in the United States if they were fleeing from communist persecution or if the state had a "special humanitarian" interest in the particular violent setting driving the displacement (McKinnon 2016a, 9)—which also mostly meant "citizens of Communist countries and, within that, groups that had strong domestic advocates, notable Soviet Jews and Indochinese" (Zolberg 2006, 349). As a result, until the mid-1980s more than 90% of the refugees admitted to the United States came from countries in the communist Eastern bloc (Barnett 2002, 249). In 1980, the U.S. Congress passed the Refugee Act as an addendum to the Immigration and

⁴² The national origins quota system had been established in the 1920s and favored people coming from northern and western Europe. This system was replaced with the 1965 Immigration and Nationality Act, which imposed new per-country limits and placed emphasis on family reunification and immigrant's skills.

Nationality Act of 1965 and the Migration and Refugee Assistance Act of 1962. The Act codified into law the provisions of the international Protocol on the Status of Refugees, and its main objective was to create a definition of refugee based on the UN Convention and the Protocol on the Status of Refugees. It also established procedures to deal with refugees in the U.S. through the creation of a resettlement and absorption policy (Kennedy 1981, 141-156) that led to the establishment of refugee quotas. The president could control the refugee flow after consulting with Congress and established 50,000 slots for refugees that first year. Today, refugee quotas are still decided by the president through a proposal sent to Congress that sets the number of refugees to be admitted for the upcoming fiscal year. In light of the massive displacements worldwide, President Obama increased the quota from 70,000 to 85,000 in fiscal year 2016 and increased it yet again in FY2017 (to 110,000). For FY2018, President Trump set that quota to 45,000 (U.S. Department of State 2017), the lowest any administration has sought since the creation of the quota in 1980.

When the refugee population was mostly fleeing from communist regimes, the U.S. imagined itself as a humanitarian actor helping people escape from oppressive countries. However, the fall of communism, changing geopolitics, and the context of violence in the Northern Triangle has resulted in a significant shift in the refugee regime from a humanitarianism based on political interests to a punitive apparatus and systematic confinement. While the U.S. is well known for the massive detention and confinement of asylum-seekers within its territory, it less commonly remarked that it is also one of the pioneers of offshore interdiction and detention. In particular, the U.S. relies on its

military bases located in host countries, offshore detention centers in the Caribbean, U.S.-funded detention centers in third countries, and partnerships with law enforcement agencies from other countries that work to close clandestine routes and stop smuggling (Flynn 2014, 165). These bordering practices make refugees' journeys more dangerous and put their lives at risk by preventing them from reaching safe destinations or returning them to the countries they are fleeing.

It was during the Reagan era that the U.S. Immigration and Nationality Services began systematically apprehending unauthorized migrants at sea in response to migration flows from the Caribbean. In the 1980s there were large numbers of people leaving Cuba and Haiti and attempting to reach the United States. In 1981 the Reagan administration suspended the entry of Haitian or un-flagged ships through the Interdiction Agreement between the United States and the Duvalier regime in Haiti. This agreement authorized the U.S. Coast Guard to board Haitian vessels on the high seas, determine whether passengers had documentation to enter the country, detain them, and return them to Haiti (Frelick, Kysel, and Podkul 2016, 196). It was at this time that the naval base in Guantánamo Bay, Cuba—now a privately run Migration Operations Center—became the world's first offshore detention facility and processing site (Dastyari and Effeney 2012).⁴³ The vast majority of Haitians were sent back to Haiti under the Interdiction Agreement. When advocacy groups questioned whether asylum hearings on Coast Guard boats were adequate and non-discriminatory, the government replied that because the screening took

⁴³ The Migration Operation Center in Guantánamo has been run by the Geo Group since 2003. No asylum-seekers detained at Guantánamo will ever be resettled in the United States. In February 2012 there were 33 Cuban asylum-seekers between 15 and 53 years old detained (Dastyari and Effeney 2012). According to news reports, in 2016 there were still 8 asylum-seekers locked up in the Migration Operation Center (Feder, Geidner, and Watkins 2016).

place in international waters it did not have “jurisdiction to review the adequacy of the shipboard screening procedures” (Flynn 2014, 172; Frenzen 2010, 380).

President Jean-Bertrand Aristide won the elections in Haiti in February 1991 and thus the country was no longer considered dangerous, at least for a few months. However, the September 1991 coup that overthrew President Aristide caused the number of Haitians attempting to migrate to spike (Frelick, Kysel, and Podkul 2016, 199). At this time, the United States feared another crisis like the Marielito exodus from Cuba, which had brought around 125,000 people to the U.S. in 1980. However, given the worsening situation in Haiti, the U.S. could not return migrants there. Instead, George H.W. Bush ordered Haitians to be processed offshore, in Guantánamo. In 1992, 12,500 asylum-seekers were held in Guantánamo while they waited for their claims to be screened. From 1991 to 1994 there were exclusively Haitian asylum-seekers detained in the naval base in Cuba. In 1994, Cuban leader Fidel Castro allowed for free emigration from the island, which resulted in an upsurge of *balseros* trying to reach the U.S. In response, Florida declared a state of emergency and President Bill Clinton ended decades of policy welcoming rescued Cubans with resident status, and instead announced that Cubans would be taken to Guantánamo to join the—by then—15,000 Haitians (Frelick, Kysel, and Podkul 2016, 200). In 2002 George W. Bush continued the policy of detaining non-citizens intercepted in the Caribbean and transferring them to Guantánamo for confinement. In 2004, as a wave of political violence hit Haiti, Bush made clear that any boat trying to reach U.S. shores would be sent back. The Obama administration continued with high seas interdictions and shipboard screenings. Those who were found to have

“credible fear” were brought to Guantánamo for “credible fear” interviews. Even if they obtained a positive decision they would then be transferred to third countries for resettlement, never to the U.S. (Frelick, Kysel, and Podkul 2016, 200).

In conclusion, the U.S. state constructed itself as a place of refuge during the Cold War era. Through the 1967 Protocol ratification—which was tied to other humanitarian endeavors—and media narratives, the U.S. presented itself to the world, both implicitly and explicitly, as a “benevolent empire” fighting against a communist authoritarian regime (Porter 2016, 3).⁴⁴ Today however, the U.S. has become a fortress against people who seek asylum. The fact that nations have legal obligations to provide refugees (unlike immigrants) to whom they grant asylum with a series of services and resources, combined with the fact that the refugee is seen as a figure external to the socio-economic forces that produced her, facilitates the construction of the refugee as a burden. Additionally, media representations of Central American asylum-seekers as dangerous individuals linked to gangs and drug cartels obscure the connections between these events and U.S. intervention. The consequence of these equations was clear in President Trump’s limiting of the number of refugee slots, his so-called “Muslim ban,” which barred from entry nationals from eight countries, and his cancellation of DACA and the Temporary Protected Status programs for Haitians, Nicaraguans, and the Sudanese (Pierce and Selee 2017).

⁴⁴ For works that connect U.S. foreign policy and the commitment to refugees see Gil Loescher (1998) and Michal Gill Davis (1996).

The Production of the *Refugee*: U.S. Involvement in Central America

The relationship between the United States and Central America has been historically characterized by military intervention guided by geopolitical interests associated with neocolonial commercial interests in the region and the Cold War. During the 1980s, U.S. intervention intensified, resulting in devastating consequences for the region that are still visible today. Currently, the majority of the asylum-seekers who reach the U.S. come from the Northern Triangle—El Salvador, Guatemala, and Honduras. However, in the 1980s people were mostly fleeing from Nicaragua and El Salvador. As I show below, the arrival of Central American refugees has been imagined in particular ways that are gendered and racialized and that have shifted throughout this period.

Military Intervention

When Ronald Reagan took office in January 1981, Guatemala, Nicaragua, and El Salvador were experiencing civil wars. El Salvador's conflict lasted from 1979 to 1982; Guatemala's—where the U.S. backed a coup in 1954 that installed a military regime followed by a series of military dictators—from 1960 until 1996; and Nicaragua's, from 1981 until 1990. The Reagan administration read Central American conflicts through the lens of the Cold War, and therefore consistently sided with the right-wing governments in El Salvador and Guatemala (Zolberg 2006, 352). The United States gave its support to the Salvadoran and Guatemalan military governments that fought against a coalition of leftist guerrilla groups. Meanwhile, in Nicaragua the United States gave its support to rightist counter-revolutionary groups—the Contras—that opposed the socialist Sandinista government. During that time, Honduras became a key ally to the Reagan administration

as it was relatively stable and hosted training bases for the Nicaraguan Contras. In addition, the U.S. military conducted exercises that trained thousands of Salvadoran military officers in the 1980s. In El Salvador, Honduras also aligned with the U.S., supporting the Salvadoran government (Chomsky 2010, 117). In El Salvador the conflict ended in a negotiated settlement that established a multiparty constitutional republic, while in Guatemala the 36-year conflict ended with the signing of peace accords. Nicaragua's conflict culminated with the signing of the Tela Accord in 1989, followed by elections a year later.

During the 1980s, and mostly due to the conflicts that were taking place in these countries, large groups of Salvadorans, Guatemalans, and Nicaraguans were displaced and made their way toward the United States, establishing a pattern that has lasted until today. For instance, in 1988 inflation in Nicaragua peaked at 36,000%, throwing into poverty tens of thousands of Nicaraguans, who sought refuge in the United States (McPherson 2016, 164). Between 1981 and 1990 an estimated one million Salvadorans and Guatemalans fled from the violence in their countries and entered and stayed in the United States irregularly (Gzesh 2006). At the time of signing the peace accords in El Salvador in 1992, it is estimated that more than one million Salvadorans were living in the United States, the majority of whom had entered without authorization (Coutin 2011, 576). The magnitude of this displacement was vast, considering that the population of El Salvador that year was 5.4 million.

Because of its support for the Salvadoran and Guatemalan governments, the Reagan administration did not recognize the grievances of their citizens as having to do

with political violence and instead characterized Salvadoran and Guatemalan asylum-seekers as “economic migrants.” This had a twofold effect: on the one hand, it absolved the Salvadoran and Guatemalan governments of responsibility for human rights violations, and on the other hand, it freed the United States government from its formal responsibility according to the Refugee Protocol (Gzesh 2006). The Department of Justice and the Immigration and Naturalization Services (INS) discouraged most Guatemalan and Salvadoran refugees from pursuing political asylum. As a result of this policy, 97% of Salvadorans who applied for political asylum in the 1980s and 99% of Guatemalans were rejected (Coutin 2007, 48). Meanwhile, the approval rate for foreign nationals fleeing conflicts in which the Soviet Union was involved was much higher—for instance, 60% for Iranians, 40% for Afghans, and 32% for Poles (Gzesh 2006; Mahler and Ugrina 2006). Through the 1987 Nicaraguan Review Program created by Reagan’s administration, Nicaraguans who were denied asylum were given the chance to remain in the United States whereas Salvadorans and Guatemalans were deported (Coutin 2011, 575).

As the U.S. support grew for the Salvadoran government in its war against armed groups, a broad-based solidarity movement that included lawyers, religious groups, and those against U.S. intervention in Central America was formed. In 1985, members of this movement sued the United States government—*American Baptist Churches v. Thornburgh*, or ABC—arguing that the asylum-seeking process was biased against refugees from friendly countries. In 1991, the case was settled, allowing 300,000 Salvadorans and Guatemalans to apply for asylum (Coutin 2007, 8). At the same time, in

1990 the U.S. granted temporary protected status (TPS) to refugees fleeing armed conflict or environmental disaster. This included Salvadorans who fled during the civil war, but not those who arrived to the U.S. after the war ended (1992). Although the end of El Salvador's and Guatemala's civil wars did not put an end to violence, it did make it harder for asylum-seekers to argue that they would face persecution if they returned (Coutin 2011, 582). Despite its military support of armed groups that opposed Nicaragua's Sandinista government, the Reagan administration resisted making it easy for Nicaraguans who requested asylum by imposing extremely demanding requirements (that were nonetheless favorable relative to Salvadorans and Guatemalans) (Zolberg 2006, 353). After Hurricane Mitch in 1998, approximately 86,000 Hondurans and Nicaraguans received TPS while deportation proceedings were temporarily suspended for Salvadorans and Guatemalans (Mahler and Ugrina 2006).

A year earlier, in 1997, Congress had approved the Nicaraguan Adjustment and Central American Relief Act (NACARA)—previously called the Victims of Communism Relief Act (Coutin 2011, 583). This legislation allowed Nicaraguans and Cubans living continuously in the United States since 1995 with their families to adjust their status to legal permanent residents. A campaign denouncing the bias of this policy immediately formed, bringing together immigrant-rights advocates, some U.S. officials, the Salvadoran and Guatemalan governments,⁴⁵ and other supporters. This campaign aimed at extending NACARA to Salvadorans and Guatemalans and resulted in a complex process towards legal permanent status, permitting some members to apply for

⁴⁵ They were mostly worried about the possible reduction of remittances in their countries (Coutin 2011, 583).

suspension of deportation in the U.S. (Mahler and Ugrina 2006).⁴⁶ NACARA cases were approved at a rate of 95% (Coutin 2011, 585). In sum, Central Americans from El Salvador, Guatemala, and Nicaragua fled their countries in the 1980s and entered the United States without legal status. They were able to access status through the 1986 Immigration Reform and Control Act (IRCA) (that covered over 200,000 Central Americans to regularize their situation) (Mahler and Ugrina 2006), or at a later day through the measures described above.

Gang Violence

Many children of Central American refugees who settled in Los Angeles grew up in impoverished areas where they were surrounded by white neighborhoods and established Mexican American populations.⁴⁷ In these neighborhoods, the 18th Street Gang—also known as Calle 18 or Barrio 18 or M-18—was dominant. Formed in the 1960s in Los Angeles by Latino youth primarily of Mexican American origin who had been excluded and harassed by local gangs, this and other, smaller gangs were protective of their *barrios* and preyed only on outsiders. The dynamics changed with the wave of Central American immigrant arrivals in the 1970s and 1980s. The newcomers were mostly from rural impoverished areas and were rejected by the already established urban Latino gangs (A. Valdez 2011, 24). These new immigrants in the *barrios* became easy prey for gangs, who knew the victims would be unlikely to report the violence to the police due to their legal status. Even though some Central Americans were able to join

⁴⁶ Until the early 2000s, Salvadoran and Guatemalan NACARA beneficiaries did not become legal permanent residents of the United States. This means that most were not eligible to become naturalized until the late 2000s (Coutin 2011, 585).

⁴⁷ It is estimated that 70% of all Central Americans arrived after 1980 (Johnson 2006).

the 18th Street gang, most were not accepted and—as a way of survival—formed their own gangs in the same neighborhoods (Dudley 2010; Mateo 2011, 93). These new gangs mirrored practices from U.S. gangs, learning the culture of violence and appropriating certain areas that would later become their territory (Vanden 2014, 85). This is the context in which, between 1985 and 1988, the Mara Salvatrucha, or MS-13, was formed. Members from this *mara*—etymologically from *marabunta*, a deadly species of local ant (Arana 2005)—encouraged the few Salvadorans who had joined the 18th Street gang to leave it and join them instead. MS-13 offered protection, assistance, and connections for poor, unassimilated newly arrived youth, and by the 1990s it was large enough to influence gang activity in Los Angeles. The formation of new gangs by Mexicans and Central Americans increased conflict between different Latino gangs, and these groups started committing crimes within their own neighborhoods (A. Valdez 2011, 24-26). During the 1990s, gang-related crime in Los Angeles skyrocketed. For instance, between 1993 and 1994 in Los Angeles County 1,507 gang-related murders were reported. It is estimated that in 1995 there were over 140,000 gang members and 1,500 street gangs, most of which were Latino (A. Valdez 2011, 32). As a result of these crimes, gang members were often convicted and moved continuously in and out of prison. Even though evidence shows that there were some women working in these gangs (Spergel 1995), men comprised the vast majority of their members at that time and today.

During those years, concern over immigration grew and overlapped with the war on drugs and other criminal justice policies that intensified police surveillance of youth of color and low-income neighborhoods. Targeting undocumented immigrants was a way to

increase the removal statistics while “fighting crime” (Coutin 2011, 587). The legal vulnerability of these populations increased through the battery of legislation passed by the Republican-dominated Congress in the 1990s, which focused on crime, welfare, and immigration and central social problems and enacted punitive measures in all three realms (see, e.g., Armenta 2017; Hancock 2004; Jonas and Tactaquin 2004; King and Valdez 2011). In particular, before 1996, legal permanent residents could only be deported if they were sentenced for five years or longer—for what qualified as an “aggravated felony.” However, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) changed that by expanding the definition of “aggravated felony” and making it retroactive (Arana 2005). The majority of gang members operating in Los Angeles were not U.S. citizens but individuals with irregular immigration status or legal permanent residents, two categories that became much more vulnerable after the 1990s laws. A few years later, the 9/11 attacks provided a background narrative that allowed the Bush administration to exploit those laws to vastly expand detention and deportation, partly by encouraging new ways in which state, local, and federal law enforcement agencies could work together under the securitization rhetoric (see Valdez, Coleman, and Akbar 2017).

Annual deportations of Central Americans tripled, increasing from 8,057 in 1996 to 24,285 in 2004 (Johnson 2006). In 2008 the number of people the United States sent back to El Salvador was 20,975; to Guatemala, 28,899; and to Honduras, 29,768 (Vanden 2014, 86). Many of the deported Central Americans were unfamiliar with their home country, alienated from the community, and lacked strong family ties (Zilberg 2004, 765-

795). Many had to live on the streets, or with distant relatives in poor areas, and some were attracted to city-smart individuals with money who told gang-life stories and brought U.S. gang culture with them (Cruz 2010, 386; Wolf 2011, 49). As a result of the alienation and insecurity in their own communities, some of the deportees began forming *maras* as an attempt to find security and trust, further recruiting local youth who were enticed by the transnational gang aura of the newcomers.⁴⁸ In addition, many existing gangs joined these bigger and more powerful ones that had transnational connections (Rocha 2011), building upon violent traditions learned in the U.S. and those of local paramilitary forces (Cruz 2010; Vanden 2014, 86). Surveys estimate that by 1996, 86% of Salvadoran gang members were affiliated to either the MS-13 or 18th Street gang (with only 14% belonging to other gangs) (Cruz and Peña 1998, 199), while in Guatemala 96% of gang members belonged to those two *maras* (according to 2006 data). These two LA-born gangs remain dominant in most parts of Central America today (Seelke 2011a; Bruneau, Dammert, and Skinner 2011).

It is commonly understood that the current gangs in Central America are the result of the deportation of Central American gang members from the U.S. in the 1980s. However, the story is not so straightforward. *Maras* had existed in the region before these deportations. In addition, estimates show that less than 10% of the people deported to Central America had actually been convicted of gang-related crimes (Hernandez 2017). Despite the fact that most of the people deported to Central America have no criminal record, and only a few are suspected gang affiliates (Wolf 2011, 49), all of them are

⁴⁸ This does not mean that there were no gangs in Central American countries before the deportees were sent back. Indeed, there is evidence of gang activity in Guatemala dating to the 1950s (Ranum 2011, 71).

nevertheless racialized as such in the United States. The conflation of deportee with *marero* is a U.S.-constructed narrative that is also used by other governments, such as the Salvadoran one, to justify police and paramilitary violence (Hernandez 2017; Wolf 2011, 49). This is not to say that U.S. deportation policies did not contribute to the gang problem in the Northern Triangle or that the deportees had no effect on this gang growth in Central America. According to Jose Miguel Cruz (2010), deportation and circular migration have been key in disseminating particular gangs from the United States to countries of Central America and vice versa.⁴⁹ Migration from and to the United States helped reconfigure gang networks and led to governmental gang warfare within Central American countries that increased the violence in those countries. Most Central American government's strategies against gangs—such as Mano Dura in El Salvador—increased local violence by targeting people indiscriminately and forced *maras* to better organize themselves and find ways to earn income through illicit means (Swanson 2013). However, even though many of the gang members were deportees from the United States, the main drivers for gang proliferation were local. In particular, the social conditions prevalent in the Northern Triangle proved to be fertile ground for the growth of *maras*. These conditions include intense migratory flows to and from the United States, weak law enforcement, high levels of poverty, alienated youth without access to education, and institutional weakness (Cruz 2010, 379).

It is estimated that today there are more than 100,000 gang members in the Northern Triangle, and they are responsible for up to 70% of the homicides in the region

⁴⁹ The Nicaraguan example is case in point. There were far fewer deportees and the country has less gang violence and equally weak institutions (Rocha 2011).

(Vanden 2014, 81). Although the governments of those countries claim to have fought against the *maras* by implementing different policies, the levels of violence in the region have not decreased.⁵⁰ The extreme gang violence in Central America fully permeates the social fabric and is evident in daily extortions, murders, recruitment of young boys, and sexual violence against girls and women. These issues, combined with the lack of effectiveness of the police—at times infiltrated by gang members and responsible for a fair share of predatory violence (Rodríguez Bolaños and Sanabria León 2007)—make daily life extremely difficult. This constant violence forces people to flee the region in search of refuge. Upon arrival to the United States, however, the reception of refugees is filtered by racialized discourses of threat that identify them as gang members (Proost 2012).

Historically, the majority of gang members have been men, as women have played a secondary role (that of partners) within the *maras*. Traditionally, women who entered a gang because they were dating a male member were treated with respect by the rest of the members. However, they still had to put up with infidelity and beatings if their partners suspected them of cheating, or risk being killed if they attempted to leave the gang. Yet, over the past several years, the role of women in these gangs has begun to change. A 2013 report conducted by several nonprofit organizations shows the dual role women have in the two main gangs, MS-13 and Barrio 18. On the one hand, women are subjected to large amounts of violence. For instance, during initiation women are given

⁵⁰ For instance, according to the World Bank the annual homicide rate in El Salvador in 2015 was 108.6 per 100,000 inhabitants. In addition, according to the Salvadoran Women's Organization for Peace, in 2016 one in every 5,000 women were killed, most of them under the age of 30, and from January to October 2017, there were 2,000 sexual assaults (O'Toole 2018).

the choice between a beating—like their male counterparts—or having sex with multiple gang members. Additionally, women in gangs have to fulfill their traditional roles by cooking and taking care of men, children, and the sick. On the other hand, they are also supposed to assume traditionally male roles, i.e., to engage in violence (Aguilar Umaña and Ridders 2012). The *maras* understand that women are seen as less threatening and thus use them to perform tasks related to smuggling drugs, gathering information on rival gangs, and carrying arms in public spaces. According to the organization InSight Crime, in 2013 women made up 20% of all gang membership in Honduras. In Guatemala female imprisonment has doubled in the last decade and experts attribute this rise to the increase in female membership in gangs (Cawley 2013). However, despite the participation of women in the *maras*, the dominant stereotype of the Central American gang member is still male.

As scholars have noted, narrative constructions by the U.S. government and media routinely classify Salvadoran (male) deportees and other Central Americans as gang members (Leyro 2013, 135). This racialization both relies on and further specifies the already existing perception of Latinos/as as a threat (Chavez 2008a), which sustains laws and practices of immigration enforcement that constitute a “racial project,” i.e., a set of practices that creates ideas about racial difference (Provine and Doty 2011). What ensues is a demonization of Latina/o migrants, a fiction that serves to control migrants, and more generally Latina/o populations racialized as migrants, through surveillance, enforcement, and punishing lived experiences (Longazel 2013; Massey and Pren 2012; Valdez 2016b).

The War on Drugs

It is important to understand the construction of the Latina/o migrant as a threat also in the context of the set of laws, practices, and narratives associated with the war on drugs, a transnational realm of action that has important consequences for the control of racialized populations at home and the geopolitics of intervention and exchange between the United States and countries of production, transit, or commercialization of narcotics. From Richard Nixon through Barack Obama, U.S. presidential administrations have been pursuing the “war on drugs” both at home and abroad, costing taxpayers more than a trillion dollars but without resulting in significant changes in U.S. drug consumption levels (Bagley and Rosen 2015, xvi; Wolf 2016, 150).

The history of the war on drugs may be divided into three phases. The first began in 1971, when Richard Nixon declared the “war” on drugs; the second started with Ronald Reagan’s administration declaring the issue a national security priority related to organized crime; and the third began after 9/11, when the question of drugs became connected to the “war on terror” (Bagley and Rosen 2015, xv). When in 1972 Nixon equated “the fight against illicit drugs” to a war, he made clear that he was looking for a military solution to what many saw as a public health or law enforcement problem (Bagley and Rosen 2015; McPherson 2016; Vorobyeva 2015, 47). One of the events that made the war on drugs a top priority for the administration was the revelation of high levels of heroin addiction among U.S. soldiers stationed in Vietnam (Chomsky 2010, 61). Thus, in 1973, the U.S. government created the Drug Enforcement Administration (DEA), focusing on heroin-producing countries and seeking to disrupt the heroin trade,

with one of its earliest measures targeting Mexico as a transit and producer country (Carpenter 2003, 12). While Nixon's successors Gerald Ford and Jimmy Carter were not very committed to the war on drugs domestically—despite acknowledging the problem of abuse of hard drugs—they continued emphasizing the international component of the war on drugs, focusing predominantly on countries such as Colombia, Bolivia, and Peru (Carpenter 2003).⁵¹ In 1978, the war on drugs became connected to the fight against organized crime through the creation of the Bureau of International Narcotics and Law Enforcement (INL). The INL's mission was to develop policies and programs to fight international crime and drug trafficking (Matei 2011, 199). This trend was reinforced by the Reagan administration.

During his presidency, Reagan declared a second phase of the war on drugs by connecting illicit drug use to a “crime epidemic,” and thus to a broader national security threat. His plan to fight the drug epidemic included a “narcotics enforcement strategy” implemented through foreign policy that would—among other things—interdict and eradicate drugs (Carpenter 2003, 19). The major components of the Reagan administration's efforts centered on Latin American supply—rather than U.S. demand—and mainly focused on the eradication of drug crops and the interdiction of drug-trafficking routes (Carpenter 2003, 21). The administration sought to assist foreign governments in decreasing drug production in a way that significantly shaped foreign assistance. In the following decades, “almost \$9 of every \$10 of law enforcement and

⁵¹ Ford's chief drug policy advisor advocated openly for the decriminalization of marijuana, while in Carter's administration there were rumors about the use of illegal drugs among White House staffers. Even though President Carter warned his staff against the use of drugs, he was quoted saying that he was “sure many people smoke marijuana, but I'm not going to ask about it” (Carpenter 2003, 16).

military aid sent to Latin America [went] to counternarcotics” (McPherson 2016, 188). Congress finally ended financial support for the eradication of drug crops in 1987 (Avilés 2017; Carpenter 2003, 27). During the following presidencies, several plans were launched to combat drugs, and by the year 2000 U.S. military aid under the rubric “war on drugs” surpassed economic aid to the region⁵² (Chomsky 2010, 57). After 9/11 the rhetoric shifted as the war on drugs became part of the “war on terrorism” (Andreas and Nadelmann 2008, 197).

Central America is located between the world’s primary cocaine consumer and the main suppliers in South America. During the region’s civil wars, drug trafficking became a flourishing business for both insurgent and state armies. Corruption and the limited capacity of law enforcement in Central American countries enabled drug smuggling channels that are still active today. In 2011, the U.S. estimated that 88% of the illicit drugs entering its borders passed through Central America (Wolf 2011, 56). It is believed that transit moved to these countries after the surveillance of maritime and air routes increased, forcing Mexican cartels to rely on land-based smuggling (Dudley 2010). However, there is evidence that Mexican cartels had been working in places such as El Salvador since the 1990s, when local individuals offered their services to move drugs and money across the territory. Additionally, as the presence of cocaine and crack increased in Central America in the 2000s, street gangs became more involved in drug-trafficking operations (Cruz 2010, 389-390). Even though Central American *maras* have been

⁵² The Office of National Drug Control Policy (ONDCP) was created in 1988, the Andean Regional Initiative in 1989, Plan Colombia in 1999-2000, and the Mérida Initiative in 2007, which addressed Mexico as a drug transit and producing country and still connected drugs to national security (Seelke 2011b). These initiatives have highly militarized the countries where they have been executed and many human rights violations have been reported (Andreas and Duran-Martinez 2013).

associated with drug cartels, evidence indicates that street gangs play a minor role in the drug trade (Wolf 2011, 68). MS-13, in particular, is inept at drug dealing for many reasons, one of which is their lack of centralized organization and a clear hierarchy (Dudley 2010). Despite this, rhetoric prevalent in the U.S. still associates *maras* with drug trafficking and thus Central Americans with criminality. For instance, in October 2017, Attorney General Jeff Sessions announced that pursuing MS-13 was “a priority for our Organized Crime Drug Enforcement Task Forces” (Department of Justice 2017).

It is not only through discourse that gangs are associated with drug trafficking. Through policy, different U.S. federal agencies and programs connect the anti-gang fight to the war on drugs. For example, many U.S. anti-gang initiatives are part of a wider effort to fight drug trafficking. One such effort is the Mérida Initiative, launched by George W. Bush in 2007 to help Central America combat organized crime. The U.S. provides resources, equipment, and training to Central American countries to support law enforcement in its fight against organized crime, in this way connecting the war on drugs with *maras* through assistance programs (Matei 2011, 199-200). Since 2008, the INL has become more involved in Central America’s fight against *maras* by assisting the region’s law enforcement agencies through its regional gang adviser, who prepared a comprehensive assessment report and has been engaged in gang prevention activities in Honduras, El Salvador, and Guatemala (Matei 2011, 199).

Overall use of drugs in the U.S. rose during the period 2002-10, suggesting the ineffectiveness of the war on drugs (Avilés 2017). Some scholars attribute the continuation of the project to those who profit from it, ranging from politicians to the

private prison industry (Brady 2002, 452; Deibert 2014). Others suggest that the war on drugs provides justification for U.S. intervention outside its territory (Brady 2002, 451). Moreover, Ariana Vigil (2014) argues that the war on drugs has increased the militarization of the lives of thousands of people living outside the U.S., as well as the lives of most communities of color within the U.S. (Vigil 2014, 193). Ultimately, the war on drugs enabled the lethal combination of counternarcotics, counterinsurgency (Tickner 2003), and immigration enforcement, resulting in an expansion of militarization in the Northern Triangle, in communities of color in the U.S., and at the border.⁵³

To sum up, the history of Nicaragua and countries in the Northern Triangle cannot be understood apart from the long history of consecutive and overlapping wars against communism, drugs, and gangs, which has resulted in decades of U.S. military intervention in Central America. These developments, alongside domestic social and political struggles, have set these countries on a path of durable violent conflict and instability that has expelled large numbers of people who have looked for protection in the United States. The reception of these populations has been filtered through racialized understandings of a violent outside entwined with narratives of threat associated with nativism throughout this period. Central American men are usually associated with gangs and drug trafficking, while women are connected to discourses of “deviant” maternity. Xenophobic narratives have—throughout history—variously characterized this population as an invading group of subversives, job-stealers, drug dealers, gang members, terrorists, and general criminals (Kwong 1997; McIlwain and Caliendo 2011;

⁵³ From 2010 to 2015, U.S. Border Patrol agents shot and killed 33 people (Jones 2016, 43).

Nevins 2010; Pickering 2001; Provine 2008; Ramsay 2017), rendering them undeserving of asylum long before they leave their home countries.

Bordering Mechanisms by the United States

Interdiction at sea, while inaugurated by the U.S. as a form of immigration management, has been emulated by countries such as Australia (Magner 2004, 58). Yet another prominent form of externalization practice by both Australia and the European Union was also formally inaugurated by the United States: policy agreements with sending countries to stop flows of people before they leave their territory. In particular, in 1989 the United States and Mexico cooperated to stem the flow of Central Americans through the establishment of check points along the transit passages (Frelick, Kysel, and Podkul 2016, 200) and by having Mexico deport intercepted Central Americans directly. In 2008 these two countries signed the Mérida Initiative to facilitate the movement of commerce and documented people, while curtailing illicit flow of drugs, people, arms, and cash (Seelke and Finklea 2010).

After the 2014 migration crisis, the United States tried to engage Mexico and the three Central American countries that form the Northern Triangle to collaborate in stopping migratory and asylum flows. With Operation Coyote, the U.S. Department of Homeland Security aimed to stop the influx of people arriving in the U.S. by focusing efforts on the fight against human smuggling and human trafficking. This operation shifted attention to the problem of human smuggling without considering its sources in the violence that takes place in Central America (Suchland 2015). In 2012 Mexican president Peña Nieto announced the launch of a program called Frontera Sur (Southern

Border), partly funded by the U.S., to reinforce its southern border. Through these programs, the United States outsources immigration enforcement to Mexico and assists these efforts by providing millions of dollars in surveillance equipment and training in order to detain and return asylum-seekers before they can reach the U.S. border (Torres 2018). In 2014, Honduras launched a U.S.-supported operation aimed at intercepting families trying to cross into Guatemala. In 2015, Congress increased the budget for the Mérida Initiative (Frelick, Kysel, and Podkul 2016, 202). These agreements designed to curtail people flows—as well as fund boat interdiction—placed the lives of asylum-seekers at risk by violating the *non-refoulement* principle—which forbids a receiving state from returning refugees or asylum-seekers to their home countries if doing so would endanger their lives.

In sum, the drivers of migratory flows from Central America to the United States have changed over time, from civil war and U.S. military intervention to the war on drugs and gang violence. Similarly, refugee management practices have changed. Even though throughout history the federal government has shown ambivalence about the admission of refugees, the people entering the U.S. during the 1980s and 1990s through the southern border were rarely confined. This has changed: the number of people held in immigration facilities rose from 85,000 in 1995 to 440,000 in 2013. This shift took place alongside massive increases in the immigration enforcement budget (particularly after 9/11), which facilitated the increase in border militarization, officers on the ground, and private migrant detention facilities (Jones 2016, 36). Today, detention has become a core practice

in migration management that has been seamlessly extended toward people who seek asylum at the U.S.-Mexico border.

Conclusion

In this chapter I have shown that displacement and refugee flows from the Northern Triangle are the result of ceaseless violence produced by years of U.S. military intervention associated with the Cold War and the war on drugs, the transnational movement of people that results from the deportation regime and partly feeds gang violence. This process, however, is occluded by public narratives prominent in the U.S. that racialize and criminalize refugee subjects. Although all refugees admitted to the U.S. have experienced backlash, when the U.S. signed the 1967 Protocol it could at least align its Cold War geopolitical priorities with a humanitarian reception of people fleeing from communist regions. With the fall of communism, the U.S. regime of refugee management has been substantially transformed into a set of policies and practices meant to deter, slow, and confine asylum-seekers making their way to U.S. territory. In this way, refugees leave one form of oppression only to find another one in the United States that disregards the non-refoulement principle and endangers asylum-seekers' lives.

This chapter has also demonstrated the ways in which foreign intervention produces the refugee flows and domestic processes construct a particularly undeserving refugee subject. The following chapters explore how the state, through bordering mechanisms, “encounters” and further shapes these subjects. It is through the history covered in this chapter, and the practices depicted in subsequent chapters that the institution of the border is produced and reproduced. Far from being natural, fixed, or stable, the border is

an assemblage of practices, discourses and shifting parts that evolves through time and space. The state produces refugees elsewhere, and then punishes them when they reach its territory. As this dissertation makes clear, the few who make it to the United States (or, more broadly, the West) will be subject to a domesticating process in which public, non-governmental, and private actors participate and often profit from confinement.

Chapter 4: Theorizing Punishment

After Andrea and her children crossed the border, officials put them in the hielera, a cold, crowded room filled with adults and children sleeping on the floor. “My daughter was trembling throughout the night because she had wet clothes from crossing the river. She is only four years old,” recounts Andrea in her testimony (Cantor 2015, 17). Officials had thrown away all their warm clothes and refused to give them blankets.

Andrea’s story is just one example of the experiences of many women seeking asylum who are confined in temporary holding cells upon arrival to the United States. This chapter’s central aim is to sharpen the focus of the bordering mechanisms that thicken the border by scrutinizing the temporary holding cells, or *hieleras*, at the U.S. southern border and the punitive practices that they encapsulate.⁵⁴ Using Foucauldian and transnational feminist frameworks, I analyze the detention of asylum-seeking mothers and children from Central America, in particular from the Northern Triangle, and argue that the temporary holding cells are a site where the numerous narratives around immigrant women of color become attached to the bodies of the women seeking asylum. Foucauldian notions of sovereign, disciplinary, and biopolitical power offer a useful starting point for understanding the punitive practices of the *hieleras*. However, as I

⁵⁴ I understand punishment to be the set of physical and/or psychological penalties imposed on an individual while she is confined. For a phenomenal study on punishment as a social institution, see Garland (2012).

argue in this essay, in order to understand how these punitive practices are gendered, racialized, and sexualized, Foucauldian frameworks need to be complemented with a transnational feminist framework to expand theorizations of confinement and the specific practices of punishment that take place at the border.

As a feminist researcher who has met some of the women who have experienced the violence of the asylum-seeking process at the border, my aim is to center this chapter on the practices that affect them without exposing them to more scrutiny (Pratt 2010, 67). I therefore rely on testimonies that some of the women have already given to journalists and researchers and are documented through news accounts and reports. In addition, I use information collected through the interviews I conducted with the people working in the non-profit organization HABO at a detention facility in Texas, during my fieldwork in 2016. In my multiple visits to the detention center, I interviewed all of HABO's permanent staff that lived in Texas at that time—volunteer coordinator, advocacy coordinator, lawyers, and so on—to learn about the experiences some of the Central American women who seek asylum go through when they reach the United States.

Hieleras at the Border

Agents from the Border Patrol apprehend individuals once they enter the U.S. and sometimes place them in the temporary holding cells—known as *hieleras* (freezer/icebox) by officers and immigrants due to their low temperatures—for processing before they are transferred or repatriated. Although most asylum-seekers turn themselves in to the authorities after entering the U.S., they are placed in the same facilities as other people crossing the border. These cells were not designed for overnight

stays and therefore contain no beds, although the guidelines now dictate that “detainees should generally not be held for longer than 72 hours in Customs and Border Protection (CBP) hold rooms or holding facilities”⁵⁵ (U.S. Border Patrol Policy 2008).⁵⁶ The 2008 U.S. Border Patrol Policy Detention Standards require detainees to be granted constant access to drinking water, access to snacks and meals, access to bathrooms with toilet items—such as soap or toilet paper—and access to medication and health services.

These standards, however, differ from the reality that investigative and journalistic accounts, as well as women’s testimonies, reveal. The temperatures in the holding cells are extremely low, and the consequences are stark: children’s lips become chapped and bleed, hands grow numb; all the while, officers refuse to supply blankets or extra clothes (Cantor 2015). Overcrowding is also a salient issue, leading to difficulties walking to the bathroom area and having to sleep on the toilet floor, or even standing up. Aside from the lack of space and the extreme temperatures, another source of distress is lights being left on all night and the fact that the personnel comes in and out of the cells throughout the day and night, making it impossible to sleep or even simply to rest. Separating mothers from their children for an indefinite amount of time is also very common. Lastly, many of these accounts report the mistreatment of women at the hands of officers. Officers have called detainees epithets such as “parasites,” “dogs,” or “whores” (Burnett 2014) and told them “You don’t have rights here” (Long 2014); “You

⁵⁵ Some individuals have been held for more than 13 days (Americans for Immigrant Justice 2013; Bale 2013).

⁵⁶ According to the CBP Security Policy and Procedures Handbook these cells are rectangular rooms with concrete floors, no beds, one toilet for every 15 people, preferably with no windows (U.S. Customs and Border Protection 2009, 492–507).

damned Hondurans are a pest in our country” (Burnett 2014); and “You come to steal from our country” (Burnett 2014).

This chapter brings together research on confinement, punishment, race, immigration, and asylum-seeking, and proposes a feminist reading of asylum detention through the centering of practices enacted on women. The violence asylum-seeking women suffer while confined at the border mirrors the violence that Latino immigrant populations experience within the U.S. territory (for examples see Coleman and Kocher 2011; Swenson 2015; Valdez 2016) , but is redeployed against a distinct population: Central Americans requesting asylum at the border. It is important to examine how and why these techniques deployed against a new group of vulnerable subjects are connected to broader systems of oppression. By focusing on how women are affected, this chapter expands the conversation on the gendered and racialized character of this novel use of surveillance and confinement—the *hieleras*—as a form of punishment at the border.

This chapter proceeds in four parts. First, I detail the asylum-seeking process in the U.S. southern border. Second, I describe how my theoretical framework combines Foucauldian and transnational feminist analysis to understand how female asylum-seekers are racialized, sexualized, and gendered by a system that already sees them as “deviant” subjects. Third, I trace the literature that calls for understanding race, criminalization, immigration, and incarceration as intersecting issues that need to be taken into consideration together. I also track the literature that analyzes the construction of Latinas’ “bad mothering” and the “abnormality” of immigrant families. Fourth, I analyze the practices that take place in the temporary holding cells. In particular, I

theorize the punishment through a Foucauldian and transnational feminist framework. I argue, first, that the mistreatment that female asylum-seekers experience in the *hieleras* shows how these practices fit in the larger assembly of deterrence bordering mechanisms deployed by the U.S. state. Second, I show how in turn these punitive practices fit into the larger transnational sovereign assemblage that I examine in Chapter 2. I conclude with a brief discussion of the significance and implications of the types of punishment that occur in the *hieleras*. To anticipate, I claim that these cells have a twofold goal: to manage and control populations of migrants and asylum-seekers at the border, and to deter others from attempting the journey. In the holding cells, punishment itself becomes the mode of governing vulnerable populations; punishment, these female asylum-seekers learn in their first hours, will characterize their relation to the U.S. state if they wish to relocate within its borders.

The U.S. Asylum-Seeking Process

As anticipated in Chapter 3, the United States' intervention in Central America throughout the Cold War and through the War on Drugs has resulted in significant population displacements of individuals that find their way to the U.S.⁵⁷ For instance, between 1980 and 1991 nearly 1 million Central Americans fleeing from violence and political repression entered the U.S. seeking asylum (Gzesh 2006). The following years continued to see large numbers of asylum-seekers entering the U.S., especially after 2000, when an increase in homicide rates in Central America led more families with children to abandon their home countries (Hiskey et al. 2016). In 2014, there was an

⁵⁷ For an excellent analysis of how U.S. foreign policy has shaped these migrations and how Canada and Mexico have crafted the regional response to the refugee crisis see *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* by María Cristina García (2006).

upsurge of women and children crossing the Southern border. The reasons for the raise of border-crossers that year were various: an increase of transnational criminal activity in the Northern Triangle, including the increased risk of children being recruited by gangs; extreme poverty; violence from other sources; and desire for reunification with members of the family already in the United States (Schriro 2017, 460). The intensification of people crossing the U.S.-Mexico border triggered an immediate and severe response from the Obama administration that started to confine families and children in large numbers (Preston and Archibold 2014). The number of family units—the term the U.S. government uses to describe a mother traveling with children—crossing the border reached a peak of 66,144 in 2014, decreased to 34,565 in 2015, and increased again in 2016, to 77,674 (U.S. Customs and Border Patrol 2016). Data show that most of these families are traveling from countries from the Northern Triangle—Guatemala, Honduras, and El Salvador (U.S. Customs and Border Protection 2016).

Many Central Americans fleeing from violence in their home countries find themselves immediately incarcerated once they cross the United States' border.⁵⁸ If these are families with children, they are instantly separated: husbands, younger siblings, and older sons or daughters go to one detention center while mothers and young children go to a different one, losing contact with each other sometimes for weeks (Barrack 2016). Once apprehended, asylum-seekers may be placed in temporary holding cells. While held in these cells, women are often mistreated and separated from their children for several

⁵⁸ As I mentioned in the dissertation introduction, under U.S. policy, refugees are individuals who apply for refugee status before entering the country, while asylum-seekers are those who apply for refugee status after entering the country (Mountz et al. 2002, 341).

hours. If they complain about the separation or the conditions of the holding cell, they are offered voluntary deportation papers to sign in order to be returned to their country of origin (Chardy 2014).

After spending what can range from a few hours to a few days in the *hielera*, the women might be transferred to another temporary holding cell—called the *perrera* (kennel) because of its resemblance to a dog kennel—or to one of the family immigration detention centers⁵⁹ that currently operate within the U.S.⁶⁰ The apparently arbitrary way in which these women are transferred between places of confinement, it has been noted, might be used by authorities to “increase discomfort, invisibility and insecurity” (Gill 2016, 21). The women and children will be held at the center until they pass their “credible fear interview” (CFI) with an asylum officer. This process operates in the form of a confessional-style interview (Coleman 2008, 1097) where the women have to narrate their traumatic experiences and the reasons why they fear returning to their country. As I detail in Chapter 5, if the asylum officer finds that there is a credible fear of persecution or torture if the woman goes back to her country, then the case will be assigned to an immigration judge for a full hearing. If the asylum officer does not find a credible fear of persecution, the woman can ask for a review by an immigration judge. If she gets a negative decision from the judge she will be placed in removal proceedings and deported.

⁵⁹ Family detention practices started in the 1980s with refugees arriving from Haiti, Cuba and Central America (Schiro 2017, 453).

⁶⁰ Today (July 2018) there are three family immigration detention centers in the United States: Berks Family Residential Center in Berks County, Pennsylvania; Karnes Residential Center in Karnes City, Texas; and South Texas Family Residential Center in Dilley, Texas. For an excellent account of family detention history in the U.S. see Martin (2012b).

Foucault and Transnational Feminism

In my analysis of confinement by the U.S. government I focus on how state power appears through enforcement practices on the ground (i.e., at the border). I conceptualize state power as an amorphous entity rather than a stable one, where on-the-ground practices do not necessarily follow a top-down hierarchy (Valdez, Coleman, and Akbar 2017). I conduct this analysis by combining a Foucauldian approach to punishment (Foucault 1977) with a transnational feminist lens that focuses on the gendered character of the hardship experienced by female Central American asylum-seekers and its transnational character. In particular, I argue that the forms of punishment I describe suggest that there is no complete transition from sovereign power to disciplinary power, as Foucault sometimes implies. Instead, the workings of both types of power are at play in the *hieleras*, marking the persistence of forms of punishment proper to sovereign power in our era. In addition, I claim that this type of sovereign punishment that takes place in the *hieleras* works as a biopolitical regulatory technique directed to deter future populations of asylum-seekers. According to Foucault, discipline is a form of power aimed at the body level, while biopolitical power is aimed at controlling whole populations. Biopower regulates populations by governing all subjects (Foucault 1978, 138-149).

In *Discipline and Punish* Michel Foucault investigates the transition from sovereign to disciplinary power, from reactive to productive power. Whereas in the former regime punishment was a regulated affair, displayed as a public spectacle for everyone to see “the power relation that gave force to the law” (Foucault 1977, 50), under

disciplinary power punishment-as-spectacle gives way to punishment as a productive and/or regulatory technique. In place of punitive spectacle, constant surveillance becomes the central technique (Foucault 1977, 8). This new penal system⁶¹ seeks to deliver an obedient and productive object: a “docile body.” To create these bodies, it is necessary to control any activity that takes place by dividing time and space into smaller, manageable units (Murakami Wood 2007, 247). Disciplinary techniques are deployed for spatial ordering (Martin 2012b, 318), and in the case of border control, the *hieleras* become these units. Temporary holding cells belong to the disciplining techniques whose purpose is ultimately to manage populations; they are designed for short-term holding while administrative processing takes place. The *hieleras* organize—through confinement—the temporal and spatial distribution of asylum-seekers; they operate like a management tool for population control in the Foucauldian sense of “productive ordering.” Immigrants and asylum-seekers are supposed to be organized according to the availability of beds in family detention centers, but all the while women and children are subjected to dreadful conditions to encourage their voluntary departure (for a testimony see Cantor and Johnson 2016, 26).

Yet Foucault’s theory may not fully account for the practices in the *hieleras*. On the one hand, the length of time that women are confined in the cells—up to 72 hours according to the guidelines—is too short for the creation of productive bodies that Foucault argues for. On the other hand, Foucault’s work on prisons focused on those that

⁶¹ Human geographers have questioned whether Foucault’s notion of the prison as a constantly surveilled space actually applies to modern prisons (Alford 2000; Gordon 2002; Norris 2003; Simon 2002). However, my interest here lies not so much in the architectural dimension of the panopticon but rather in the function of punishment practices and their relation to each of Foucault’s two modes of power: the sovereign versus the disciplinary.

were aimed at “punishing and reforming white wage-earning individuals” (Bartky 1988; Davis 1988; McLaren 2002), and did not consider punishment of women, people of color (Davis 1988, 17; Stoler 1995) or foreigners.⁶² In order to “challenge the limits of Foucault’s discursive emphasis and his diffuse conceptions of power” (Stoler 1995, 2) I focus on practices. A transnational feminist framework is a helpful tool to analyze practices—the material—and contextualize how women as individuals, and mothers, experience this process, while acknowledging that identities are embedded in power relations (Briggs, McCormick, and Way 2008; Grewal and Kaplan 2001, 663). I center the specific practices that are enacted upon asylum-seeking women from the Northern Triangle in the *hueleras* to show that punishment targets them in specific gendered and racialized ways. A transnational feminist lens is particularly well suited to analyze border spaces because it connects the forms of confinement both to the history of neocolonial relations between the U.S. and the Northern Triangle countries and to the long lineage of confinement of people of color in the United States.

As I detail in Chapter 3, transnational feminism challenges capitalism, neoliberalism, and globalization; it is an anti-colonial struggle that takes into account how dimensions of identity, such as race, class, sexuality, or ability, travel across borders (Briggs, McCormick, and Way 2008; Sudbury 2005). It can be understood as an organizing instrument, as a tool or practice for knowledge production, or as a method for research. I find helpful Amanda Lock Swarr and Richa Nagar’s (2010) conceptualization of the transnational as an intersectional set of understandings that helps explain how the

⁶² Foucault addresses racism in his later work *Society Must Be Defended: Lectures at the Collège de France in 1975–1976*. See also Cisneros (2016).

world is constructed, while at the same time it enables the deconstruction of existing structures of oppression and the building of new knowledge with women's experiences at the center. Institutions such as slavery, the reservation system, the mission system, or internment camps, what some authors call "colonial legacies" (Alexander and Mohanty 1997), evidence how some groups—such as asylum-seeking women of color—have been, and continue to be, targeted due to their ethnicity and race (Davis 1988, 361). According to Julia Sudbury (2005), "Transnational feminist practices assist us in unpacking the global prison by drawing our attention to the ways in which punishment regimes are shaped by global capitalism, dominant and subordinate patriarchies, and neocolonial racialized ideologies" (Sudbury 2005, xiii).

As discussed in Chapter 3, the particular historical and political contexts in the U.S. and Central America, and their inter-relations, including the growth of gang violence in Central America and the war on drugs, update the forms of racialized stereotyping that affects these groups. Central Americans—even children—are viewed as criminals, violent drug dealers, smugglers, and gang members. These stereotypes are built upon years of militarism, imperialism, and U.S. geopolitical intervention in Central America and are activated when refugees arrive at the border. These histories, along with capitalism and "the colonial and ongoing establishment of a sharp boundary between the United States and Mexico," result in the particular transnational racial formations that we encounter today (Loyd 2011, 3). As I detail in the next section, through bordering techniques Central American women of color—including indigenous women—looking

for asylum are automatically placed along this continuum of violence that connects race and confinement in the U.S.

This framework helps to reveal the punishment enacted in the *hieleras* as not only raced, but also gendered, and shaped by neocolonial racialized ideologies. Transnational feminist analysis reveals that the confinement of asylum-seeking women of color from the Northern Triangle is not necessarily devoted to the creation of productive individuals but rather to marking this group as inadmissible through racialized tropes. Therefore, aligning myself with these two approaches—Foucauldian and transnational feminist—I seek to provide an understanding of the practices that constitute state power, as well as their contested nature.

Immigration, Criminalization, and Confinement

Immigration detention and removal in the U.S. have increased notably since the 1990s. The number of migrants placed in detention in 1995 was 85,000, compared to 477,523 at the peak, in 2012 (Center for Migration Studies 2014).⁶³ The U.S. detains asylum-seekers and undocumented immigrants automatically at the port-of-entry until they are deported, their identities verified, or their claims adjudicated (Global Detention Project 2016b). Deirdre Conlon, Dominique Moran, and Nick Gill (2013) argue for the importance of integrating immigration detention and imprisonment within a carceral framework. These authors argue that despite the fact that these are separate domains, in practice they overlap in terms of discourses, the functionality of their institutions, and the experiences of the detainees. Natalie Cisneros (2016) also calls for understanding

⁶³ As of May 26, 2018, noncitizens represent 20 percent of the prison population (Federal Bureau of Prisons 2018).

immigrant detention as part of the larger prison industrial complex, as they share fundamental features. The incarceration of noncitizens increased at the same time the prison system was expanding, and the detention strategies are the same for citizens and noncitizens (Cisneros 2016, 242). Ultimately, incarceration in the U.S. is highly racialized, and therefore the confinement of noncitizens can be seen as part of the larger racist system of mass incarceration (Cisneros 2016; Davis 1988, 2003; Gilmore 2007).

In the last few decades, the increasing convergence between immigration and criminalization—which can be traced to the racialization of immigrant communities—has led scholars to label this phenomenon “crimmigration” (Hernández 2015; Stumpf 2006). The conflation of the criminal and the immigrant has permeated through discourses and is reflected in the criminalization of immigration law and in state practices (see for instance Abrego and Menjívar 2011; Aliverti 2013; Hernández 2015; Slack et al. 2016; Wilsher 2012). Changes such as tougher U.S. visa requirements, new, extended forms of border policing—helped by the growing budget allocated for this task—new legal sanctions (Pickering and Ham 2015), plus stricter immigration legislation (Stumpf 2006) has resulted in the commonplace incarceration of immigrants.

This intersection of criminal and immigration law has been largely fueled by racialized discourses that construct the immigrant as a criminal. In the U.S., immigrants have been “produced as a primary threat to US sovereignty” (Márquez 2012, 482) in different ways. Latina/o immigrants have been depicted “as undermining American culture and not assimilating” (Pallares 2014, 6) due to their alien practices that threaten white (Anglo) culture. This is what Chavez (2008) has called the “Latino threat

narrative,” which revives much older U.S. anxieties about non-Anglo immigrants. Whether as undocumented laborer draining the system or terrorist threatening the safety of the country, portrayals of immigrants by media and politicians depict them as a social problem. In addition to racialized discourses that construct the immigrant as the criminal, in particular immigrant men⁶⁴ (Carrillo 2007; Golash-Boza and Hondagneu-Sotelo 2013, 273; Hernández 2015; Honig 1998; Lugo-Lugo and Bloodsworth-Lugo 2014, 1; Massey and Sánchez 2010; Pallares 2014; Simes and Waters 2014), there are also specific gendered narratives. A recurring gendered theme in anti-immigration rhetoric is the notion of “bad” maternity, a topic explored by feminist and immigration scholars (Chavez 2008a; Cisneros 2013; Inda 2006, 101-117; Lugo-Lugo and Bloodsworth-Lugo 2014; Swenson 2015), which claims that female migrants of color, especially Latinas, have too many children, are too young to be mothers, have children out of wedlock, are poor, or are simply unfit for motherhood. This form of motherhood represents a threat to U.S. culture and identity understood as Anglo, white, and middle-class (Feagin 2013). For example, the “anchor-baby” narrative (see Chavez 2008, Escobar 2016, Lugo-Lugo and Bloodsworth-Lugo 2014) claims that undocumented women use their babies to obtain citizenship and other “unearned” benefits.⁶⁵ Even though this narrative is a fallacy—a baby born in U.S. territory is by definition a U.S. citizen who will only be able to apply for family reunification when she reaches 21 years of age—constructed to support anti-nativist practices it has been widely accepted by broader audiences. The

⁶⁴ In 2015, Latino men made up 94% of all deportees (Gómez Cervantes, Menjívar, and Staples 2017, 270).

⁶⁵ U.S. national narratives construct women of color as a cultural, social, political, and economic threat to the nation: immigrants as an external threat, and black women as an internal one.

public has thus been primed to fear Latina immigrant women in particular in regard to their fertility and mothering practices (Gómez Cervantes, Menjívar, and Staples 2017, 279). The racialized image of immigrant women as irresponsible mothers is so ingrained in U.S. discourse that it filters the way in which enforcement officers working at the border view these women: as unreliable young mothers, with too many children, whose lives they risk by crossing the Southwest border.

A related narrative within anti-immigrant rhetoric concerns the “abnormality” of immigrant families, whose undesirable characteristics are portrayed as antithetical to Anglo-Saxon ones. Lina Newton (2008) argues that the immigrant family was portrayed—in statements made by legislators recorded in the Congressional Record between 1994 and 1996—as “another invasion of the nation, as individuals brought their unproductive dependents into the nation: pregnant wives, children, and elder family members would end up on welfare or take up space in schools, hospitals, and communities” (2008, 164). It is also worth noting the gendered and classist connotations of this rhetoric: the individuals are presumed to be men, and the “unproductive dependents,” women with children. The impossibility of complying with white, middle-class family ideals might explain the gap between the importance of the institution of the family in U.S. rhetoric and the fact that more than one million noncitizen family members have been separated through detention and deportation (Human Rights Watch 2009). Immigrant families are seen as a threat to the nation, or in biopolitical terms, to the health of the nation (Yeng 2013),⁶⁶ including its economy (Swenson 2015).

⁶⁶ For a complete analysis on the racialization of Latinos in the U.S. see Massey (2014).

The longtime association of immigrant women with “deviant” motherhood combined with the U.S. history of confinement of people of color helps make sense of the confinement of Central American women of color looking for asylum. When these women enter the U.S., they set foot in a racialized system in which their bodies are already packed with meaning. These women are viewed as migrants abusing the system, rather than people escaping violence and looking for asylum, and they are therefore treated as a threat to the nation—as criminals, “bad” mothers, system-drainers. The criminalized enforcement system—which holds migrants as criminals—meets the asylum system in a way that normalizes punishment for individuals fleeing from violence. Distrust permeates the reception of these asylum-seekers, whose claims cannot be believed, given their “deviant” familial arrangements or their presumed intent to take advantage of the system. The *hieleras* are a site where punishment becomes “acceptable,” “deserved,” and normalized.

Inside the *Hieleras*

The Vengeance of the Monarch

According to Foucault, in a sovereign regime the “vengeance of the monarch” takes place because committing a crime—i.e. breaking the rules—is interpreted as a sign of contempt for the authority, personified by the king, who feels personally offended by the deed. In this model, which precedes modern forms of power, the subject who breaks the law touches “the very person of the prince” (Foucault 1977, 49). In a display and reaffirmation of his power, the monarch enacts an exercise of “terror” by punishing the criminal. I suggest that the defiance of borders by Central American refugees is

interpreted as representing such an attack, and the gendered discourses attached to Central American women of color legitimize a response that resembles a form of punishment more closely associated with the vengeance of the monarch than with discipline. The state and public opinion view female asylum-seekers as law breakers who show no respect for authority, for sovereign borders—the principle that constitutes the state. The anti-immigrant sentiment that precedes the arrival of these women, whose presence upsets ideals of motherhood and family, deserves vengeance. The enforcement officers who work at the receiving centers and administer punishment upon the women by confining them in *hieleras* behave like “petty sovereigns.”

Petty sovereigns,⁶⁷ as Butler (2004) masterfully describes in *Precarious Life*, are the result of the horizontal disaggregation of state power, and demonstrate how sovereign power can be dislocated from state authorities and cohabit with it in a disciplinary regime (Butler 2004, 62). Petty sovereigns are not true sovereigns; they are preceded and constituted by power, and utilized by power they do not control. Power does not originate in them but they nevertheless possess—and use—it: they decide who is going to be confined, for how long, who gets more food, who gets a diaper, etcetera. For instance, mothers and their children are often placed in separate cells for what seems to be a random amount of time. Reasons for separating mothers from their children are unclear and, according to the reports, gratuitous.⁶⁸ However, this separation adds an extra layer of pain by impeding women from fulfilling their role as mothers (Bosworth 2014; Martin

⁶⁷ What Michael Lipsky (1983) calls “street-bureaucrats” or Alexandra Hall (2012) refers to as “proxy sovereigns.”

⁶⁸ “Young children must remain with their mothers” (U.S. Customs and Border Protection 2009, 493).

2012c). Ironically, even though these women are primarily seen as (“bad”) mothers, the act of separating them from their children makes them unable to fulfill their socially expected roles (Seabrook and Wyatt-Nichol 2015).

The vengeance of the monarch is articulated through the actions on the ground of these petty sovereigns; this articulation becomes visible through the punishing practices that take place in the *hieleras*. Petty sovereigns enforce and augment the vengeance of the sovereign through the daily mistreatment of female asylum-seekers. Punishment is justified through the “bad maternity” narratives that construct asylum-seekers as irresponsible mothers who will corrupt American morals. This punishment—verbal through racial slurs and general mistreatment and material through lack of beds, coldness through the denial of blankets, lack of showers, confiscation of personal belongings, indifference at women and children sleeping in wet clothes, crowding them in the cells, and so on—belongs to sovereign power because it depends on the particular acts of vengeance inflicted by petty sovereigns. Petty sovereigns are the condition of possibility of punishment; they are responsible for the ways in which *hieleras* are made into a mechanism of punishment.

Ultimately, the treatment these female asylum-seekers receive in the *hieleras* illustrates how the shape of an abusive system of confinement depends on non-legislated daily practices and highlights the importance of critically investigating these practices (Valdez, Coleman, and Akbar 2017). The way officers treat these women is in violation of the U.S. Border Patrol Policy Detention Standards, which prescribe humane management of the detainees. The contradiction between official regulations and the

officers' practices, on the one hand, shows the "improvisational character of enforcement policymaking" (Belcher and Martin 2013, 409; Hiemstra 2013; Martin 2012b, 314). On the other hand, to the extent that practices of bureaucratic abuse lead to organizational decay, they risk contradicting and undermining sovereignty and thus destroying the system from within (see Rejali 2007, 500).

Deterrence: Why is it so Cold?

The cold temperature of the *hieleras* is one of their defining features, yet the reasons for keeping them so cold remain obscure. Some argue that the temperature is adjusted for the comfort of the CBP agents, who spend the day working outdoors in the heat (Redden 2014). A second argument given to reporters is that it kills the germs that asylees and immigrants bring with them (Lee 2014; Redden 2014). This claim about germs reflects the biopolitical practice of associating immigrants and other groups—including old men, prisoners, or sick people—with pollution (Alford 2000; Hall 2012; Speltini and Passini 2014). A 16-year old apprehended at the border told reporters that, among other verbal abuses directed at her, one of the officers called her "the garbage that contaminates this country" (Dickinson 2014). Connotations of dirtiness and contamination, which have a long discursive history connected to colonialism and racism, still circulate today in media representations and public discourse around issues of immigration (Chavez 2008a; Cisneros 2008; Santa Ana, Moran, and Sanchez 1998; Smith 2016). *Hieleras* evidence the way in which discourse becomes material. I suggest a third possibility: the frigid temperatures of the holding cells serve as a one of the many deterrence mechanisms intended to discourage detainees from pursuing asylum, or from

ever returning if their asylum plea fails the first time. One detainee reported being told by an officer that if they thought the temperature was too cold maybe they would think twice before crossing (the border) again (Redden 2014). In another case, the answer to a detainee's complaint was: "Why do you come here if you don't like it? You should go back home" (Pilkington 2015). Activists also believe the conditions in the temporary holding cells are kept deliberately uncomfortable to pressure detainees to sign voluntary deportation papers (Chardy 2014).

Although research shows that immigration detention does not work as a deterrence mechanism (Cantor and Johnson 2016, 2; Heyman 2014, 114; Sampson 2013, 23; Slack et al. 2015), I argue that this type of confinement nevertheless represents an attempt to deter. Deterrence in the *hieleras* belongs to a larger set of practices that the U.S. government initiated in the 1990s as a national plan. "Prevention through deterrence" was an official strategy launched by the U.S. government in 1994 (Martin 2012b, 321). This plan was a result of the perception that the U.S.-Mexico border was being flooded with unauthorized border crossers. The government increased personnel, added fences, disrupted existing routes, and developed several initiatives, such as Operation Gatekeeper, Operation Safeguard, Operation Hold the Line, and Operation Rio Grande, to discourage unauthorized crossings. This program⁶⁹ sought to dissuade border flow by altering traditional routes taken to reach the U.S. and divert to desert areas (Argueta 2016, 4), where the probability of death increased drastically (Heyman 2014, 113). After 9/11 and the creation of the Department of Homeland Security (DHS) in

⁶⁹ Last renewed in 2012 (Argueta 2016, 2).

2001, the state's priority became preventing terrorists from entering the U.S., but the government established nevertheless a strong connection between “unchecked illegal immigration” and terrorism (Brown 2010; Heyman 2014, 116; Martin 2012b, 321).

In 2011 DHS's strategy shifted to another program: the Consequence Delivery System (CDS). The CDS marked a change from the 1994 deterrence strategy—“blame it on the desert”—to one characterized by “active prosecution of immigration violators” through mandatory detention, interior repatriation, and criminal prosecution (Slack et al. 2015, 110). Even though it is not clearly stated, the CDS is still a deterrence program that seeks to prevent reentry through prosecution, incarceration, and other strategies that will make sure migrants do not return to the U.S. There is thus a long history of immigrant and refugee deterrence policies⁷⁰ at the border whose practices peaked after 9/11. Foreigners are perceived as both a cultural and a security threat—especially after 9/11 (Brown 2010; Chavez 2008a, 76)—so deterrence works to reassure “the anxious public that something is being done to address their racialized security concerns” (Hiemstra 2014, 575). Officers working in the *hieleras* seem to have been indoctrinated through an assemblage of, among other things, media representations and popular discourses about female immigrants and their “deviant” forms of motherhood, untrustworthiness, or immorality (Hiemstra 2014, 571). Therefore, the cold temperature of the cells is simply a way for the indoctrinated officers to increase the intensity of the punishment. The system

⁷⁰ “The use of immigration detention as a deterrent, in which one person is punished in order to send a message to another person or people to discourage future migration, is illegal under international and domestic law” (Detention Watch Network 2015b). Also, in June 2014 a federal court “blocked DHS from detaining asylum-seeking mothers and children in order to deter other Central Americans fleeing violence from coming to the United States” (Barrack 2016).

relies on the racist, sexist, and gender prejudices already internalized by the workers in the *hieleras* who are enabling this deterrence mechanism.

The state's strategies for keeping immigrants and asylees out of the country comprise a continuum that ranges from a national program to the conditions of detention. The fact that women in the cells feel those temperatures as frigid is a sign of the spread of sovereign punishment procedures: whether the cold temperature is deliberately maintained or not, the officers deploy it discursively as a strategy to deter asylum-seekers from staying in the U.S. These holding cells work as a political tactic fulfilling the roles of punishment and deterrence. As I detail in the next section deterrence becomes a mechanism directed at regulating populations—biopower (Foucault 1978, 138-149).

Old Punishment in a Disciplinary Regime = Biopolitical Regulation

According to Foucault, one of the traits of punishment under sovereign power is its character of public spectacle. In the *hieleras* the “vengeance of the monarch” takes place but the spectator is absent. Who is the audience? The “theatrical representation of pain” that Foucault alludes to in his description of sovereign power (Foucault 1977, 14), which involves a “policy of terror: to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign” (Foucault 1977, 49), is missing in the *hieleras*. Punishment takes place in a confined facility where the spectacle seems to be enacted in front of other detainees—either “criminals,” “bad mothers,” or system-drainers—or other officers, but is hidden from the rest of the population. Yet this punishment could be working to make other women aware of the disproportionate power of U.S. state.

Some authors claim that it is detention itself that represents a spectacle of state power (De Genova 2013; Chavez 2008b; Martin 2012b, 325). A spectacle displayed for “future” asylees or immigrants—in hopes that the message will be transmitted—is a way to reinforce deterrence. For instance, Lauren Martin argues that the state’s deterrence strategy works through the spectacle of confinement that ICE performs, that “detention’s disciplinarity is not defined by institutional efforts to remake individuals, but oriented towards the behavior of entire populations of future, potential migrants” (Martin 2012b, 314). Disciplinarity is thus reconfigured through the assemblage of sovereign punishment practices that take place in the *hieleras*. The intention of inflicting the punishment that takes place in the holding cells could serve as a way to prevent future asylees from seeking refuge in the U.S. Meanwhile, the punishment inflicted on these women of color could also function as a preview of the relationship potential asylum seekers will establish with the U.S. state through the process of requesting asylum and as racialized subjects living in the United States.

In conclusion, some of the conditions that prevail in the temporary holding cells resemble the more archaic forms of punishment focused on the body that Foucault associated with sovereign power more than the productive type of punishment associated with discipline. Yet, there is no simple return to old, sovereign, punitive practices, but a combination of techniques from those two regimes—sovereign and disciplinary—that as a result govern the asylum-seekers through punishment. In this case, as in other instances, the two regimes coexist and constitute one another (Butler 2004, 59-60, 92; Collier 2009; Ettlinger 2018; Rose 1999, 23; Valdez 2016b); discipline has not replaced other

modalities of power but infiltrated them (Foucault 1977, 216). The existence of the *hieleras* is part of the disciplinary power practices of distribution and management of asylum-seekers, while the punishment that takes place in them belongs to a sovereign form of power. The assemblage of sovereign punishment practices that takes place in the temporary holding cells work to deter future populations from arriving in the U.S. seeking for asylum. According to Foucault, mechanisms directed at regulating populations are biopolitical techniques. In the *hieleras*, sovereign, discipline and biopolitical power work jointly. My theorization thus makes clear that biopower, sovereign and disciplinary forms of power co-exist in the particular form of punishment at stake in the *hieleras*. The *hieleras* merge the immigrant, the asylum-seeker, the criminal, and the “bad” mother into a single category, allowing the state to legalize and normalize the practice of punishment. The division between individuals who “deserve” to be confined and punished and those who don’t becomes blurred; female victims of violence fleeing their countries are confined on arrival and their bodies punished through mistreatment, separation from their loved ones, and extreme temperatures in an attempt to deter future asylum-seeking populations.

Conclusion

This chapter addresses two related questions concerning the violence that women seeking protection suffer in the *hieleras* once they enter the U.S.: What is the function of these cells? And, what type of punishment takes place in them? A Foucauldian lens combined with a transnational feminist approach offers new ways to make sense of the mistreatment of asylum-seeking women from Central America. On the one hand, the

hieleras are a disciplinary tool for managing immigrant and asylum-seeking populations. The temporary holding cells are a managing tool for spatial ordering. On the other hand, the punishment that takes place in the *hieleras* belongs to sovereign forms of power. In addition, the punishment these women experience works as a deterrent for future populations of asylum-seekers. These sovereign punishment practices thus belong to the realm of biopolitical regulatory techniques. Through a Foucauldian framework I show how the *hieleras* encapsulate disciplinary, sovereign, and biopolitical power. By centering the practices that take place in the *hieleras* and relying on accounts of women's experiences, a feminist transnational framework illuminates the sexualized, gendered, and racialized nature of the punishment inflicted in these cells, including the separation of mothers from their children and the currency of tropes of deviant motherhood in demonizing asylum seeking women. This analysis brings to view how the practices at the border are connected to broader forms of systemic oppression. In the *hieleras* women are punished through a variety of means. Even though discipline is still a way to manage and organize populations, the sovereign punishment meted out in these cells evidences how disciplinary technologies have been reconfigured. In the case of the *hieleras*, the assemblage of sovereign punishment practices amounts to a disciplining mechanism that is now oriented towards the deterrence of future refugees. This combination of disciplinary techniques, more archaic forms of punishment as sovereign vengeance, and biopolitical regulatory techniques makes regimes of disciplinary, sovereign and biopolitical power coexist and constitute each other.

My work shows that the shift of the focus in the immigration scholarship toward interior enforcement (Coleman and Kocher 2011; Coutin 2010; Martin 2012b, c; Valdez, Coleman, and Akbar 2017; Wilsher 2012; Stuesse and Coleman 2014) does not mean that the border is no longer a space worth exploring. On the contrary, the *hieleras* point to the transformation of practices of confinement and punishment at the border to meet new forms of displacement and mobility, and the deployment of measures that target immigrants in the realm of humanitarianism.

The *hieleras* also raise questions regarding the relationship between borders and identity. Transnational identities are produced by histories of colonialism, slavery, and the confinement of people of color in the U.S. Using a transnational feminist approach to read the practices of violence taking place in the *hieleras* helps us understand how identities are embedded in power relations that are connected through time and space (Grewal and Kaplan 2001, 663). Once the asylum-seeking women arrive in the U.S., they enter a racialized structure that subjects them to the continuum of violence that is routinely enacted on people of color, particularly—in the case of immigration enforcement—Latina/o undocumented migrants. *Hieleras* become the place where the asylum-seeker, the immigrant who is always-already seen as a criminal, and women of color embodying “deviant” maternity get conflated, allowing punishment to be normalized. The type of punishment that takes place in the temporary holding cells crystallizes women of color’s narratives of “deviant” motherhood. *Hieleras* also opens up other questions that require further exploration, such as the disconnect between discourses of the nuclear family, or motherhood, as critical to national identity, on the

one hand, and the state's practices at the border; or the disconnect between U.S. humanitarian discourse and the way asylum-seekers are confined and punished once they enter the country.

As mentioned in Chapter 2, several authors have studied how confinement has become central in border enforcement (see Hall 2012; Conlon, Moran, and Gill 2013; Mountz et al. 2013). Confinement is one of the common bordering practices used for asylum-seekers around the planet. By closely looking at the type of punishment that takes place in the *hieleras* we can see the ways in which biopower has reconfigured itself through sovereign power. The *hieleras* further show that it is necessary to explore how state control mechanisms reconfigure themselves in creative new ways and how these affect people's lives.

Chapter 5: Theorizing Humanitarianism

The U.S. greeted Maria and her children by confining them in a temporary holding cell once they crossed the U.S.-Mexico border.⁷¹ After a year and a half of threats from gang members, Maria had finally decided to leave El Salvador. The journey to the United States took longer than expected, so Maria and her three children had been traveling for two weeks when they crossed the border. The border patrol officers who locked them up did not inform her how long they would have to remain in the cell or why they had been confined, even though they had not committed a crime.⁷² After four days of coldness, mistreatment, and lack of access to showers or private toilets, Maria and her children were transferred to a family immigration detention center in Texas. In the detention facility Maria met staff from the nonprofit organization that volunteers in the center who walked her through all the steps she would have to follow to request asylum.

Asylum applicants in the U.S. need to prove that they are being persecuted individually, and each application is considered on a case-by-case basis (Bohmer and Shuman 2004, 395). At the end of the process the asylum-seeker will, if successful, become a refugee, defined by the United Nations High Commissioner for Refugees as “a person outside his or her own country with a well-founded fear of future persecution on

⁷¹ The story of Maria represents a compilation of experiences related to HABO volunteers by women seeking asylum in the U.S.

⁷² Crossing the border without the proper documentation in the U.S. is considered an administrative offense, not a criminal one.

the basis of race, religion, nationality, political opinion, or membership in a social group” (UNHCR 1951). Most of the Central American women who cross the border fit this description in which a social group is defined as a group that one belongs to because one shares a characteristic that one cannot, or should not have to, change. The law is dynamic and the definition of social group has evolved over the years to include groups such as single-mother business owners, people with mental disabilities, ex-gang members and their family members, and victims of domestic abuse, among others (Chrisholm 2001, 432; Fassin 2007, 48).

In order to be considered an asylum-seeker, the nonprofit organization volunteer explained, Maria had to pass a Credible Fear Interview (CFI) with an asylum officer. In this interview, the officer would determine whether Maria had a real claim to asylum or not—that is, whether her fear of returning to her country was reasonable. The officer would evaluate the truth of Maria’s story and decide whether her claims fell under one of the five aforementioned categories. If Maria was believed to have credible fear, she would be given a “positive” and would be let into the U.S. after either paying a bond or agreeing to wear an ankle monitor. If the officer did not think Maria had credible fear, she would be given a “negative,” but the meaning of this decision was not explained to Maria by the volunteers. Instead, she would have to talk to the nonprofit organization staff again if she received such a decision. In that case, she would find out later, she had the right to appeal to an immigration judge. If the judge reaffirmed the asylum officer’s decision, Maria and her children would be deported.

In this chapter, I critically examine the role of a nonprofit organization that I will call “Help at the Border” (or HABO) and its volunteers in the asylum-seeking process at the border, and that of humanitarian aid more broadly. The data on which I draw is a mix of interviews, conversations, participant observation, and emails with former HABO staff members and volunteers; the organization’s promotional materials and guidelines for volunteers; news accounts and reports; my own reflective writing; direct observation from my work as a volunteer; and academic literature. I examine the complexities of the involvement of nongovernmental organizations in the U.S. refugee detention system. I claim that HABO’s work in helping asylum-seekers, and the work of the volunteers as their allies, simultaneously reinforces and contests the existing neoliberal order and the contemporary refugee regime. However, I do not mean to present an essentialized view of the organizations working with refugees in the Global North—not all humanitarian organizations share the same ideology or engage equally in critical self-reflection—and I certainly do not want to critique the work that some of the organizations are doing with such passion for justice. Rather, my objective is to engage in a critical reflection of what that work is in fact doing for the people who are fleeing from violence, how this work is engaging—or not—in modes of resistance (Lugones and Spelman 1983), and how it is articulated and carried out within the contemporary regime of refugee management in particular and the neoliberal regime in general.

This chapter starts with a description of Foucault’s regimes of truth as the framework I use to explain how society understands that some people who seek asylum deserve protection, while others do not. Next, I trace the literature on the notion of the “bogus” —

as opposed to the “real”—asylum-seeker to show how media representations and discourse construct asylum-seekers and reinforce the regime of truth. In section three I explore the continuities of humanitarianism and colonialism, and the transformations in humanitarian work as it becomes enmeshed with neoliberalism. The lack of state involvement in the U.S.’ refugee crisis creates an emergency-like situation in the Global North, thus requiring private actors to intervene. Flexibility, one of neoliberalism’s characteristics, is partly responsible for making HABO’s work in the detention center necessary. At the same time, I claim that HABO’s presence in the detention center reinforces the neoliberal logic that requires private actors to handle public issues, and thus can be read as a way to legitimize the current neoliberal regime. Sections 4 and 5 analyze HABO’s intervention at the detention center and the role of volunteers helping the women pass their CFI. I claim that technologies of power—such as the CFI—reinforce regimes of truth, while at the same time regimes of truth justify the use of technologies of power. This is an instance when we can clearly see how discourse and practices co-constitute each other. A successful CFI combines a coherent performance with a narrative of a self-reliant citizen. By coaching the women how to perform “proper” self-reliant citizenship, volunteers reinforce the notion that there is a regime of truth in which “bogus” asylum-seekers should be distinguished from “real” ones; volunteers become a normalizing tool of the state, contributing to the detachment of the U.S. from its complicity in the violence taking place in Central America while reinforcing its humanitarian credentials. Finally, I explore how, and despite the modes of confinement

and the neoliberal logics that orient the process of asylum request, some of the women seeking asylum engage in practices of freedom through the coaching process.

Regimes of Truth

Michel Foucault's notion of "regimes of truth" (Foucault 1980) is a useful theoretical framework to explore the existing rhetoric of the "deserving" versus the "bogus" asylum-seeker/refugee. By regimes of truth I am referring to a "the ensemble of rules according to which the true and the false are separated and specific effects of power attach to the true" (Foucault 1980, 132). In this chapter, I explore the "general politics" of truth, in discourse and forms of knowledge, that is linked to asylum-seekers and refugees.

When Foucault introduced the term "regime of truth" in *Truth and Power* (1980), he did not mean that certain discourses are true and others are false—there are actually a number of competing regimes of truth that exist simultaneously (Grossberg 1986, 48)—but that each society favors certain discourses over others. These privileged discourses and practices are deployed and function as truths, along with existing mechanisms that enable people to distinguish true from false statements (Foucault 1980, 3). This happens, on the one hand, because in each society these truths are considered and accepted as facts. They are recognized as scientific truths, constituted through accepted forms of knowledge (such as scientific discourse), and therefore become unquestionable. Foucault does not believe that scientific knowledge is more "true" than other types of knowledge, but after the Enlightenment scientific reason became the sanctioned way to access "truth." It is this type of knowledge—comprising not only the hard sciences, but also pedagogy, psychology, sociology, security, and other "evidence-based" types of

knowledge—that reinforces the exercise of power. Scientific knowledge then produces “authorized” discourses that create the regimes of truth; thus the connection between power and knowledge. Foucault argues that power is always coupled with knowledge, in the sense that knowledge structures help maintain the exercise of power within the social body. On the other hand, power relations specify “the status of those who are charged with saying what counts as true” (Foucault 1980, 55), and thus these discourses also function as truths because of “the status of those enabled to speak truths” (Ball 2016, 5). Regimes of truth explain how discourses regulate people’s thoughts, beliefs, and behaviors. There is, then, no absolute truth waiting to be discovered; the “battle for truth” is all about “the status of truth and the economic and political role it plays” (Foucault 1984, 74). In other words, Foucault is not concerned so much with what is or is not “true,” but rather with the system that determines what each society considers to be the true or false. In this context, resistance resides in questioning that system, on detaching the power of truth from the regime under which it operates.

This “truth” that each society accepts as such is produced, and sustained, by systems of power that are at the same time connected in a circular relation to the above-mentioned systems of knowledge (Foucault 1980, 133). Regimes are defined, redefined, and reinforced continuously through agents of socialization such as the media, the education system, the medical system, public discourse, practice, economic and political ideologies, and so on. Power and knowledge are therefore connected through regimes of truth (Foucault 1978, 100), where power is embedded within a regulatory technology that chooses what is true through scientific knowledge. In his analysis of power, Foucault is

particularly concerned with power and government, and especially, forms of government: “To govern, in this sense, is to structure the possible field of action of others” (Foucault 1982, 221). Regimes of truth then structure reality in a way that enables operations of power.

Foucault’s notion of regimes of truth can be applied to the specific politics of knowledge regarding the credibility of asylum-seekers, and can inform an investigation of the mechanisms established for society—through the enforcement regime and asylum officers—to discover this “truth.” I argue that CFI is one of the technologies of power employed at the border; it becomes the site where the “real” asylum-seeker is separated from the “bogus” one. Literature shows that what determines whether a person will receive a “positive” outcome in their CFI is a combination of performance during the interview and a self-reliant narrative, as I detail later. I will now trace how this regime of truth distinguishing “real” asylum-seekers from “fake” ones came to be.

“Bogus” v. “Real” Asylum-Seekers

The politics of fear have historically relied heavily on immigrants, who have been depicted as a threat to society, or in biopolitical terms, to the “health of the nation” (Yeng 2013). The nation needs to be protected from immigrants, who take advantage of the system, who are a threat to national security, who have too many children, who contaminate Anglo(white) culture, and so on. Researchers have explored how different rhetoric and technologies of power have been deployed over time to depict immigrants as a threat. For instance, Lisa Flores (2003) describes how narratives of fear that circulated in the U.S. in the 1930s implied that the “newer” immigrants were going to contaminate

American culture and would never adapt. William Walter and Radhika Viyas Mongia both address how passports and visas became part of the mobility politics after World War I, among other things as technologies of power that codify race (Mongia 1999, 529) as well as regulate immigration in the interest of employment (Walters 2004, 250). Mae Ngai's work addresses the different forms of categorization and discrimination based on race that immigrants entering the U.S. faced in the early twentieth century. Laws such as the Page Act, or the Chinese Exclusion Act, banned immigrants coming from Asia because they were considered "undesirable" and culturally threatening to American values (Ngai 2004). Moreover, Eithne Luibhéid and Margot Canaday focus specifically on how the law is articulated with ideology, and with medical discourse, to discriminate on the basis of gender and sexuality as well as race and class (Canaday 2009; Luibhéid 2002). Thus, historically, immigration law has not favored the entrance of people who could threaten the heteronormative social order, in this case, people who could not reproduce (nonheterosexuals) or who were considered to be an economic burden, such as the mentally ill. Today, similar narratives can be found in the neoliberal rhetoric of personal responsibility that focuses on the individual rather than on larger, systemic conditions. This ideology depicts immigrants as irresponsible criminals who break the law by taking the unnecessary risk of crossing the border. The system needs law-abiding, self-reliant individuals, not criminals who will take citizens' jobs and corrupt the system by not adapting culturally.

Halit Mustafa Tagma claims that while regimes of truth are created by ideas, customs, and/or behavioral backgrounds, practices of exclusion—informed by those

backgrounds—in turn reinforce the regime of truth and the construction of threat among those who are excluded from the body politic (Tagma 2009, 422). These backgrounds are highly influenced by the media and its power to create images and associations. Media images—and discourse—associate foreigners with notions of contamination, menace, or invasion (Haddad 2007; Mamadouh 2012). These images contribute to the knowledge construction of “outsiders” as a threat. David Cisneros’s work (2008) connects the dots between immigrants and notions of contamination in news media discourse, based on sample of textual, aural, and media images from major news networks from 2005, when the U.S. was contemplating immigration reform. He compares news media coverage of immigration with news media coverage of pollution. Cisneros concludes that, in addition to being associated with crime and invasion, “immigration is framed metaphorically as a dangerous pollutant” (Cisneros 2008, 578). The metaphor of pollution, Cisneros argues, reinforces the idea that American national identity is based on “purity” (Cisneros 2008, 591). Leo Chavez’s research explores popular media discourse in the U.S. He analyzes mainstream magazines, focusing on images and titles, to conclude that immigrants in the U.S.—particularly Latinos/as—are portrayed as invaders, and more generally a threat (Chavez 2008a; Chavez 2001).

In addition to the discriminatory history of U.S. immigration law and media representations, stories about fake asylum-seekers started circulating in the 1990s,⁷³ generating public distrust of refugees’ claims (Chrisholm 2001). Even though people seeking asylum were not technically immigrants—the category deemed most suspicious

⁷³ Even though refugees were already seen as spies in the 1940s (Young 2017) these narratives spiked in the 1990s.

by the media—they too became suspect. Media narratives about fake asylum-seekers also emerged in other Western countries. For instance, according to Jennifer Hyndman and Alison Mountz (2008), the figure of the “bogus” refugee surfaced as a result of the Australian government’s decision to stop releasing data differentiating migrants from refugees, resulting in the conflation between economic migrants and asylum-seekers (Hyndman and Mountz 2008, 257). Victoria Esses, Stelian Medianu, and Andrea Lawson (2013) show how media representations that depict immigrants and refugees as potential disease-carriers or terrorists have helped to foster the dehumanizing treatment of immigrants and asylum-seekers, particularly after the 9/11 terrorist attacks in the U.S. Immigrants and asylum-seekers were conflated in popular discourse and from that moment on, foreigners of all kinds—everywhere in the Western world—have been subject to close examination in the name of “security” (Hyndman and Mountz 2008, 249; Huysmans 2006). As Hyndman (2007) argues elsewhere, security has been reconfigured in relation to citizenship, provoking a discursive shift from human rights toward human security. Refugees and asylum-seekers were dragged into this “securitization” discourse, this regime of truth, where the new classification system demands a distinction between the real versus “bogus” refugee—those who are deemed a security threat and are seen as trying to get into the country through deception (Ashutosh and Mountz 2012; Dauvergne 2016; Welch and Schuster 2005). As Hyndman and Mountz (2008) claim: “This continuous act of defining asylum in security terms has a performative element, in the Foucauldian sense: ‘it produces the effect that it names’” (250). Discourses of securitization are so powerful and the associated narratives so prevalent, that society

makes the immediate connection between asylum-seekers and security concerns (Bigo 2002; Klocker and Dunn 2003; Kmak 2015; Mahtani and Mountz 2002; Zagor 2015), as the 2016 Brexit campaign made evident. This regime of truth identifies “real” and “bogus” asylum-seekers, a regime that is reinforced by media representations, discourse, and policy that discursively construct the asylum-seeker⁷⁴ as a threat to the nation (Mountz 2010, 95).

It is in the context of this process of knowledge construction based on rhetoric that connects immigrants to securitization, pollution, or even invasion, and that has spilled over asylum-seekers and refugees,⁷⁵ that governments pursue and justify measures to regulate the entrance of both migrants and refugees. In the U.S., refugee quotas are established yearly by the president in consultation with Congress. Once this quota is approved, refugees who enter the U.S. do so with authorization and thus do not threaten sovereignty. However, people seeking asylum show up at the border instead of waiting peacefully in remote locations to be “allowed in.” Thus, while international treaties and conventions require the U.S. government to let them into the country, the fact that they do not abide by the sovereign quota and instead present themselves at the border without “permission”—while being conflated with immigrants—results in the deployment of punitive and militarized treatment against this population the border (Riva 2017).

⁷⁴ These trends are consistent with the experience of other Western countries. Samuel Parker (2015) analyzes how refugees and asylum-seekers have been depicted in the media in Australia and the U.K. over a ten-year span. Parker concludes that Australia focused on border protection to avoid letting people inside the country while the U.K. focused more on convincing the wide audience that refugees needed to be removed from the country. Both countries depict asylum-seekers and refugees as undesirable citizens (Parker 2015).

⁷⁵ Hyndman and Mountz (2008) also argue that even though people who come to Australia using a trafficker have both political and economic reasons, they are scripted as economic migrants, and therefore “bogus refugees” (258).

Therefore, once they enter, technologies of power and practices of exclusion—informed by the regime of truth—are deployed in order to resist the flow through suspicious narratives of bogus asylum-seekers (Tagma 2009, 422). To sum up, there are two main ideological outcomes of this contemporary regime of truth. First, immigrants are conflated with asylum-seekers—which legitimizes violence against this population by seamlessly incorporating them into the system of immigration enforcement that targets immigrants, that is, “undesirable” citizens. Second, the political and legal state violence towards asylum-seekers is legitimated, and relied upon, in order to find out who the “real” asylum-seeker is. This is an instance where the material consequences of discourse become visible through the confinement and violent practices that are enacted on asylum-seekers, which, along with the technologies of power used to distinguish the “real” asylum-seeker, reinforce the regime of truth. Every regime of truth has its own techniques of power (Tagma 2009, 425), which in this particular case can range from initial confinement and close scrutiny of the asylum-seekers and their claims to indefinite legal confinement. These mechanisms belong to a wide range of bordering techniques the state deploys to regulate, manage, and discipline the bodies of those looking for asylum or refuge.

Humanitarian Action in Neoliberal Times

Humanitarian assistance⁷⁶ can broadly be defined as an intervention designed to save lives, alleviate suffering, and help people in need (World Health Organization 2008, 31).

⁷⁶ I refer to humanitarian assistance, humanitarian aid, and/or humanitarian action interchangeably.

When authors or practitioners refer to humanitarian action,⁷⁷ they are usually alluding to assistance that takes place outside of Western countries (Redfield 2012, 457).

Humanitarian aid is based on the concepts of neutrality and impartiality and therefore attempts to appear as an apolitical action. However, humanitarianism “is not a timeless truth but an ideology that has had particular functions and taken different forms at different times in the contemporary world” (Edkins 2003, 254). And due to humanitarianism’s purportedly neutral and universal values it presents itself as a form of “poverty alleviation” intervention, in opposition to the neocolonial project that is (Kothari 2005, 433) entangled with other forms of domination, notably imperialism (Hardt and Negri 2000). For instance, humanitarian aid is well known to privilege certain knowledges based on the assumption that some regions of the world know “better” than others⁷⁸ (Kothari 2005), while it is also used to maintain economic superiority of the West (Escobar 2011; Kothari 2002). At the same time, humanitarianism marks a distance—in terms of how much a life is valued—between Western expats and the recipients of the foreign aid⁷⁹ (Fassin 2007); while it sets up a distinction between innocence—who deserves to be helped—and guilt (Ticktin 2016, 257). It homogenizes the Global South (Kothari 2002) by erasing difference, and depoliticizes issues by not addressing the root problems in the region of intervention—usually caused by a colonial

⁷⁷ There is a distinction to be made between humanitarian aid and development assistance. Humanitarian aid is geared towards solving an emergency—for instance, a tsunami, or an epidemic—while development is a long-term plan to improve the social and economic conditions of the area where the intervention takes place, an action that is not devoid of humanitarian orientation.

⁷⁸ This is reinforced by the fact that most interventions are carried out by the Global North in Global South regions.

⁷⁹ In colonial times Christian charity did not imply equalizing the condition of different people but only alleviating pain for those who were suffering (Rieff 2003, 65).

power (Aradau 2004; Ferguson 1994; Hardt and Negri 2000). Many times humanitarian assistance is practiced in regions where it is more convenient to intervene based on geopolitical interests (Hardt and Negri 2000; Hoffman and Weiss 2017), entangled with securitization rhetoric (Huysmans 2006; Hyndman 2007; Hyndman and Mountz 2008) in some cases justifying military intervention (Weizman 2011; Yamashita 2015).

As I mentioned in the introduction, I understand neoliberalism to be a political, economic, and social system that claims that the market should be out of the government's control⁸⁰ as well as an ideology that affects subjectivities. Free-market ideology is supported by several practices and policies, including privatization, deregulation, flexibility, elimination of tariffs, fiscal austerity, etcetera. In particular, "privatization" and "personal responsibility" are neoliberalism's key terms that "define the central intersections between the culture of neoliberalism and its economic vision" (Duggan 2003, 12). The state promotes neoliberal behavior and will be favorable to those citizens who comply with the neoliberal order, that is, responsible subjects, and with certain gendered expectations. Thus, Central American mothers seeking asylum need to prove through their CFI that they are not criminals or irresponsible, that they did not cross the border for selfish reasons, but to protect their children. They need to prove that they are worthy members of the community—good neoliberal citizens—who make rational decisions. In addition to neoliberal subjects, the criteria used for regularization produce subjects that reinforce certain ideas of the nation (McDonald 2009). Those

⁸⁰ James Ferguson (2010) complicates this understanding of neoliberalism in his example of the South African basic income grant (BIG).

refugees who comply with these expectations will be easier to govern—less disruptive for society—because they are already self-reliant.

Despite the long genealogy of humanitarian aid's involvement with colonialism, new linkages have arisen with the neoliberal order. Humanitarianism and neoliberalism share two key features: they both are spaces for private actors to intervene, and they both divert attention from political goals by depoliticizing structural issues (Kothari 2005). As a result of neoliberal politics, governments in the Global North have privatized many of the public services that previously existed. At the same time, the government's lack of involvement in certain areas has forced private actors to intervene on behalf of vulnerable populations. The U.S. refugee crisis is a perfect example of this. The entry of asylum-seekers through the Southwest border in search of protection has become an emergency situation in which nonprofit organizations have to act as service providers due to the state's lack of provision of adequate welfare and legal assistance. Understanding the violence that makes people flee as a crisis depoliticizes social and economic processes, on the one hand, and, on the other, positions the state as unable to cope with the situation, which results in the *de facto* privatization of public problems and opens the door for market-based solutions.

Thus neoliberal traits such as flexibility permeate the humanitarian arena, requiring organizations like HABO to enter fields that the state neglects. Private actors—individuals, nonprofit organizations, and other nonstate agents—have become the primary actors in development and humanitarian aid (Mostafanezhad 2013) as well as in the realm of refugee management, as I show in this project. Moreover, the participation

of individuals and nonprofit organizations in the humanitarian regime is highly decentralized, which results in the predominance of temporary solutions. Naomi Klein's notion of "shock therapy" is useful to understand how rapid corporate turnaround is applied as a mechanism to solve so-called crises that are in fact structural issues. Handling such a situation requires fast and radical changes, providing a "clean slate" to bring economic change that allows the privatization of institutions and the decrease in state-owned wealth (Klein 2007). "Shock therapy" strategy combines the two characteristics of neoliberalism that I have identified in humanitarian action: emergency and privatization. This returns to the distinction I made earlier between temporary and long-term intervention within international assistance. Temporary action can be equated with emergency work (humanitarian aid) while long-term aid focuses on the cause of the problem (development assistance). These two areas attract different organizations that engage in different types of intervention. However, this distinction is not always clear and sometimes those two domains overlap. Humanitarian aid is often portrayed by the media and governments as an immediate response to a crisis that needs an instant solution—an epidemic, draughts, earthquakes, hurricanes, and so on. These crises are rarely connected to the socioeconomic structure of the country, and certain political situations can be transformed into technical problems by the media or politicians. For instance, nobody questions why some countries are constantly victims of floods while others never suffer them; it is assumed that these events are related to the country's geographical location or the quality of its soil. In these cases, the objective of humanitarian aid is to solve the crisis rather than to question the structural basis for the

crisis. This is precisely how the issue of people seeking asylum in the U.S.-Mexico border is framed, and this also illuminates the short-term character of HABO's intervention.

HABO

HABO emerged from a coalition of volunteers from several immigration organizations. It was born as a result of the expansion of family detention by Immigration and Customs Enforcement (ICE) and in what started to become common practice (Pyles 2009, 170), HABO stepped in to ensure the well-being of the confined population in the face of neglect by the government. In other words, HABO's role in the asylum system emerged from the simple fact that the bare legal guarantees granted to refugees were insufficient on their own to ensure a semblance of due process to asylum-seekers and thus had to be complemented by civil society organizations.⁸¹ HABO was impelled by the moral imperative to act, where we—the Global North—focus on finding ways to help or give back rather than thinking of how we are harming or how we overshadow the political structures that this need to intervene is based on (Mostafanezhad 2013, 151). This moral imperative and the actions that follow, however, operate within a space that is opened by the premise that certain activities are no longer the concern of the state, and are thus outsourced to private or nonprofit actors, which are assumed to do a more efficient job while reducing public spending.

Many of the people who work for HABO do it remotely—either as volunteers or as staff from other organizations that dedicate time and resources to the project. HABO has

⁸¹ For an illustration of the bare legal guarantees available to refugees, see Williams and Massaro (2016) on the U.S. and Tyler et al. (2014) on the United Kingdom.

an average of four paid, on-the-ground staff working in the center at any given time. This staff is supplemented by volunteers who spend an average of a week or two at a time working in the detention center. While they never sleep in the center, volunteers work long hours on any given day of their assigned week and the organization relies on them to get the bulk of the work done. It is estimated that HABO has had more than 800 volunteers between December 2014 (when they started working in the center) and March of 2017 (former staff HABO member, email message to author, March 24, 2017), providing legal services to more than 40,000 women and children in the detention center (Shepherd and Bernstein Murray 2017, 8).

Signatory countries to the 1951 Refugee Convention are not obliged to provide lawyers to people who are seeking asylum (Shuman and Bohmer 2004). This means that the vast majority of women seeking asylum do not have legal representation. Without HABO—and as is the case in the rest of the U.S. detention centers—the women I encountered would not have had any help navigating the U.S. legal system. The organization—through pro bono lawyers and volunteers—offers free legal services and advice to mothers and children in the visitation trailer of the detention center. The insertion of HABO in the detention center illustrates the embedded neoliberal logics in contemporary detention practices and how the responsibility for refugees' well-being shifts from the state to a nonprofit actor (Williams and Massaro 2016). In the context of confinement, state agencies provide minimum services to the mothers and children according to what the detention center offers, such as food, beds, and basic medical care, but the state “benefits” from HABO’s provision of legal and social services. Beyond legal

services, HABO's participation saves the state money because HABO assumes responsibility for the care of the detained women and children. HABO checks on the health status of the women, avoiding further complications that could hurt the state; provides them with lawyers and interpreters; finds other family members from whom they were separated at the border; mediates between the detention center and the women to improve the conditions, and so on. HABO does not receive any money from ICE or the detention center for its work.

HABO's presence in the detention center can be read as a way to legitimize the process of asylum application by providing a semblance of due process to the system. In the process, and consonant with the neoliberal order, HABO, a private actor, discharges the state from its (public) duties. Yet, despite the fraught character of HABO's neoliberal insertion in the state, by being a constant presence in the detention center, HABO functions as a witness to the conditions of the women, their testimonies of violence, and the asylum-seeking process. Scholars have stressed the importance of "bearing witness" as a way to relieve suffering—by letting the person know that she is not alone—but also as a starting point for action (Fleay and Briskman 2013, 114; Kurasawa 2009). The most elementary act of bearing witness is defying the lack of public knowledge. Access to information can result in political action that may put an end to situations of abuse (Kurasawa 2009), in this case, the confinement of mothers and children. Bearing witness has yet another political dimension: if HABO were not there to witness the conditions of confinement and access information about shifting detention policies and procedures in

real time, these actions would go unremarked and possibly lead to a sense of impunity and further abuse.

The case of HABO illustrates the dilemma that some organizations face when deciding to focus on temporary versus long-term interventions, and this explains why, as I argue, its work simultaneously reinforces and challenges the neoliberal regime. HABO's assistance helps the detained women understand the asylum-seeking process so that they can obtain admission as efficiently as possible. HABO's operations are framed as a response to an emergency that requires immediate attention. Its website illustrates the stakes when it says "it all starts by saving lives," but this is also reflected in other dimensions of its operation, like the constant flow of urgent emails calling for volunteers on weeks in which they are short-staffed, requesting interpreters, or trying to stop a woman from being deported—an actual emergency. Due to the violence the women experience throughout the journey to the U.S., HABO views its intervention as necessary and urgent, narrowing its focus to the present and working in continuous emergency mode, a manner that has affinities with a neoliberal preference for expedience and which pays scant attention to structural constraints. But even though HABO treats the Central American refugee situation as an emergency, its work has been going on for over two years now. Central American refugees have been crossing the border in significant numbers since the 1970s (see for example Jonas and Rodríguez 2015). Individuals fleeing

violence has become a structural hemispheric issue, that is, it is no longer an emergency.⁸²

However, HABO does support change—in particular, the closure of the family immigration detention center. HABO advocates for giving refugees a notice to appear in court instead of locking them up as they arrive to the country (former staff HABO member in discussion with the author, Texas. November 2016).⁸³ That said, this request does not constitute a structural change, but a small easing in the asylum-seeking process. Moreover, by centering the terrible conditions Central American women experience rather than, for example, fighting for border abolition, probing the causes of the violence in Central America, or holding the U.S. responsible for that violence due to years of military, political, and economic intervention in the region, HABO leaves the root sources of violence and economic hardship aside. My experience as a HABO volunteer taught me that the bulk of the work is focused on improving current conditions by providing lawyers, helping detainees navigate the process, or trying to shorten the time they spend confined in the *hieleras* or in the detention center. The systemic conditions, as well as the structural barriers that refugees face, are relegated to the background in the face of emergency. It is in this manner that HABO's work contributes to the depoliticization of the refugee situation and reinforces the neoliberal regime. Furthermore, the lack of institutional efforts to dismantle the contemporary refugee

⁸² It is true that the length of an emergency varies from place to place, and there is no predetermined time limit. Some emergencies can last for years.

⁸³ The official reason for locking these women up is to verify that they are not criminals.

system⁸⁴ can be read as an acceptance of the existing mechanisms that regulate mobility. Yet again, by facilitating the entrance of Central American refugees into the U.S., HABO takes what today is a radical position: opposing the prevailing anti-immigrant and anti-refugee nativist sentiment.

In sum, the asylum-seeking apparatus is a power-diffuse system designed to manage, survey, and control populations. It is this system, in its articulation with neoliberalism, that transforms the problem into an emergency by confining border-crossers in abysmal conditions, thus requiring the participation of nonstate actors. Some nongovernmental actors carry out a task that is the state's responsibility to execute, and others—such as in HABO's case—go beyond by providing legal assistance and trying to improve conditions for a vulnerable population. HABO is caught up in the moral imperative to act and help the women and their children, but its presence can be read as a legitimization of neoliberalism's *modus operandi* to transfer public functions to private actors (Pyles 2009). At the same time, HABO's goal of closing the facility rather than advocating for broader issues such as border abolition can be understood as, at best, a moderation and, at worst, an acceptance of the punishing contemporary border regime that is predicated on mechanisms of population control. Moreover, by handling the issue in emergency mode, HABO merely helps the women navigate an avowedly coercive and unfair system. By focusing on the immediate, HABO contributes to the depoliticization of the refugee question, further delinking the violence in Central America and the women who are

⁸⁴ Most organizations working towards refugee rights do not advocate for border abolition but rather for a more "just" system. For instance, I attended a community action workshop in Brisbane in April 2017 that advocated for a language change from "Fix our broken system, tackle the problem" to "Create a fair and efficient process, fairly examine each (person's) case."

seeking asylum from the actions of the United States and its allies in the region. Nevertheless, HABO's presence in the detention center is important; its members bear witness to the violence and prevent further escalation. Also, by helping women and children enter the U.S.—through the preparation of the CFI—HABO engages in the radical move of getting people of color across the border (Turhan and Armiero 2017). In these ways, HABO contests the current neoliberal order and the contemporary border regime.

The Credible Fear Interview (CFI): “Performing Proper Citizenship”

Volunteering for HABO

A work day in the detention facility is usually 12 hours long. Volunteer tasks at HABO include, first, conducting an initial *charla* (talk), in which volunteers explain to the women, in groups, the process they will undergo and HABO's objectives, which are to help them, but also to advocate for the improvement of the conditions at the border. The second task involves processing their intake papers and entering the information in a database. Third, volunteers give the Credible Fear *charla*, where the women are told, in groups, what the CFI is and how they will be prepared for it. Next, they prepare the women individually for their CFI. Finally, they offer a “release” *charla*, explaining to the women that in order to be released they must either pay a bond—to be negotiated with one of HABO's pro bono lawyers in court—or agree to wear an ankle monitor. Additionally, volunteers sometimes accompany the women to their CFI; help them locate their husbands, siblings, or older children if they are a split family case; and document the indigenous cases, among other tasks.

The CFI is an in-person interview with an asylum officer (and a Spanish-English interpreter on the phone, not visible to the officer or detainee) at the detention center. If the claimant receives a negative assessment and decides to appeal, she will be heard by an immigration judge—in this case the judge is in Florida so the interview takes place through video-conference. Of all the tasks volunteers carry out, I can attest that CFI preparation is the most time-consuming. It is one of the few tasks performed one-on-one with each woman, and the one with the highest stakes. Awareness of the “conventions of performing proper citizenship” in the U.S. and familiarity with asylum law—which means being aware of how public policy narratives and personal narratives intersect and need to be articulated (Shuman and Bohmer 2004, 395)—are required to successfully prepare women for their CFI.

The Credible Fear Interview

The CFI is a technology of power designed to distinguish “real” from “bogus” asylum-seekers. Technologies of power reinforce regimes of truth while at the same time regimes of truth support and justify the existence of technologies of power such as the CFI. In this way, practices and discourse are co-constitutive. The story told by asylum-seekers in the CFI is extremely important; however, a believable asylum claim does not rest solely on the veracity of the story, but rather on the performance of truth *combined* with a self-reliant narrative. In other words, the CFI process is about telling a story about being a good, self-reliant citizen that, however, will only be “heard” if it is “properly” performed in the interview. The CFI acts as a technology that produces “proper” subjects that operate to reproduce ideas of the nation (McDonald 2009). Being capable of

“performing proper citizenship” depends on the way in which the story is articulated: crying in moments of sadness or narrating events in a linear order. An adequately delivered performance becomes the asylum officer’s proof that the woman seeking asylum is a neoliberal citizen/responsible mother, someone who risked her life—and her children’s lives—because it was the responsible thing to do. After all, a “good citizen” in neoliberalism is one who manages risk appropriately (Smith 2008). However, other issues also factor into the result of the process, such as the mood of the interviewer, the quality of the translation, or the ability of the applicant to remember details (Chrisholm 2001, 469). Even though asylum officers are required to conduct the interview in compliance with printed guidance and law, there is considerable discretion, making the outcome partly dependent on the professionalism—or lack thereof—of the asylum officer. For instance, legal representatives of asylum applicants have reported that asylum officers rejected an interpreter on the basis that they themselves were fluent in a language, but seemed to not fully understand the applicant’s testimony (Ignatius and Anker 1993). Evidence also shows that even though asylum officers are supposed to ask enough follow-up questions, make sure the interviewee feels comfortable, “and evaluate the parent’s claims separately from their child’s (and vice versa),” this does not always happen (Shepherd and Bernstein Murray 2017, 3). In other cases, the outcome might be rooted in misinformation or direct ignorance on the part of the asylum officer regarding the consequences of trauma and the dynamics of storytelling. In particular, storytelling is not a “natural process” (Fobear 2015) and sharing intimate stories with strangers and officials can be a traumatizing experience for asylum-seekers (Cabot 2014), especially for

victims of violence who feel shame (Melloy 2006, 659). Some people are thus better able to perform their narratives than others, depending on their lived experiences.

Literature shows that the trauma suffered by many asylum-seekers not only hinders their ability to narrate their stories in consistent order (Dodd 2013; Melloy 2006, 655; Paskey 2015, 461; Stark 1996; Vogl 2013), but also affects the content of the story itself (Paskey 2015, 463). Even in the absence of trauma, as Barbara Chisholm argues, inconsistency is always present: “Of course, any attorney who has represented any clients in testimonial proceedings understands the virtual inevitability of discrepancies in the telling of a story over time. This likelihood is enhanced in the asylum context, where translation difficulties, cultural issues of modesty, and trauma, may affect an applicant's ability to tell a story thoroughly and consistently every time he or she is called upon to do so” (Chisholm 2001, 472). Narrative coherence is also affected by the lack of written literacy skills. People with no written literacy skills—or who learned to read as adults—have a harder time telling their story in a linear way (Tullener 2012).⁸⁵ Despite this, inconsistencies in the story constitutes grounds to decline asylum.

“Performing proper citizenship” also requires asylum-seekers to accurately perform affect. The nature of affect is of course gendered—men are supposed to communicate it through their ideas, while women are supposed to do it through their emotions (Melloy 2006, 654). Even though women who have been traumatized are rarely capable of introducing emotion into their story, it is still expected of them, and they will likely be

⁸⁵ On one occasion, a couple of HABO volunteers asked me for help in one of the CFIs, as they suspected that the woman was making up parts of her story. After talking to her we realized that she had no written literacy skills and that is why she had difficulty narrating the events in a linear way.

found not credible if they do not express it (McKinnon 2009; Melloy 2006, 653). It is hard for Western audiences to imagine someone recounting a traumatic story without tears; yet, a story with “too much” emotion will be dismissed as the story of a hysterical woman (Shuman and Bohmer 2004). It is equally hard to imagine someone having a hard time being able to laugh. For instance, in one of the interviews I conducted it was noted that a volunteer did not believe that the women were actually fleeing from violence because they had been observed laughing during *charla* presentations, and later among themselves. These women are closely scrutinized by their audiences, and the presence of an “inappropriate” element (laughter) or absence of an “appropriate” one (tears) creates a lack of credibility. To add more confusion to the process, research shows that the experience of confinement in a foreign land can be more traumatizing than the experience of violence in their home countries (Fleay and Briskman 2013). Some women are capable of narrating their stories without shedding a tear, and “break” when they talk about the *hieleras*—a trauma created by the recipient state. The familiarity with instances of violence in their country of origin may have been internalized in a way that makes them less susceptible to emotion. This further illustrates the somewhat arbitrary expectations of the CFI.

As volunteers, our first main concern, and biggest challenge, is to make sure that the women are as well prepared as possible for their CFI. Talking about their experiences of violence in preparation for the interview helps the women construct a more consistent narrative and build confidence in their stories (former staff HABO member in discussion with the author, Texas, November 2016). This might imply going over their story several

times, asking uncomfortable questions, and considering the asylum officer's potential bias. One of the challenges in preparing women for their interview is getting them to understand their experiences as structural rather than individual. Bohmer and Shuman (2004) explain how, for instance, victims of rape see the attacks as personal rather than as part of the systemic nature of gender violence (Shuman and Bohmer 2004, 396). This is to be expected given that violence against women has been historically represented as a private issue rather than a group grievance or even a state-sponsored ill (Chrisholm 2001, 434; Luker 2015, 98). However, the reason women give for fleeing from their homes cannot be limited to the acknowledgment that there is a lot of violence in their country; framing their experiences of violence as something structural needs to be balanced with a clear explanation of the personal nature of the attack they were victim to—whether it was gender violence, gang violence, et cetera. Therefore, part of the job is to make sure their stories are clear and consistent; that they remember to tell the officer key information regarding their case as well as to establish the connections between their experience and structural violence—did they go to the police? If so, what happened? If not, why not? Did they try living somewhere else? (HABO handout with guidelines for volunteers) The story needs to show that the woman is a victim of the structural violence taking place in Central America, that she was targeted personally, and that the state was unable to offer the necessary protection. It is only in such a context that leaving the country appears to be the only choice, the responsible thing to do to protect herself and her children.

The coaching required to navigate the bureaucratized and punitive logic of asylum-claim processing prompts women to view the violence as structural and thus politicizes

their experiences and contributes to creating critical subjects. Understanding that the violence taking place in their countries is systemic helps them understand their positions. Yet again, only Central American violence is politicized in this scheme, while U.S. responsibility for it as well as the violence and confinement that greets them at the border is disavowed. This disconnection in discourse between the country of refuge and the formation of the refugee favors the U.S. The volunteers thus contribute to shifting critical discourse to the structural violence taking place in their home countries—but without connecting it to the U.S. As a result, through the process of coaching, the volunteers participate in the ordering of the U.S. as a benevolent, meritocratic society—exonerated of all responsibility for the violence in Central America—in contrast to Central American countries, which are ordered as violent spaces and/or unjust societies. By allowing refugees to enter the country, the U.S. also reinforces its humanitarian project. Meanwhile, citizens are reassured that not just anyone will be allowed in; only those who “really” need it will find refuge in the U.S. “Humanitarianism softens the edges of the enforcement regime and—by protecting a few—contributes to the construction of the rest as threatening and legitimates racialized projects of exclusion” (Valdez 2016b, 13). Privileged narratives instead require depicting the U.S. exclusively as a potential place for protection. Thus coaching creates critical subjectivities towards asylum-seekers’ countries of origin, but reinforces the humanitarian credentials of the U.S.

As volunteers, we faced a second challenge in the process of preparing the women for their interview: time constraints. While preparing a woman for her interview, we were aware that there were at least twenty other women waiting to be coached, a situation that

reinforces the sense of emergency discussed above. A third challenge was to help the women stick to the way they first narrated their stories. There is a problem associated with coaching, however: instructing the women how to tell their own story and trying to “domesticate” the way in which they talk about their own experience sometimes results in a somewhat artificial narration that does not make sense and is not believed by the asylum officer (McKinnon 2009, 207). This is the consequence of the volunteer’s intervention, which may distort a woman’s story in order to make it fit a narrative that will be recognized as true.

Volunteers prepare these women to model themselves in particular ways as they go through the bureaucratic labyrinth of the asylum-seeking process, including the CFI, the application process, the detention center, the choice between the bond hearing and the ankle monitor, scheduled appearances at court hearings, et cetera. This process functions to “institute values and practices resonant with what it means to belong as citizen-subject to the Western state of refuge” (McKinnon 2009, 208; Ong 2003). The volunteer’s intervention becomes part of this normalizing strategy— wherein disciplinary power is exercised via normalizing technologies of the self (Gore 1993, 60); she is a disciplinary tool of the regime of truth that coaches these women how to perform as a proper subject to fit the narrative of the “good”—self-reliant—refugee. The coaching then is connected to a performance of a disciplined self who cries at the right moments, produces a coherent narrative, speaks clearly, looks the officer in the eyes, and so on. By shaping these women to conform to Western notions of self-reliance, the volunteers reinforce the existing regime of truth that claims that some refugees are “real” while others are

“bogus”—a regime of truth that produces, and is produced by, a “proper” performance in their CFI. The pedagogical role of the volunteers—despite being well intentioned—relies on power relations and particular techniques of government. The role then operates as a mechanism through which subjects are made to appear as complying with this regime of truth. While trying to help the women pass their CFI, the volunteers are complicit in the process of legal institutionalization (Zagor 2014).

However, volunteers are embedded in a larger structure of power working at the border: HABO. Even though HABO is highly critical of the current immigration regime and the treatment of people seeking asylum, it is “not outside the institutional matrix of the contemporary border regime” (Walters 2010, 155). The U.S. government is aware of the work HABO is conducting and lets the organization execute it, thus granting the NGO a critical role in the asylum-seeking process. The outcome of HABO’s intervention could therefore be read as a certain normalization of border practices. These practices are composed of strategies and technologies of control, but also combine elements of advocacy, visibilization, and assistance (Walters 2011, 155). It could be argued that HABO’s presence in the detention center solves a problem for ICE because it assumes care and responsibility for the mothers and children detained in the center (Williams and Massaro 2016). At the same time, the insertion of HABO into the immigration detention center is beneficial to the women seeking asylum. Sometimes it is mistakenly assumed that the organizations and institutions in the humanitarian aid sector are not critical of the work they are doing, and that they engage in their daily tasks without critically analyzing the consequences of their actions. However, many organizations, such as HABO, are

aware of the limitations of their work, but still choose to intervene despite the individualized and short-term character of their actions. As a former HABO staff member put it: “I know what we are doing is not enough, but this [work] still needs to be done” (former HABO staff member, interview by the author. Texas, June 7, 2016).

In conclusion, through the coaching, volunteers act as a normalizing tool of the state. They encourage the women to perform as self-reliant neoliberal subjects in the CFI, while encouraging them to ignore all U.S. responsibility. In addition, by not questioning the technologies of power that the government implements, volunteers reinforce a regime of truth that works under the assumption that most refugees are “bogus” claimants trying to game the system.

Practices of Freedom among Women Seeking Asylum.

I have already suggested that HABO’s intervention also contests the current neoliberal regime and the associated system of immigration enforcement. In addition to HABO’s radical practice of helping people cross the border, as I mentioned earlier, HABO may also set the stage for women asylum-seekers to critically engage with the discourses that receive them in a way that fits the Foucauldian notion of practices of freedom.

In his study of the genealogy of the subject, Foucault claims that there are four inter-related “technologies”: technologies of production, technologies of sign systems, technologies of power, and technologies of the self. Among these four technologies, understood as “revealing truth,” Foucault focuses on technologies of power, which I have already discussed, and technologies of the self. Technologies of the self are subjects’

“operations on their own bodies and souls, thoughts, conduct, and way of being” accomplished individually or with the help of others. The goal of these practices is to transform the self to reach a “state of happiness, purity, wisdom, perfection, or immortality” (Foucault 1988, 18). The subject is constituted through a combination of technologies of domination, and techniques of the self are always embedded in power relations. There is no such thing as an autonomous free subject, according to Foucault; all subjects are embedded in power relations and regimes of truth. Accordingly, Foucault conceives freedom as a practice—rather than a status—and thus his writings emphasize practices of freedom rather than processes of liberation (Foucault 2000, 283). In his theorization, freedom takes the form of an informed reflection (Besley 2005, 80). A subject engages in practices of freedom once she has understood the dominant discourses in which she is embedded and has critically engaged with them. It is in this way that, for Foucault, freedom is a practice of the self wherein subjects are capable of becoming “subjects of action” and being transformed (Valdez 2016a, 21). Foucault argues that whenever there is a chance of resistance—through violence, suicide, or fighting—there is still a power relation, which means that there is still a chance to engage in practices of freedom (Foucault 2000, 292). So even in the case of a confined population where the margin of freedom is limited because the relation between the authority and the subject is asymmetrical, there is still a possibility for these women to become subjects of action by understanding the structures of power in which they are embedded.

In this part of the paper, I explore the subjectivity of Central American women seeking asylum in the context of Foucauldian practices of freedom (Valdez 2016a, 20). I

suggest that, in paradoxical ways, the work that HABO does may reveal the performative character of proper refugee subjectivity and contribute to the ability of refugee women to assess critically the discourses that attempt to discipline them. This critical process of engagement is at play in the interaction between an asylum-seeker—whom I will call Nancy—and HABO. A HABO volunteer was preparing Nancy for her CFI when Nancy told her that she had contracted HPV after her husband had already left the country for the U.S., where he was currently living. Throughout the CFI preparation, Nancy and the volunteer talked about the violence Nancy had experienced in her country, how she was constantly harassed by gang members, how dangerous it was to go to work every day, how she had been paying “rent” for so many months to avoid being killed, and a host of other violent experiences that made her fearful to return to her country. However, what Nancy was most afraid of, was that her husband’s family would discover that she had contracted HPV and shun her. Nancy and the volunteer discussed whether it was relevant for her case to mention in the interview that she had contracted an STD through an extramarital relation. Nancy was aware of stereotypes of feminine deviancy, how those who lie are perceived, especially women who cheat on their husbands, and she was also aware of the association of border-crossers with disease—maybe she had been reminded in the *hieleras*. Nancy decided to leave that part of the story out and focus on the violence she experienced (HABO volunteer, interview by author, November 22, 2016). All of the women who cross the border have good reasons for doing so. Nevertheless, volunteers encourage them not to lie about their stories, or exaggerate them, for many reasons.⁸⁶

⁸⁶ For instance, these women will have to repeat that same story during the next couple of years at least, and

Nancy understood that there are international laws that could allow or prevent her entrance to the U.S.; she was also cognizant of the regime of truth requiring her to perform in a particular way to “prove” that both her claim and fear were “real.” Nancy was also aware that she could be punished, or worse, deported, if an asylum officer decided she did not deserve to be in the country. By encouraging the women to perform credibility with respect to their trauma and fear, the system schools them on the performative character of humanitarianism. If practices of freedom involve a critical engagement with coercion, which “requires an awareness of the intertwined character of power and claims of truth” (Valdez 2016a, 24), these women’s hyper-awareness of the controlling discourses that constantly address them and the expectations they must fulfill may result in a critical engagement with these discourses.

Despite the fact that Nancy was held captive in an immigration detention center and needed to prove to the state that she was indeed a “real” asylum-seeker, she was still able to engage reflexively with those constraints. Through the coaching, Nancy realized that performing a “real” asylum-seeker implied avoiding being tagged as a “deviant” woman. This critical engagement with coercion reveals “an awareness of the intertwined character of power and claims of truth” (Valdez 2016, 24). Thus some detained women are able to engage in practices of freedom, even within their condition of confinement, by understanding how the state imagines them, mastering particular performances to please the sovereign and deciding the bodily practices, economy of affect, and particular pieces of information that will be more useful to their case.

inconsistency in the story is usually grounds for denying asylum.

Conclusion

Even though HABO has been working in the detention center for over three years, its work resembles that of a humanitarian organization that intervenes during emergencies. The neoliberal logic of the state leads to flexibility, decentralization, and privatization, which in the case of refugee processing results in punishment that is both willful and born out of neglect and—importantly—does not create the conditions for a fair asylum hearing. This is where HABO enters the contemporary border regime becoming part of the bordering mechanisms, taking the risk that its actions may help legitimize the state enforcement apparatus and operate as a normalizing tool of the state. HABO, and the work it conducts at the border, works simultaneously to reinforce and contest the current immigration regime and neoliberal order. HABO's work illustrates how the different components of the border regime sometimes work at cross purposes.

On the one hand, HABO as an institution works to close the detention center but does not openly advocate for a structural change in the system, contributes to the depoliticization of the refugee situation, and reinforces the existing immigration system rather than contesting it. The sense of urgency HABO workers face in their everyday tasks also contributes to a view of them as emergency workers or first responders. This not only works to the benefit of the system—that is, there is no time to be employed dismantling it—but also fits the neoliberal strategy of declaring emergency states, which, in the case of the border, works to depoliticize its character (Johnson 2013; Ticktin 2016, 263). At the same time, the work HABO conducts at the border, such as the CFI trainings, reinforces the U.S. narrative as hegemonic in two ways. First, through coaching, the

women craft a narrative which displaces U.S. responsibility for the violence in Central America. This reinscribes the U.S.' humanitarian credentials. Second, the CFI coaching is a normalizing tool of the state because it schools women on how to present their stories so that they are read as "desirable" and self-reliant citizens. Through the reinforcement of neoliberal narratives HABO thickens the border in the long term by marking only select subjects as worthy of receiving asylum. The normalization of this population contributes to the neoliberal status quo.

On the other hand, HABO also contests the current neoliberal regime and the immigration system in two ways. By helping the women remain in the U.S.—through CFI coaching—HABO engages in the radical task of enabling people to enter the U.S. at a time of nativist restrictionism (Turhan and Armiero 2017). HABO supports the women who are seeking asylum gain access to the knowledge around the regimes of truth—and thus become "legible" to the state (Scott 1998) as the "good" asylum-seeker—in order to be admitted to the U.S. and granted refugee status. In addition, HABO volunteers bear witness to the asylum-seeking process, collect the testimonies of the women who cross the border, and receive information about the violent conditions of confinement. Without HABO, this information would go unnoticed. Moreover, the same training that may normalize women as "good asylum-seekers" can be seen as highlighting the performative character of this status, thus contributing to women's critical engagement with the discourses they face, that is, incipient practices of freedom. As I showed in Nancy's case, some women understand the performative character of the process and are capable of being critical of narratives of power and regimes of truth. HABO supports the women

who are seeking asylum gain access to the knowledge around the regimes of truth—and thus become “legible” to the state (Scott 1998) as the “good” asylum-seeker—in order to be admitted to the U.S. and granted refugee status. Additionally, through the coaching, women refugees come to understand the violence they have suffered as part of structural processes taking place in their countries, rather than individual problems.

It is important, however, to distinguish between the structural level of critique and the daily experience of women enduring the practices of confinement and surveillance that characterizes refugee processing on the Southwest border. Attending to both levels shows the tension between helping the women cross the border and broader structural changes that need to happen to fight inequality. Even though HABO succumbs to the state production of emergency and provides assistance that eases the workings of the punitive refugee-processing regime, its work at the detention center helping the women cross the border remains paramount.

Chapter 6: Conclusion

The world has become an unrelenting place for those who belong to the Global South and need to cross borders. Anti-immigrant sentiment is being strategically deployed to win elections across the planet—from Brexit to Trump. Xenophobic discourses of threat justify the confinement of asylum-seekers around the globe. From Australian offshore processing centers in Nauru to U.S. detention centers at the southern border, asylum-seekers are punished for seeking a safe haven. Despite having signed agreements that require them to comply with international obligations, and even though refugees are a product of military, economic, political, and social intervention by the West in their regions, Western countries routinely mistreat vulnerable populations that seek asylum. Refugees are viewed as dangerous, polluting, and overall threats to the economy, culture, and health of the receiving state. Accepting asylum-seekers into a country is portrayed as a burden, given the state's responsibility for resettling them if their refugee status is granted. Consequently, in an effort to shield themselves from this population, countries in the Global North have adopted an ever-expanding array of mechanisms to push the border beyond the limits of their territory.

This project formulates a novel approach to understanding frontiers as the result of bordering mechanisms that thicken the border and gradually converge in a Western transnational assemblage that prevents refugees from reaching safe countries. Even

though individual countries' borders are still relevant to those who attempt to cross them, I claim that the thickening of national borders and their convergence in a transnational sovereign assemblage makes it necessary to conceive it as an apparatus to contain people in the Global South. I understand bordering mechanisms as a group of discourses and practices that precede refugees' arrival. Racialized discourses about asylum-seekers emerge from historical, predatory relations between Western countries and refugee-sending countries as well as from the ongoing securitization and criminalization of immigrants, with whom refugees are conflated. These narratives legitimate material practices of bordering that include confinement and punishment at the border. Both narratives and coercive techniques thicken the border for asylum-seekers by depicting them as unfit for refuge. In this way, asylum-seekers leave one form of oppression in their country of origin only to find a different one in Western countries.

A historical analysis of the United States' intervention in Central America, in particular in the Northern Triangle, makes evident the co-constitutive nature of the figure of the refugee and the place of refuge. When the process by which refugee populations come into being becomes dehistoricized, focus shifts from the responsibility of the receiving state and falls instead on the "problem" of refugees. In the case of Central Americans, dehumanizing narratives about the region as violent and lawless reinforces xenophobic stereotypes that criminalize brown migrants in the U.S. These narratives thicken the border because they mark Central American refugees as already threatening—rather than vulnerable—and thus ineligible for asylum.

The racial and gendered experiences of refugees are at work in the temporary holding cells (*hieleras*) at the U.S.-Mexico border, where the criminalizing enforcement system meets the asylum system. In these temporary holding cells, women from the Northern Triangle who seek asylum experience hardship through their encounters with physically and emotionally abusive Border Patrol officers. These cells are designed to confine refugees in conditions of constant surveillance and thus belong to disciplinary forms of power that spatially organize populations. However, once confined in these cells refugee women experience a type of punishment that aligns with sovereign forms of power. Moreover, the sovereign punishment practices that take place in these cells are claimed to work to deter future asylum-seeking populations from arriving in the U.S., i.e., they are an example of biopolitical power. Furthermore, the punishment Central American women experience in the temporary holding cells demonstrates how discourses that conflate the immigrant, the criminal, and the asylum-seeker are articulated through on-the-ground practices. The *hieleras* are testimony to the ways that discourse becomes material. The techniques of border thickening implicit in confinement in the *hieleras* are specifically targeted toward racialized women, who are marked as “deviant” mothers and thus unworthy of asylum.

Confinement as a technique of refugee management is not entirely novel, as a historical examination of the U.S. management of Cuban and Haitian refugees in Guantanamo shows. However, the extension of refugee confinement throughout the Western world is remarkable, and one aspect of the formation of a transnational sovereign assemblage. Australia, the EU, and the United States also use confinement as a

deterrence mechanism for refugees. In addition to confinement, tasking sending countries with controlling exit, locating detention centers off-shore, and the privatization of visa processing centers are all externalization measures designed to thicken borders throughout the West.

Nonprofit organizations are also part of this assemblage. Despite the fact that their commitment and efforts at the border are almost exclusively aimed at helping asylum-seekers, their work can unintentionally reinforce the current refugee regime. The organization I worked with engages in the radical task of helping women of color cross borders, and bears witness to the injustices that take place in the detention center—and thus “thins” the border for refugees. However, and despite the nonprofit organization’s relevance in the lives of the confined women, its presence at the border simultaneously and accidentally strengthens neoliberal logic in two ways: first, by assuming some of the state’s responsibilities for the well-being of asylum-seekers within the detention center; and second, by depoliticizing the refugee question by treating it as an emergency situation rather than understanding the refugee “crisis” as a systemic problem. In addition, the preparation for the credible fear interviews is underpinned by the idea that some refugees are “real” while other are “bogus.” Finally, the way in which the interview is framed reinforces the narrative of U.S. humanitarianism by coaching women to be critical of their countries of origin without connecting the violence in the Northern Triangle to U.S. intervention in the region. My work thus uncovers the ways in which humanitarian work at the border has become yet another one of the bordering techniques that constitute the refugee regime.

Future Directions of this Project

In the introduction, I mentioned how anger and frustration motivated me to pursue this research. These feelings have not dissipated; on the contrary, they have grown with time and increasing knowledge of the extent to which some countries are willing to go to prevent people of color from reaching their shores. For this reason, I would like to further develop this project to support border abolition initiatives. Critically unpacking the articulation between population management and neoliberalism through the exploration of the role of private detention centers in border confinement is key to challenging the existing narrative of “borders as protection.” In addition, a deeper analysis of the role of humanitarian nongovernmental organizations in (gendered) knowledge production in refugee management practices is paramount to disentangling how the system and these organizations are articulated with neoliberal policies, and how these organizations inadvertently reinforce the status quo. Discourses and practices that take place at the border must be the focus of ongoing efforts to address state violence. Scrutinizing bordering mechanisms might be merely an intellectual exercise for some of us, but they have material consequences for the people who flee danger in their home countries only to face it again at the border.

Bibliography

- Abbott, Diane. 2017. "Britain's Brutal Immigration Detention System." *Huffington Post*. Accessed June 12, 2018. https://www.huffingtonpost.co.uk/diane-abbott/immigration-detention_b_17927938.html?guccounter=1.
- Abbott, Kenneth W, and Duncan Snidal. 2009. "The governance triangle: regulatory standards institutions and the shadow of the state." In *The politics of global regulation*, edited by Walter Mattli and Ngaire Woods, 44-88. Princeton, NJ: Princeton University Press.
- Abrego, Leisy J, and Cecilia Menjivar. 2011. "Immigrant Latina mothers as targets of legal violence." *International Journal of Sociology of the Family* 37 (1): 9-26.
- Afeef, Karin Fathimath. 2006. *The politics of extraterritorial processing: Offshore asylum policies in Europe and the Pacific*. Vol. 36, *Working Papers Series*. Oxford: Refugee Studies Centre.
- Agnew, John. 1994. "The territorial trap: the geographical assumptions of international relations theory." *Review of International Political Economy* 1 (1): 53-80.
- Aguilar Umaña, Isabel, and Jeanne Rikkers. 2012. *Violent Women and Violence Against Women: Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. Brussels: Initiative for Peacebuilding and EU.
- Alexander, M. Jacqui, and Chandra Talpade Mohanty. 1997. *Feminist genealogies, colonial legacies, democratic futures, Thinking ge*. New York; London: Routledge.
- Alford, C Fred. 2000. "What would it matter if everything Foucault said about prison were wrong? Discipline and Punish after twenty years." *Theory and Society* 29 (1): 125-146.
- Aliverti, Ana. 2013. *Crimes of Mobility: Criminal Law and Regulation of Mobility*. London: Routledge.
- Americans for Immigrant Justice. 2013. *The 'Hieleras': A Report on Human and Civil Rights Abuses Committed by U.S. Customs and Border Protection Agency*.
- Amnesty International. 2005. *Guatemala. No Protection, No Justice: Killings of Women in Guatemala*. In *Stop Violence Against Women*. London: Amnesty International.
- Amnesty International. 2017. *Four Years on: Humane Solutions to Offshore Detention Exist but Government Chooses Abuse*. Amnesty International.

- Amos, Valerie, and Pratibha Parmar. 1984. "Challenging imperial feminism." *Feminist Review* (17): 3-19.
- Anderson, Bridget, Nandita Sharma, and Cynthia Wright. 2009. "Why no borders?" *Refuge: Canada's Journal on Refugees* 26 (2): 5-18.
- Andersson, Ruben. 2014. *Illegality, Inc.: Clandestine migration and the business of bordering Europe*. Berkeley, CA: University of California Press.
- Andreas, Peter, and Angelica Duran-Martinez. 2013. "The international politics of drugs and illicit trade in the Americas." Watson Institute for International Studies Research Paper No. 2013-05.
- Andreas, Peter, and Ethan Avram Nadelmann. 2008. *Policing the globe: Criminalization and crime control in international relations*. Oxford, UK: Oxford University Press.
- Aradau, Claudia. 2004. "The perverse politics of four-letter words: risk and pity in the securitisation of human trafficking." *Millennium* 33 (2): 251-277.
- Arana, Ana. 2005. "How the street gangs took Central America." *Foreign Affairs* 84 (3): 98-110.
- Argueta, Carla N. 2016. Border security: Immigration enforcement between ports of entry. In *Congressional Research Service*.
- Armenta, Amada. 2017. *Protect, serve, and deport: The rise of policing as immigration enforcement*. Berkeley, CA: University of California Press.
- Ashutosh, Ishan, and Alison Mountz. 2012. "The geopolitics of migrant mobility: tracing state relations through refugee claims, boats, and discourses." *Geopolitics* 17 (2): 335-354.
- Asylum Insight. 2018. Facts and Analysis: Statistics. Australia: Asylum Insight.
- Avilés, William. 2017. *The Drug War in Latin America: Hegemony and Global Capitalism*. New York: Routledge.
- Bacon, Christine. 2005. *The evolution of immigration detention in the UK: the involvement of private prison companies*. Oxford: Refugee Studies Centre Oxford.
- Bagley, Bruce M, and Jonathan D Rosen. 2015. *Drug trafficking, organized crime, and violence in the Americas today*. Gainesville, FL: University Press of Florida.
- Baldacchino, Godfrey, and David Milne. 2006. "Exploring sub-national island jurisdictions: An editorial introduction." *The Round Table* 95 (386): 487-502.
- Baldry, Eileen. 1994. "USA prison privateers: neo-colonists in a southern land." In *Private Prisons and Police: Recent Australian Trends*, edited by Paul Moyle. Leichhardt, NSW: Pluto Press Australia.
- Bale, Rachel. 2013. "Detained Border Crossers May Find Themselves Sent to 'The Freezers'." *The Center for Investigative Reporting*. Accessed April 30, 2018. <https://www.revealnews.org/article/detained-border-crossers-may-find-themselves-sent-to-the-freezers/>.
- Ball, Stephen J. 2016. "Subjectivity as a site of struggle: refusing neoliberalism?" *British Journal of Sociology of Education* 37 (8): 1129-1146.
- Ballantyne, Tony, and Antoinette Burton. 2014. *Empires and the Reach of the Global: 1870-1945*. New York: Belknap Press.

- Barnett, Laura. 2002. "Global governance and the evolution of the international refugee regime." *International Journal of Refugee Law* 14 (2 and 3): 238-262.
- Barrack, L. 2016. Divided by detention asylum-seeking families experiences of separation. In *American Immigration Council*.
- Bartky, Sandra Lee. 1988. "Foucault, femininity, and the modernization of patriarchal power." In *Feminism and Foucault: Reflections on Resistance*, edited by Irene Diamond and Lee Quimby, 61–86. Boston, MA: Northwestern University Press.
- Basaran, Tugba. 2015. "The Saved and the Drowned: Governing Indifference in the Name of Security." *Security Dialogue* 46 (3):205-220.
- Bauman, Zygmunt. 1998. *Globalization: The human consequences*. New York: Columbia University Press.
- BBC. 2017. Undercover: Britain's Immigration Secrets. In *Panorama*.
- Belcher, Oliver, and Lauren L Martin. 2013. "Ethnographies of closed doors: Conceptualising openness and closure in US immigration and military institutions." *Area* 45 (4): 403-410.
- Besley, Tina. 2005. "Foucault, truth telling and technologies of the self in schools." *Journal of Educational Enquiry* 6 (1): 76-89.
- Betts, Alexander. 2013. "The migration industry in global migration governance." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sorensen, 45-63. London: Routledge.
- Beurskens, Kristine, and Judith Miggelbrink. 2017. "Special Section Introduction – Sovereignty Contested: Theory and Practice in Borderlands." *Geopolitics* 22 (4): 749-756. doi: 10.1080/14650045.2017.1373582.
- Bhui, HS. 2013. "The changing approach to child detention and its implications for immigration detention in the UK." *Global Detention Project* 205:23-28.
- Bigo, Didier. 2002. "Security and immigration: toward a critique of the governmentality of unease." *Alternatives* 27 (1): 63-92.
- Billings, Peter. 2011. "Juridical exceptionalism in Australia: law, nostalgia and the exclusion of 'others'." *Griffith Law Review* 20 (2): 271-309.
- Billings, Peter. 2013. "Irregular maritime migration and the Pacific Solution Mark II: back to the future for refugee law and policy in Australia?" *International Journal on Minority and Group Rights* 20 (2): 279-305.
- Border Crossing Observatory. 2017. Australian Border Deaths Database. Australia: Border Crossing Observatory.
- Bosworth, Mary. 2014. *Inside Immigration Detention*. Oxford: Oxford University Press.
- Brady, Mary Pat. 2002. "Quotidian warfare." *Signs: Journal of Women in Culture and Society* 28 (1): 446-447.
- Brambilla, Chiara. 2015. "Exploring the critical potential of the borderscapes concept." *Geopolitics* 20 (1): 14-34.
- Briggs, Laura, Gladys McCormick, and JT Way. 2008. "Transnationalism: A category of analysis." *American Quarterly* 60 (3): 625-648.
- Brown, Wendy. 2010. *Walled states, waning sovereignty*. New York: Zone Books.

- Bruneau, Thomas, Lucía Dammert, and Elizabeth Skinner. 2011. *Maras: gang violence and security in Central America*. Austin, TX: University of Texas Press.
- Burnett, John. 2014. "Amid wave of child immigrants, reports of abuse by border patrol." *National Public Radio*.
- Butler, Judith. 2004. "Precarious life: The powers of violence and mourning." *London & New York: Verso*.
- Butler, Judith, and Athena Athanasiou. 2013. *Dispossession: The performative in the political*. Hoboken, NJ: John Wiley & Sons.
- Byrd, Jodi A. 2011. *The transit of empire: Indigenous critiques of colonialism*. Minneapolis, MN: University of Minnesota Press.
- Cabot, J Anna. 2014. "Problems faced by Mexican asylum seekers in the United States." *Journal on Migration & Hum. Sec.* 2 (4): 361-377.
- Canaday, Margot. 2009. *The straight state: Sexuality and citizenship in twentieth-century America*. Princeton, NJ: Princeton University Press.
- Cannizzaro, Sara, and Reza Gholami. 2018. "The devil is not in the detail: representational absence and stereotyping in the 'Trojan Horse' news story." *Race Ethnicity and Education* 21 (1): 15-29.
- Cantor, Guillermo. 2015. Hieleras (iceboxes) in the Rio Grande Valley sector: Lengthy detention, deplorable conditions, and abuse in CBP holding cells. In *American Immigration Council*.
- Cantor, Guillermo, and Tory Johnson. 2016. Detained, Deceived, and Deported. Experiences of Recently Deported Central American Families. In *American Immigration Council, Special Report*.
- Carpenter, Ted Galen. 2003. *Bad neighbor policy: Washington's futile war on drugs in Latin America*. New York: St. Martin's Press.
- Carrillo, Teresa. 2007. "The Best of Care. Latinas as Transnational Mothers and Caregivers." In *Technofuturos: Critical Interventions in Latina/o Studies*, edited by Nancy Raquel Mirabal and Agustín Laó-Montes, 191-212. Lanham: Lexington Books.
- Casas-Cortes, Maribel, Sebastian Cobarrubias, and John Pickles. 2016. "'Good neighbours make good fences': Seahorse operations, border externalization and extra-territoriality." *European Urban and Regional Studies* 23 (3):231-251.
- Cawley, Marguerite. 2013. "The Mara Women: Gender Roles in CentAm Street Gangs." <https://www.insightcrime.org/news/analysis/centam-street-gangs-reject-rely-on-women-study/>.
- Center for Migration Studies. 2014. Immigration Detention: Behind the Record Numbers. Center for Migration Studies.
- Césaire, Aimé. 2000. *Discourse on colonialism*. New York: NYU Press.
- Chambers, Peter. 2015. "The embrace of border security: maritime jurisdiction, national sovereignty, and the geopolitics of Operation Sovereign Borders." *Geopolitics* 20 (2):404-437.
- Chardy, Alfonso. 2014. "Immigrants Recount Horror of Being Detained in 'Iceboxes' before Transfer to South Florida." *Miami Herald*. Accessed May 16, 2016.

<http://www.miamiherald.com/news/local/community/miami-dade/article1963111.html>.

- Chavez, Leo. 2008a. *The Latino threat: Constructing immigrants, citizens, and the nation*. Stanford, California: Stanford University Press.
- Chavez, Leo R. 2001. *Covering immigration: Popular images and the politics of the nation*. Berkeley, CA: University of California Press.
- Chavez, Leo R. 2008b. "Spectacle in the desert: The Minuteman Project on the US-Mexico border." In *Global vigilantes*, edited by David Pratten and Atreyee Sen, 25-46. United Kingdom: HURST Publishers Ltd.
- Chávez-García, Miroslava. 2006. *Negotiating Conquest: Gender and Power in California, 1770s to 1880s*. Tucson, AZ: University of Arizona Press.
- Chomsky, Noam. 2010. *Hopes and prospects*. Chicago, IL: Haymarket Books.
- Chrisholm, BJ. 2001. "Credible Definitions: A Critique of US Asylum Law's Treatment of Gender-Related Claims." *Howard Law Journal* 44:427-441.
- Cisneros, J David. 2008. "Contaminated communities: The metaphor of" immigrant as pollutant" in media representations of immigration." *Rhetoric & public affairs* 11 (4):569-601.
- Cisneros, Natalie. 2013. "'Alien' Sexuality: Race, Maternity, and Citizenship." *Hypatia* 28 (2):290-306.
- Cisneros, Natalie. 2016. "Resisting 'Massive Elimination': Foucault, Immigration, and the GIP." In *Active Intolerance. Michel Foucault, the Prisons Information Group, and the Future of Abolition*, edited by Perry Zurn and Andrew Dilts, 241-257. London, New York: Palgrave Macmillan.
- Coleman, Mathew. 2008. "US immigration law and its geographies of social control: lessons from homosexual exclusion during the Cold War." *Environment and Planning D: Society and Space* 26 (6):1096-1114.
- Coleman, Mathew, and Austin Kocher. 2011. "Detention, deportation, devolution and immigrant incapacitation in the US, post 9/11." *The Geographical Journal* 177 (3):228-237.
- Collier, Stephen J. 2009. "Topologies of power: Foucault's analysis of political government beyond 'governmentality'." *Theory, Culture & Society* 26 (6):78-108.
- Collyer, Michael. 2012. "Deportation and the micropolitics of exclusion: The rise of removals from the UK to Sri Lanka." *Geopolitics* 17 (2):276-292.
- Conlon, Deirdre, and Nick Gill. 2013. "Gagging orders: asylum seekers and paradoxes of freedom and protest in liberal society." *Citizenship studies* 17 (2):241-259.
- Conlon, Deirdre, and Nancy Hiemstra. 2014. "Examining the everyday micro-economies of migrant detention in the United States." *Geographica Helvetica* 69 (5):335-344.
- Conlon, Deirdre, Nancy Hiemstra, and Alison Mountz. 2017. *Spatial Control: Geographical Approaches to the Study of Immigration Detention*. Geneva, Switzerland: Working Paper 24. Global Detention Project.

- Conlon, Deirdre, Dominique Moran, and Nick Gill. 2013. *Carceral spaces: Mobility and Agency in Imprisonment and Migrant Detention*. Farnham, UK: Ashgate Publishing, Ltd.
- Coutin, Susan Bibler. 2007. *Nations of emigrants: Shifting boundaries of citizenship in El Salvador and the United States*. Ithaca, NY: Cornell University Press.
- Coutin, Susan Bibler. 2010. "Confined within: National territories as zones of confinement." *Political Geography* 29 (4):200-208.
- Coutin, Susan Bibler. 2011. "Falling outside: Excavating the history of Central American asylum seekers." *Law & Social Inquiry* 36 (3):569-596.
- Cruz, José Miguel. 2010. "Central American maras: from youth street gangs to transnational protection rackets." *Global Crime* 11 (4):379-398.
- Cruz, José Miguel, and Nelson Portillo Peña. 1998. *Solidaridad y violencia en las pandillas del gran San Salvador: más allá de la vida loca*. Vol. 9. El Salvador: Uca Editores.
- Dastyari, Azadeh, and Libbey Effeney. 2012. "Immigration detention in Guantánamo Bay (not going anywhere anytime soon)." *Shima: The International Journal of Research into Island Cultures* 6 (2): 49-65.
- Dauvergne, Catherine. 2016. *The New Politics of Immigration and the End of Settler Societies*. Cambridge, UK: Cambridge University Press.
- Davis, Angela Y. 1988. "Racialized punishment and prison abolition." In *A Companion to African-American Philosophy*, edited by Tommy L. Lott and John P. Pitman, 360-369. Oxford: Blackwell Publishing.
- Davis, Angela Y. 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.
- Davis, Angela Y. 2011. *Are prisons obsolete?*: Seven Stories Press.
- Davis, Michael Gill. 1996. *The Cold War, Refugees and US Immigration Policy, 1952-1965*. UMI Dissertation Services.
- de Costa, Caroline. 2016. "How Australia treats refugee women." *Overland. Progressive Culture since 1954*. Accessed June 12, 2018. <https://overland.org.au/2016/10/how-australia-treats-refugee-women/>.
- De Genova, Nicholas. 2013. "Spectacles of migrant 'illegality': the scene of exclusion, the obscene of inclusion." *Ethnic and Racial Studies* 36 (7):1180-1198.
- Deibert, Michael. 2014. *In the Shadow of Saint Death: The Gulf Cartel and the Price of America's Drug War in Mexico*. Lanham, MD: Rowman & Littlefield.
- Department of Justice. 2017. Attorney General Jeff Sessions Gives Key Department of Justice Task Force New Tools to Dismantle MS-13. edited by Office of Public Affairs.
- Detention Watch Network. 2015a. Banking on Detention: Local Lockup Quotas & the Immigrant Dragnet. Detention Watch Network and Center for Constitutional Rights.
- Detention Watch Network. 2015b. Ending the Use of Immigration Detention to Deter Migration. Detention Watch Network.
- Dickinson, Caitlin. 2014. "Detained Immigrant Children Report Physical, Verbal, and Sexual Abuse by Border Patrol Agents." *The Daily Beast*. Accessed December

- 31, 2016. <http://www.thedailybeast.com/articles/2014/06/11/detained-immigrant-children-report-physical-verbal-andsexual-abuse-by-border-patrol-agents.html>.
- Dickson, Andonea. 2015. "Distancing Asylum Seekers from the State: Australia's evolving political geography of immigration and border control." *Australian Geographer* 46 (4):437-454.
- Dietrich, Helmut. 2005. "The Desert Front: EU Refugee Camps in North Africa." *Statewatch News*.
- Dodd, Lindsey. 2013. "'It did not traumatise me at all': childhood 'trauma' in French oral narratives of wartime bombing." *Oral History* 41 (2):37-48.
- Doty, Roxanne Lynne, and Elizabeth Shannon Wheatley. 2013. "Private detention and the immigration industrial complex." *International Political Sociology* 7 (4):426-443.
- Douglas, Karen Manges, and Rogelio Sáenz. 2013. "The Criminalization of Immigrants & the Immigration-Industrial Complex." *Daedalus* 142 (3):199-227.
- Dudley, Steven S. 2010. *Drug trafficking organizations in Central America: transportistas, Mexican cartels and maras, Shared Responsibility*. Mexico: Woodrow Wilson International Center for Scholars.
- Duggan, Lisa. 2003. *The Twilight of Equality: Neoliberalism, Cultural Politics and the Attack on Democracy*. Boston, MS: Beacon Press.
- Edkins, Jenny. 2003. "Humanitarianism, Humanity, Human." *Journal of Human Rights* 2 (2):253-258.
- Edwards, Alice. 2010. "Transitioning gender: Feminist engagement with international refugee law and policy 1950–2010." *Refugee Survey Quarterly* 29 (2):21-45.
- Enloe, Cynthia. 1990. "Womenandchildren : Making feminist sense of the Persian Gulf Crisis." *The Village Voice* 25 (9):19-29.
- Escobar, Arturo. 2011. *Encountering Development: The Making and Unmaking of the Third World*. Princeton, NJ: Princeton University Press.
- Escobar, Martha D. 2016. *Captivity Beyond Prisons: Criminalization Experiences of Latina (Im)migrants*. Austin, TX: University of Texas Press.
- Ettlinger, Nancy. 2018. "Precarity at the Nexus of Governmentality and Sovereignty: Entangled Fields of Power and Political Subjectivity." In *Precarity in the International*, edited by R. Vij, Tahseen Kazi and Eliza Hughes. Basingstoke, UK: Palgrave Macmillan.
- Fassin, Didier. 2007. "Humanitarianism as a Politics of Life." *Public culture* 19 (3):499-520.
- Feagin, Joe R. 2013. *The White Racial Frame: Centuries of Racial Framing and Counter-Framing*. New York: Routledge.
- Feder, J. Lester, Chris Geidner, and Ali Watkins. 2016. "Would-Be Asylum Seekers Are Stuck At Guantanamo Bay." *BuzzFeed News*. Accessed June 12, 2018. https://www.buzzfeed.com/lesterfeder/would-be-asylum-seekers-are-stuck-at-guantanamo-bay?utm_term=.pf7x6jzqXb-.iy3qj9M35B.
- Federal Bureau of Prisons. 2018. Inmate Citizenship. edited by U.S. Department of Justice.

- Feltz, Renee, and Stokely Baksh. 2012. "Business of Detention." In *Beyond Walls and Cages: Prisons, Borders and Global Crisis*, edited by Jenna Loyd, Matt Mitchelson and Andrew Burrigge, 143-151. Athens and London: University of Georgia Press.
- Ferguson, James. 1994. "The anti-politics machine." *The Ecologist* 24 (5):194-227.
- Ferguson, James. 2010. "The Uses of Neoliberalism." *Antipode* 41 (s1):166-184.
- Fleay, Caroline, and Linda Briskman. 2013. "Hidden Men: Bearing witness to mandatory detention in Australia." *Refugee Survey Quarterly* 32 (3):112-129.
- Flores, Lisa A. 2003. "Constructing rhetorical borders: Peons, illegal aliens, and competing narratives of immigration." *Critical Studies in Media Communication* 20 (4):362-387.
- Flynn, Matthew. 2016a. Capitalism and Immigration Control: What Political Economy Reveals about the Growth of Detention Systems. In *Global Detention Project Working Paper: Global Detention Project*
- Flynn, Michael. 2014. "There and Back Again: On the Diffusion of Immigration Detention." *Journal on Migration and Human Security* 2 (3):165-197.
- Flynn, Michael. 2016b. "Detained beyond the sovereign: Conceptualising non-state actor involvement in immigration detention." In *Intimate Economies of Immigration Detention: Critical Perspectives*, edited by Deirdre Conlon and Nancy Hiemstra, 15-31. New York: Routledge.
- Fobear, Katherine. 2015. "'I Thought We Had No Rights'-Challenges in Listening, Storytelling, and Representation of LGBT Refugees." *Studies in Social Justice* 9 (1):102-117.
- Fonow, Mary Margaret, and Judith A Cook. 1991. *Beyond Methodology: Feminist Scholarship as Lived Research*. Bloomington, IN: Indiana University Press.
- Fontes, Anthony. 2010. "Refuge from Femicide: Facing Gendered Violence in Guatemala." Center for Latin American Studies, University of California, accessed May 29, 2018. <https://clas.berkeley.edu/research/human-rights-refuge-femicide-facing-gendered-violence-guatemala>.
- Foucault, Michel. 1977. *Discipline and Punish. The Birth of the Prison*. New York: Pantheon.
- Foucault, Michel. 1978. *The History of Sexuality*. New York: Random House.
- Foucault, Michel. 1980. *Power/knowledge: Selected interviews and other writings, 1972-1977*. New York: Pantheon.
- Foucault, Michel. 1982. "The Subject and Power." In *The Subject and Power*, edited by Hubert L. Dreyfus and Paul Rabinow, 208-229. Chicago, IL: University of Chicago Press.
- Foucault, Michel. 1984. "Practices and Knowledge." In *The Foucault Reader*, edited by Paul Rabinow, 121-256. New York: Pantheon.
- Foucault, Michel. 1988. "Technologies of the Self." In *Technologies of the Self: A Seminar with Michel Foucault*, edited by Luther H Martin, Huck Gutman and Patrick H Hutton, 16-49. Amherst, MA: University of Massachusetts Press.
- Foucault, Michel. 2000. *Ethics: Subjectivity and Truth: the Essential Works of Michael Foucault, 1954-1984*. London: Penguin.

- Frelick, Bill, Ian M Kysel, and Jennifer Podkul. 2016. "The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants." *Journal on Migration & Human Security* 4 (4):190-220.
- Frenzen, Niels. 2010. "US Migrant Interdiction Practices In International And Territorial Waters." In *Extraterritorial Immigration Control (Immigration and Asylum Law and Policy in Europe)*, edited by Bernard Ryan and Valsamis Mitsilegas, 369-390. Leiden/Boston: Martinus Nijhoff Publishers.
- Gammeltoft-Hansen, Thomas. 2013. "The rise of the private border guard: Accountability and responsibility in the migration control industry." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sorensen, 128-151. London: Routledge.
- García Hernández, César Cuauhtémoc. 2015. "Naturalizing Immigration Imprisonment." *California Law Review* 103 (6):1449-1514.
- García, María Cristina. 2006. *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada*. Berkeley, CA: University of California Press.
- Garland, David. 2012. *Punishment and Modern Society: A Study in Social Theory*. Chicago, IL: University of Chicago Press.
- Gibney, Matthew J. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge, UK: Cambridge University Press.
- Gill, Nick. 2016. "Mobility versus liberty? The punitive uses of movement within and outside carceral environments." In *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, edited by Dominique Moran, Nick Gill and Deirdre Conlon, 19-36. London: Routledge.
- Gilmore, Ruth Wilson. 2007. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkely, CA: University of California Press.
- Gleeson, Madeline. 2016. The Australia-Cambodia Refugee Relocation Agreement Is Unique, But Does Little To Improve Protection. In *Migration Policy Institute*.
- Global Detention Project. 2016a. United Kingdom Immigration Detention Profile. Global Detention Project.
- Global Detention Project. 2016b. United States Immigration Detention Profile. Geneva, Switzerland: Global Detention Project.
- Golash-Boza, Tanya, and Pierrette Hondagneu-Sotelo. 2013. "Latino immigrant men and the deportation crisis: A gendered racial removal program." *Latino Studies* 11 (3):271-292.
- Golash-Boza, Tanya. 2009. "A confluence of interests in immigration enforcement: How politicians, the media, and corporations profit from immigration policies destined to fail." *Sociology Compass* 3 (2):283-294.
- Gómez Cervantes, Andrea, Cecilia Menjívar, and William G Staples. 2017. "'Humane' Immigration Enforcement and Latina Immigrants in the Detention Complex." *Feminist Criminology* 12 (3):269-292.
- Gordon, Neve. 2002. "On visibility and power: An Arendtian corrective of Foucault." *Human Studies* 25 (2):125-145.

- Graham, Hilary. 1984. "Surveying Through Stories." In *Social Researching: Politics, Problems, Practice*, edited by Colin Bell and Helen Roberts, 104-124. London: Routledge.
- Greenhill, Kelly M. 2010. *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*. Ithaca, NY: Cornell University Press.
- Grewal, Inderpal, and Caren Kaplan. 1994. *Scattered hegemonies: Postmodernity and transnational feminist practices*. Minneapolis, MN: University of Minnesota Press.
- Grewal, Inderpal, and Caren Kaplan. 2001. "Global identities: Theorizing transnational studies of sexuality." *GLQ: A Journal of Lesbian and Gay Studies* 7 (4):663-679.
- Grewcock, Michael. 2013. "Australia's ongoing border wars." *Race & Class* 54 (3):10-32.
- Grossberg, Lawrence. 1986. "On postmodernism and articulation: An interview with Stuart Hall." *Journal of communication inquiry* 10 (2):45-60.
- Guiraudon, Virginie, and Gallya Lahav. 2000. "A reappraisal of the state sovereignty debate: The case of migration control." *Comparative political studies* 33 (2):163-195.
- Gzesh, Susan. 2006. Central Americans and asylum policy in the Reagan era. In *Migration Policy Institute*.
- Haddad, Emma. 2007. "Danger Happens at the Border." In *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, edited by Prem Kumar Rajaram and Carl Grundy-Warr, 119-136. Minneapolis, MN: University of Minnesota Press.
- Haddad, Emma. 2008. *The Refugee in International Society: Between Sovereigns*. Vol. 106. Cambridge, UK: Cambridge University Press.
- Hall, Alexandra. 2012. *Border Watch: Cultures of Immigration, Detention and Control*. London: Pluto Press.
- Hall, Lisa Kahaleole. 2008. "Strategies of erasure: US colonialism and native Hawaiian feminism." *American Quarterly* 60 (2):273-280.
- Hansen, Thomas Blom, and Finn Stepputat. 2006. "Sovereignty Revisited." *Annual Review Anthropology* 35:295-315.
- Hardt, Michael, and Antonio Negri. 2000. *Empire*. Cambridge, Massachusetts: Harvard University Press.
- Hernández, César Cuauhtémoc García. 2015. "Naturalizing Immigration Imprisonment." *Cal. L. Rev.* 103:1449.
- Hernández-León, Rubén. 2013. "Conceptualizing the Migration Industry." In *The Migration Industry and the Commercialization of International Migration*, edited by Thomas Gammeltoft-Hansen and Ninna Nyberg Sorensen, 24-44. New York: Routledge.
- Herzfeld, Michael. 1993. *The Social Production of Indifference*. Chicago, IL: University of Chicago Press.
- Heyman, Joshia McC. 2014. "'Illegality' and the US-Mexico Border." In *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses*, edited by Cecilia

- Menjívar and Daniel Kanstroom, 111-135. Cambridge, UK: Cambridge University Press.
- Hiemstra, Nancy. 2012. "The US and Ecuador: Is Intervention on the Table?" *NACLA Report on the Americas* 45 (4):20-24.
- Hiemstra, Nancy. 2013. "You don't even know where you are': chaotic geographies of US migrant detention and deportation." In *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention*, edited by Dominique Moran, Nick Gill and Deirdre Conlon, 57-75. Farnham, UK: Ashgate.
- Hiemstra, Nancy. 2014. "Performing homeland security within the US immigrant detention system." *Environment and Planning D: Society and Space* 32 (4):571-588.
- Hirsch, Asher Lazarus, and Cameron Doig. 2018. "Outsourcing control: the International Organization for Migration in Indonesia." *The International Journal of Human Rights*:1-28.
- Hiskey, Jonathan T, Abby Córdova, Diana Orces, and Mary Fran Malone. 2016. Understanding the Central American Refugee Crisis: Why They Are Fleeing and How US Policies Are Failing to Deter Them. In *American Immigration Council*.
- Hoang, Khanh, and Sudrishti Reich. 2017. "Managing crime through migration law in Australia and the United States: a comparative analysis." *Comparative Migration Studies* 5 (1):1-12.
- Hoffman, Peter J, and Thomas G Weiss. 2017. *Humanitarianism, War, and Politics: Solferino to Syria and Beyond*. Lanham, Boulder, New York, London: Rowman & Littlefield.
- Honig, Bonnie. 1998. "Immigrant America? How foreignness" solves" democracy's problems." *Social Text* (56):1-27.
- Huysmans, Jef. 2006. *The Politics of Insecurity: Fear, Migration and Asylum in the EU*. New York/London: Routledge.
- Hyndman, Jennifer. 2000. *Managing Displacement: Refugees and the Politics of Humanitarianism*. Minneapolis, MN: University of Minnesota Press.
- Hyndman, Jennifer. 2007. "The Securitization of Fear in Post-Tsunami Sri Lanka." *Annals of the Association of American Geographers* 97 (2):361-372.
- Hyndman, Jennifer, and Alison Mountz. 2007. "Refuge or Refusal: The Geography of Exclusion." In *Violent Geographies: Fear, Terror, and Political Violence*, edited by Derek Gregory and Allan Pred, 77-92. London: Routledge.
- Hyndman, Jennifer, and Alison Mountz. 2008. "Another Brick in the Wall? Neo-Refoulement and the Externalization of Asylum by Australia and Europe1." *Government and Opposition* 43 (2):249-269.
- ICISS. 2001. The responsibility to protect: report of the International Commission on Intervention and State Sovereignty. International Commission on Intervention and State Sovereignty.
- Ignatius, Sarah, and Deborah E Anker. 1993. *An assessment of the asylum process of the immigration and naturalization service*. Cambridge, MA: National Asylum Study Project.

- Inda, Jonathan Xavier. 2006. *Targeting Immigrants: Government, Technology, and Ethics*. Malden, USA: Blackwell Publishing.
- Infantino, Federica. 2015. *Outsourcing Border Control: Politics and Practice of Contracted Visa Policy in Morocco*. Basingstoke, UK: Palgrave Macmillan.
- International Organization for Migrations. 2017. Mediterranean Migrant Arrivals. IOM.
- Isaacs, Mark. 2017. *The Undesirables: Inside Nauru*. Richmond, Australia: Hardie Grant Publishing.
- Johnson, Amanda Walker. 2013. "'Turnaround' as shock therapy: Race, neoliberalism, and school reform." *Urban Education* 48 (2):232-256.
- Johnson, Corey. 2017. "Competing Para-Sovereignties in the Borderlands of Europe." *Geopolitics* 22 (4):772-793.
- Johnson, Mary Helen. 2006. "National policies and the rise of transnational gangs." *Migration Policy Institute*. Accessed June 11, 2018. <https://www.migrationpolicy.org/article/national-policies-and-rise-transnational-gangs>.
- Jonas, Susanne, and Nestor Rodríguez. 2015. *Guatemala-US Migration: Transforming Regions*. Austin, TX: University of Texas Press.
- Jones, Reece. 2016. *Violent Borders: Refugees and the Right to Move*. New York: Verso Books.
- Kaiser, Robert J. 2012. "Performativity and the Eventfulness of Bordering Practices." In *A Companion to Border Studies*, edited by Thomas M. Wilson and Hastings Donnan, 522-537. West Sussex, UK: Blackwell Publishing.
- Kaneti, Marina, and Mariana Prandini Assis. 2016. "(Re) Branding the State: Humanitarian Border Control and the Moral Imperative of State Sovereignty." *Social Research: An International Quarterly* 83 (2):295-325.
- Kennedy, Edward M. 1981. "Refugee act of 1980." *International Migration Review* 15 (1/2):141-156.
- Klein, Naomi. 2007. *The Shock Doctrine: The Rise of Disaster Capitalism*. Ontario, Canada: Random House.
- Klocker, Natascha, and Kevin M Dunn. 2003. "Who's driving the asylum debate? Newspaper and government representations of asylum seekers." *Media International Australia Incorporating Culture and Policy* 109 (1):71-92.
- Kmak, Magdalena. 2015. "Between citizen and bogus asylum seeker: management of migration in the EU through the technology of morality." *Social Identities* 21 (4):395-409.
- Koh, Harold Hongju. 1994. "America's Offshore Refugee Camps." *Yale Law School* 29 (139):139-175.
- Kothari, Uma. 2002. "Feminist and Postcolonial Challenges to Development." In *Development Theory and Practice: Critical Perspectives*, edited by Uma Kothari and Martin Minogue, 35-51. Basingstoke, UK: Palgrave Macmillan.
- Kothari, Uma. 2005. "Authority and expertise: The professionalisation of international development and the ordering of dissent." *Antipode* 37 (3):425-446.
- Koziol, Michael. 2017. "Asylum seeker on Manus Island found dead." *The Sydney Morning Herald*. Accessed June 12, 2018.

<https://www.smh.com.au/politics/federal/refugee-on-manus-island-found-dead-20170807-gxqq20.html>.

- Kurasawa, Fuyuki. 2009. "A message in a bottle: Bearing witness as a mode of transnational practice." *Theory, Culture & Society* 26 (1):92-111.
- Kwong, Peter. 1997. *Forbidden Workers: Illegal Chinese Immigrants and American Labor*. New York: Free Press.
- Lamble, Sarah. 2013. "Queer necropolitics and the expanding carceral state: Interrogating sexual investments in punishment." *Law and Critique* 24 (3):229-253.
- Lavenex, Sandra. 2006. "Shifting up and out: The foreign policy of European immigration control." *West European Politics* 29 (2):329-350.
- Lê Espiritu, Yen. 2014. *Body Counts: The Vietnam War and Militarized Refugees*. Berkeley, CA: University of California Press.
- Lê Espiritu, Yén. 2017. "Critical Refugee Studies and Native Pacific Studies: A Transpacific Critique." *American Quarterly* 69 (3):483-490.
- Lee, Brianna. 2014. "Child Migrants Report Freezing in 'Icebox' US Border Patrol Centers." *International Business times*. Accessed May 5, 2016. <http://www.ibtimes.com/childmigrants-report-freezing-icebox-us-border-patrol-centers-1646428>.
- Legomsky, Stephen H, and Cristina M Rodriguez. 2009. *Immigration and Refugee Law and Policy*. New York: Foundation Press.
- Leyro, Shirley P. 2013. "Exploring Deportation as a Causal Mechanism of Social Disorganization." In *Outside Justice*, edited by David C. Brotherton, Daniel L. Stageman and Shirley P. Leyro, 133-148. New York: Springer.
- Lillie, Nathan. 2010. "Bringing the offshore ashore: Transnational production, industrial relations and the reconfiguration of sovereignty." *International Studies Quarterly* 54 (3):683-704.
- Lipsky, Michael. 1983. *Street-level Bureaucracy: The Dilemmas of the Individual in Public Service*. New York: Russell Sage Foundation.
- Loescher, Gil. 1996. *Beyond Charity: International Cooperation and the Global Refugee Crisis*. Oxford: Oxford University Press.
- Loescher, Gil, and James Milner. 2003. "The missing link: the need for comprehensive engagement in regions of refugee origin." *International Affairs* 79 (3):595-617.
- Loescher, Gil, and John A. Scanlan. 1998. *Calculated Kindness: Refugees and America's Half-Open Door 1945-Present*. New York: Free Press.
- Long, Clara. 2014. "You Don't Have Rights Here": US Border Screening and Returns of Central Americans to Risk of Serious Harm. Human Rights Watch.
- Longazel, Jamie G. 2013. "Moral panic as racial degradation ceremony: Racial stratification and the local-level backlash against Latino/a immigrants." *Punishment & Society* 15 (1):96-119.
- Longo, Matthew. 2017. "From Sovereignty to Imperium: Borders, Frontiers and the Specter of Neo-Imperialism." *Geopolitics* 22 (4):757-771.
- Longo, Matthew. 2018. *The Politics of Borders: Sovereignty, Security, and the Citizen after 9/11*. Cambridge, UK: Cambridge University Press.
- Lorde, Audre. 1997. "The Uses of Anger." *Women's Studies Quarterly* 25 (1/2):278-285.

- Loyd, Jenna M. 2011. "Carceral Citizenship in an Age of Global Apartheid." *Geography* 30 (3):118-28.
- Loyd, Jenna M, Matt Mitchelson, and Andrew Burrridge. 2013. *Beyond walls and cages: Prisons, borders, and global crisis*. Vol. 14. Athens, GA: University of Georgia Press.
- Lugo-Lugo, Carmen R, and Mary K Bloodsworth-Lugo. 2014. "'Anchor/Terror Babies' and Latina Bodies: Immigration Rhetoric in the 21st Century and the Feminization of Terrorism." *Journal of Interdisciplinary Feminist Thought* 8 (1):1-21.
- Lugones, Maria C, and Elizabeth V Spelman. 1983. "Have we got a theory for you! Feminist theory, cultural imperialism and the demand for 'the woman's voice'." *Women's Studies International Forum* 6 (6):573-581.
- Lui, Robyn. 2002. "Governing refugees 1919-1945." *Borderlands ejournal* 1 (1).
- Luibhéid, Eithne. 2002. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis, MN: University of Minnesota Press.
- Luker, Trish. 2015. "Performance Anxieties: Interpellation of the Refugee Subject in Law." *Canadian Journal of Law and Society/Revue Canadienne Droit et Société* 30 (01):91-107.
- Magner, Tara. 2004. "A less than 'Pacific' solution for asylum seekers in Australia." *International Journal of Refugee Law* 16 (1):53-90.
- Mahler, Sarah J, and Dusan Ugrina. 2006. Central America: crossroads of the Americas. In *Migration Information Source*.
- Mahtani, Minelle, and Alison Mountz. 2002. Immigration to British Columbia: Media representation and public opinion. Research on Immigration and Integration in the Metropolis.
- Malkki, Liisa. 1992. "National geographic: The rooting of peoples and the territorialization of national identity among scholars and refugees." *Cultural anthropology* 7 (1):24-44.
- Mamadouh, Virginie. 2012. "The scaling of the 'Invasion': A geopolitics of immigration narratives in France and The Netherlands." *Geopolitics* 17 (2):377-401.
- Mamdani, Mahmood. 2004. *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*. South Africa: Unisa Press.
- Márquez, John D. 2012. "Latinos as the 'Living Dead': Raciality, expendability, and border militarization." *Latino Studies* 10 (4):473-498.
- Martin, Craig. 2012a. "Desperate mobilities: Logistics, security and the extra-logistical knowledge of 'appropriation'." *Geopolitics* 17 (2):355-376.
- Martin, Lauren L. 2012b. "'Catch and remove': Detention, deterrence, and discipline in US noncitizen family detention practice." *Geopolitics* 17 (2):312-334.
- Martin, Lauren L. 2012c. "Governing through the family: Struggles over US noncitizen family detention policy." *Environment and Planning A* 44 (4):866-888.
- Massey, Douglas S. 2014. "The Racialization of Latinos in the United States." In *The Oxford Handbook of Ethnicity, Crime, and Immigration*, edited by Sandra Bucerius and Michael Tonry, 21-40. Oxford: Oxford University Press.

- Massey, Douglas S, and Karen A Pren. 2012. "Origins of the New Latino Underclass." *Race and Social Problems* 4 (1):5-17.
- Massey, Douglas S, and Magaly Sánchez. 2010. *Brokered Boundaries: Immigrant Identity in Anti-Immigrant Times*. New York: Russell Sage Foundation.
- Matei, Florina Cristiana. 2011. "The Impact of US Anti-gang Policies in Central America: Quo Vadis?" In *Maras. Gang Violence and Security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 197-210. Austin, TX: University of Texas Press.
- Mateo, Joanna. 2011. "Street Gangs of Honduras." In *Maras: Gang Violence and Security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 87-103. Austin, TX: University of Texas Press.
- Mavhunga, Clapperton Chakanetsa. 2011. "Vermin Beings On Pestiferous Animals and Human Game." *Social Text* 29 (1 (106)):151-176.
- McDonald, Jean. 2009. "Migrant Illegality, Nation Building, and the Politics of Regularization in Canada." *Refuge: Canada's Journal on Refugees* 26 (2):65-77.
- McIlwain, Charlton, and Stephen M Caliendo. 2011. *Race Appeal: How Candidates Invoke Race in U.S. Political Campaigns*. Philadelphia, PA: Temple University Press.
- McKenzie, Jaffa, and Reza Hasmath. 2013. "Deterring the 'boat people': Explaining the Australian government's People Swap response to asylum seekers." *Australian Journal of Political Science* 48 (4):417-430.
- McKinnon, S. L. 2009. "Citizenship and the Performance of Credibility: Audiencing Gender-based Asylum Seekers in US Immigration Courts." *Text and Performance Quarterly* 29 (3):205-221. doi: 10.1080/10462930903017182.
- McKinnon, S. L. 2016a. "Necropolitical voices and bodies in the rhetorical reception of Iranian women's asylum claims." *Communication and Critical-Cultural Studies* 13 (3):215-231. doi: 10.1080/14791420.2015.1136066.
- McKinnon, Sara L. 2016b. *Gendered Asylum: Race and Violence in US Law and Politics*. Chicago, IL: University of Illinois Press.
- McLaren, Margaret A. 2002. *Feminism, Foucault, and Embodied Subjectivity*. New York: Suny Press.
- McPherson, Alan. 2016. *A Short History of U.S. Interventions in Latin America and the Caribbean*. Vol. 9. West Sussex, UK: John Wiley & Sons.
- Melloy, Katherine E. 2006. "Telling Truths: How the REAL ID Act's Credibility Provisions Affect Women Asylum Seekers." *Iowa Law Review* 92:637-675.
- Menz, Georg. 2011. "Neo-liberalism, privatization and the outsourcing of migration management: a five-country comparison." *Competition & Change* 15 (2):116-135.
- Menz, Georg. 2013. "The neoliberalized state and the growth of the migration industry." *The Migration Industry and the Commercialization of International Migration*. London and New York: Routledge.
- Meyerowitz, Joanne. 2009. "Transnational sex and US history." *The American historical review* 114 (5):1273-1286.

- Miller, Todd. 2018. "Over 7,000 Bodies Have Been Found at the US-Mexican Border Since the '90s." *The Nation*. Accessed June 12, 2018.
<https://www.thenation.com/article/over-7000-bodies-have-been-found-at-the-us-mexican-border-since-the-nineties/>.
- Mitsilegas, Valsamis. 2010. "Extraterritorial immigration control in the 21st century: The individual and the state transformed." In *Extraterritorial Immigration Control: Legal Challenges*, edited by Bernard Ryan and Valsamis Mitsilegas, 38-64. Leiden/Boston: Martinus Nijhoff Publishers.
- Mongia, Radhika Viyas. 1999. "Race, nationality, mobility: A history of the passport." *Public Culture* 11 (3):527-556.
- Mostafanezhad, Mary. 2013. "The politics of aesthetics in volunteer tourism." *Annals of Tourism Research* 43:150-169.
- Mountz, Alison. 2010. *Seeking asylum: Human Smuggling and Bureaucracy at the Border*. Minneapolis, MN: University of Minnesota Press.
- Mountz, Alison. 2011. "The enforcement archipelago: Detention, haunting, and asylum on islands." *Political Geography* 30 (3):118-128.
- Mountz, Alison, and Linda Briskman. 2012. "Introducing Islands Detentions: The Placement of Asylum-Seekers and Migrants on Islands." *Shima: The International Journal of Research into Island Cultures* 6 (2):21-26.
- Mountz, Alison, Kate Coddington, R Tina Catania, and Jenna M Loyd. 2013. "Conceptualizing detention: Mobility, containment, bordering, and exclusion." *Progress in Human Geography* 37 (4):522-541.
- Mountz, Alison, and Nancy Hiemstra. 2014. "Chaos and crisis: Dissecting the spatiotemporal logics of contemporary migrations and state practices." *Annals of the Association of American Geographers* 104 (2):382-390.
- Mountz, Alison, Richard Wright, Ines Miyares, and Adrian J Bailey. 2002. "Lives in limbo: Temporary protected status and immigrant identities." *Global Networks* 2 (4):335-356.
- Murakami Wood, David. 2007. "Beyond the Panopticon? Foucault and Surveillance Studies." In *Space, Knowledge and Power: Foucault and Geography*, edited by Jeremy W. Crampton and Stuart Elden, 245-263. New York: Routledge.
- Nagar, Richa, and Amanda Lock Swarr. 2010. "Introduction: Theorizing transnational feminist praxis." In *Critical transnational feminist praxis*, edited by Richa Nagar and Amanda Lock Swarr, 1-20. New York: Sunny Press.
- National Immigrant Justice Center. 2017. Detention Bed Quota. National Immigrant Justice Center.
- Neilson, Brett. 2010. "Between Governance and Sovereignty: Remaking the Borderscape to Australia's North." *Local-Global: Identity, Security, Community* 8:124-140.
- Nethery, Amy. 2012. "Separate and invisible: a carceral history of Australian islands." *Shima* 6 (2):85-98.
- Nevins, Joseph. 2010. *Operation Gatekeeper and Beyond: The War On "Illegals" and the Remaking of the U.S. – Mexico Boundary*. London/New York: Routledge.
- Newton, Lina. 2008. *Illegal, alien, or immigrant: The politics of immigration reform*. New York: NYU Press.

- Ngai, Mae M. 2004. *Impossible subjects: Illegal aliens and the making of modern America*. Princeton, NJ: Princeton University Press.
- No Deportations. 2017. Remember the Dead - Justice for the Living - End Immigration Detention Now. No Deportations.
- Norris, Clive. 2003. "From personal to digital: CCTV, the panopticon, and the technological mediation of suspicion and social control." *Surveillance as social sorting: Privacy, risk and digital discrimination*:249-281.
- Nyers, Peter. 1999. "Emergency or Emerging Identities? Refugees and Transformations in World Order." *Millennium* 28 (1):1-26.
- O'Toole, Molly. 2018. "El Salvador's Gangs Are Targeting Young Girls." *The Atlantic*. Accessed May 2, 2018.
<https://www.theatlantic.com/international/archive/2018/03/el-salvador-women-gangs-ms-13-trump-violence/554804/>.
- Olivius, Elisabeth. 2016. "Constructing Humanitarian Selves and Refugee Others: Gender Equality and the Global Governance of Refugees." *International feminist journal of politics* 18 (2):270-290.
- Ong, Aihwa. 2003. *Buddha Is Hiding: Refugees, Citizenship, the New America*. Vol. 11. Berkeley, CA: University of California Press.
- Pallares, Amalia. 2014. *Family Activism: Immigrant Struggles and the Politics of Noncitizenship*. New Brunswick, NJ: Rutgers University Press.
- Parker, Noel, and Rebecca Adler-Nissen. 2012. "Picking and choosing the 'sovereign' border: A theory of changing state bordering practices." *Geopolitics* 17 (4):773-796.
- Parker, Noel, and Nick Vaughan-Williams. 2009. "Lines in the sand? Towards an agenda for critical border studies." *Geopolitics* 14 (3):582-587.
- Parker, Noel, and Nick Vaughan-Williams. 2012. "Critical border studies: Broadening and deepening the 'lines in the sand' agenda." *Geopolitics* 17 (4):727-733.
- Parker, Samuel. 2015. "'Unwanted invaders': The representation of refugees and asylum seekers in the UK and Australian print media." *eSharp* 23:1-21.
- Paskey, Stephen. 2015. "Telling Refugee Stories: Trauma, Credibility and the Adversarial Adjudication of Claims for Asylum." *Santa Clara Law Review* 56 (3):457-530.
- Perera, Suvendrini. 2007. "A Pacific zone?(In) security, sovereignty, and stories of the Pacific borderscape." In *Borderscapes: Hidden Geographies and Politics and Territory's Edge*, edited by Prem Kumar Rajaram and Carl Grundy-Warr, 201-227. Minneapolis, MN: University of Minnesota Press.
- Pickering, Sharon. 2001. "Common sense and original deviancy: News discourses and asylum seekers in Australia." *Journal of Refugee Studies* 14 (2):169-186.
- Pickering, Sharon. 2004. "The production of sovereignty and the rise of transversal policing: People-smuggling and federal policing." *Australian & New Zealand Journal of Criminology* 37 (3):362-379.
- Pierce, Sarah, and Andrew Selee. 2017. *Immigration under Trump: A Review of Policy Shifts in the Year Since the Election*. Migration Policy Institute.

- Pilkington, Ed. 2015. "It Was Cold, Very Cold': Migrant Children Endure Border Patrol 'ice boxes'." *The Guardian*. Accessed May 31, 2016. <http://www.theguardian.com/us-news/2015/jan/26/migrant-children-border-patrol-ice-boxes>.
- Porter, Stephen R. 2016. *Benevolent Empire: US Power, Humanitarianism, and the World's Dispossessed*. Philadelphia, PA: University of Pennsylvania Press.
- Pratt, Geraldine. 2010. "Seeing beyond the State." In *Critical Transnational Feminist Praxis*, edited by Amanda Lock Swarr and Richa Nagar, 65-86. New York: Suny Press.
- Preston, Julia, and Randal C Archibold. 2014. "US Moves to Stop Surge in Illegal Immigration." *New York Times* 20.
- Proost, Ryanne. 2012. "The Racial Impact of the War on Drugs: Mexico's Drug War and the Perception of Mexican Americans in the United States. 1990-2010." Masters, American Studies Program, Utrecht University.
- Provine, Doris Marie. 2008. *Unequal under Law: Race in the War on Drugs*. Chicago, IL: University of Chicago Press.
- Provine, Doris Marie, and Roxanne Lynn Doty. 2011. "The criminalization of immigrants as a racial project." *Journal of Contemporary Criminal Justice* 27 (3):261-277.
- Pruitt, Lesley, Helen Berents, and Gayle Munro. 2018. "Gender and age in the construction of male youth in the European migration "Crisis"." *Signs: Journal of Women in Culture and Society* 43 (3):687-709.
- Pyles, Loretta. 2009. "Neoliberalism, INGO practices and sustainable disaster recovery: A post-Katrina case study." *Community Development Journal* 46 (2):168-180.
- Rajaram, Prem Kumar, and Carl Grundy-Warr. 2007. *Borderscapes: Hidden Geographies and Politics at Territory's Edge*. Vol. 29. Minneapolis, MN: University of Minnesota Press.
- Ramsay, Georgina. 2017. *Impossible Refuge: The Control and Constraint of Refugee Futures*. London, UK: Routledge.
- Ranum, Elin Cecilie. 2011. "Street Gangs of Guatemala." In *Maras: Gang Violence and Security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 71-86. Austin, TX: University of Texas Press.
- Raymond, Janice G. 1979. *The Transsexual Empire*. London: Women's Press.
- Razack, Sherene H. 2017. "Human Waste and the Border: A Vignette." *Law, Culture and the Humanities*:1-13.
- Redden, Molly. 2014. "Why Are Immigration Detention Facilities So Cold?". Accessed May 31, 2016. <http://www.motherjones.com/politics/2014/07/why-are-immigrationice-detention-facilities-so-cold>.
- Redfield, Peter. 2012. "Humanitarianism." In *A Companion to Moral Anthropology*, edited by Didier Fassin, 451-467. Malden, MA: Blackwell.
- Rejali, Darius. 2009. *Torture and Democracy*. Princeton, NJ: Princeton University Press.
- Rettberg, Jill Walker, and Radhika Gajjala. 2016. "Terrorists or cowards: negative portrayals of male Syrian refugees in social media." *Feminist Media Studies* 16 (1):178-181.

- Rieff, David. 2003. *A Bed for the Night: Humanitarianism in Crisis*. New York: Simon and Schuster Paperbacks.
- Riva, Sara. 2017. "Across the border and into the cold: hieleras and the punishment of asylum-seeking Central American women in the United States." *Citizenship Studies* 21 (3):309-326. doi: 10.1080/13621025.2016.1277981.
- Rocha, José Luis. 2011. "Street Gangs of Nicaragua." In *Maras: Gang Violence and Security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 105-120. Austin, TX: University of Texas Press.
- Rodríguez Bolaños, José Alberto, and Jorge Sanabria León. 2007. *Maras and gangs, community and police in Central America*. Guatemala: DEMOSCOPIA S.A.
- Rose, Nikolas. 1999. *Powers of Freedom: Reframing Political Thought*. Cambridge, UK: Cambridge University Press.
- Rudolph, Christopher. 2005. "Sovereignty and Territorial Borders in a Global Age." *International Studies Review* 7 (1):1-20.
- Samers, Michael. 2010. *Migration (Key Ideas in Geography)*. New York: Routledge.
- Sampson, Robyn C. 2013. "Embodied borders: Biopolitics, knowledge mobilisation and alternatives to immigration detention." Masters, La Trobe University.
- Sampson, Robyn C, Sandra M Gifford, and Savitri Taylor. 2016. "The myth of transit: the making of a life by asylum seekers and refugees in Indonesia." *Journal of Ethnic and Migration Studies* 42 (7):1135-1152.
- Sampson, Robyn, Grant Mitchell, and Lucy Bowring. 2011. *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne, Australia: International Detention Coalition.
- Santa Ana, Otto, Juan Moran, and Cynthia Sanchez. 1998. "Awash under a Brown Tide: Immigration Metaphors in California's Public and Print Media Discourse." *Aztlán* 23 (2):137-176.
- Schlund-Vials, Cathy J. 2016. "The Subjects of 1975: Delineating the Necessity of Critical Refugee Studies." *Multi-Ethnic Literature of the United States* 41 (3):199-203.
- Schriro, Dora. 2017. "Weeping in the Playtime of Others: The Obama Administration's Failed Reform of ICE Family Detention Practices." *Journal on Migration & Human Security* 5 (2):452-480.
- Scott, James C. 1998. *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, CT: Yale University Press.
- Seabrook, R. L., and H. Wyatt-Nichol. 2015. "Marginalization and hope: Personal narratives of previously incarcerated mothers." In *Criminalized Mothers, Criminalizing Mothering*, edited by Joanne Minaker and Bryan Hogeveen, 355-372. Bradford, Ontario, Canada: Demeter Press.
- Seelke, Clare R, and Kristin M Finklea. 2010. *US-Mexican Security Cooperation: The Mérida Initiative and Beyond*. Washington DC: Library of Congress. Washington DC Congressional Research Service.
- Seelke, Clare Ribando. 2011a. *Gangs in Central America*. In *Current Politics and Economics of South and Central America*. Washington DC: Library of Congress. Washington DC Congressional Research Service.

- Seelke, Clare Ribando. 2011b. Mérida Initiative for Mexico and Central America: funding and policy issues. In *Current Politics and Economics of the United States, Canada and Mexico*. Washington DC: Library of Congress. Washington DC Congressional Research Service.
- Shuman, Amy, and Carol Bohmer. 2004. "Representing Trauma: Political Asylum Narrative." *Journal of American Folklore* 117 (466):394-414.
- Silverman, Stephanie J, and Evelyne Massa. 2012. "Why Immigration Detention is Unique." *Population, Space and Place* 18 (6):677-686.
- Simes, Jessica T, and Mary C Waters. 2014. "The politics of immigration and crime." In *The Oxford Handbook of Ethnicity, Crime, and Immigration*, edited by Sandra Bucerius and Michael Tonry, 476-478. Oxford: Oxford University Press.
- Simon, Bart. 2002. "The return of panopticism: Supervision, subjection and the new surveillance." *Surveillance & Society* 3 (1).
- Sinha, Anita. 2016. "Arbitrary Detention: The Immigration Detention Bed Quota." *Duke Journal of Constitutional Law & Public Policy* 12 (2):77-121.
- Skodo, Admir. 2017. "How Immigration Detention Compares Around the World." *The Conversation*. Accessed June 10, 2018. <https://theconversation.com/how-immigration-detention-compares-around-the-world-76067>.
- Slack, Jeremy, Daniel E Martinez, Alison Elizabeth Lee, and Scott Whiteford. 2016. "The Geography of Border Militarization: Violence, Death and Health in Mexico and the United States." *Journal of Latin American Geography* 15 (1):7-32.
- Slack, Jeremy, Daniel E Martínez, Scott Whiteford, and Emily Peiffer. 2015. "In Harm's Way: Family Separation, Immigration Enforcement Programs and Security on the US-Mexico Border." *Journal on Migration & Human Security* 3 (2):109-128.
- Smith, Andrea. 2011. "Against the Law: Indigenous Feminism and the Nation-State." *Affinities: A Journal of Radical Theory, Culture, and Action* 5 (1):56-69.
- Smith, Andrea. 2016. "Heteropatriarchy and the three pillars of white supremacy: Rethinking women of color organizing." In *Color of Violence: The Incite! Anthology*, edited by Andrea Lee Smith, Beth E. Richie, Julia Sudbury and Janelle White, 66-74. Durham, NC: Duke University Press.
- Smith, Anna Marie. 2008. "Neoliberalism, welfare policy, and feminist theories of social justice: Feminist Theory Special Issue: Feminist Theory and Welfare." *Feminist Theory* 9 (2):131-144.
- Soguk, Nevzat. 1999. *States and Strangers: Refugees and Displacements of Statecraft*. Vol. 11. Minneapolis/London: University of Minnesota Press.
- Speltini, Giuseppina, and Stefano Passini. 2014. "Cleanliness/dirtiness, purity/impurity as social and psychological issues." *Culture & Psychology* 20 (2):203-219.
- Spergel, Irving A. 1995. *The youth gang problem: A community approach*. New York/Oxford: Oxford University Press.
- Stark, Andrea E Bopp. 1996. "Posttraumatic stress disorder in refugee women: How to address PTSD in women who apply for political asylum under grounds of gender-specific persecution." *Georgetown Immigration Law Journal* 11 (1):167-198.

- Stoler, Ann Laura. 1995. *Race and the Education of Desire. Foucault's History of Sexuality and the Colonial Order of Things*. Durham/London: Duke University Press.
- Stuesse, Angela, and Mathew Coleman. 2014. "Automobility, immobility, altermobility: Surviving and resisting the intensification of immigrant policing." *City & Society* 26 (1):51-72.
- Stumpf, Juliet. 2006. "The The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power." *American University Law Review* 56 (2):367-419.
- Suchland, Jennifer. 2015. *Economies of violence: Transnational feminism, postsocialism, and the politics of sex trafficking*. Durham, NC: Duke University Press.
- Sudbury, Julia. 2005. *Global lockdown. Race, Gender and the Prison Industrial Complex*. New York: Routledge.
- Swanson, Kate. 2013. "Zero tolerance in Latin America: punitive paradox in urban policy mobilities." *Urban Geography* 34 (7):972-988.
- Swarr, Amanda Lock, and Richa Nagar. 2012. *Critical Transnational Feminist Praxis, Praxis: Theory in Action*. Albany, NY: Suny Press.
- Swenson, Haley. 2015. "Anti-Immigration as Austerity Policy: The Rejection of Maternalist Governance in Arizona's SB 1070 Immigration Law." *Feminist Formations* 27 (2):98-120.
- Tagma, Halit Mustafa. 2009. "Homo Sacer vs. homo soccer mom: Reading Agamben and Foucault in the war on terror." *Alternatives* 34 (4):407-435.
- Takei, Carl, Mary Small, C Wu, and J Chan. 2016. Fatal neglect: How ICE ignores death in detention. American Civil Liberties Union, Detention Watch Network, National Immigrant Justice Center.
- Taylor, Savitri. 2005. "The pacific solution or a pacific nightmare: the difference between burden shifting and responsibility sharing." *Asia Pacific Law and Policy Journal* 6 (1):1-43.
- Tempo, Carl J Bon. 2008. *Americans at the gate: The United States and refugees during the Cold War*. Princeton, NJ: Princeton University Press.
- The Migration Observatory. 2017. Immigration Detention in the UK. The Migration Observatory.
- Tickner, Arlene B. 2003. "Colombia and the United States: From counternarcotics to counterterrorism." *Current History* 102 (661):77-85.
- Ticktin, Miriam. 2016. "Thinking beyond humanitarian borders." *Social Research: An International Quarterly* 83 (2):255-271.
- Ticktin, Miriam. 2017. "Invasive Others: Toward a Contaminated World." *Social Research: An International Quarterly* 84 (1):xxi-xxxiv.
- Torres, Rebecca Maria. 2018. "A crisis of rights and responsibility: feminist geopolitical perspectives on Latin American refugees and migrants." *Gender, Place & Culture* 25 (1):13-36.
- Tsourapas, Gerasimos. 2017. "Migration diplomacy in the Global South: cooperation, coercion and issue linkage in Gaddafi's Libya." *Third World Quarterly* 38 (10):2367-2385.

- Tullener, E. 2012. "The Story behind Storytelling: Narrative Skills of Dutch Functionally Illiterate People." Utrecht University.
- Turhan, Ethemcan, and Marco Armiero. 2017. "Cutting the Fence, Sabotaging the Border: Migration as a Revolutionary Practice." *Capitalism Nature Socialism* 28 (2):1-9.
- Turnbull, Sarah. 2016. "Immigration detention and punishment." *Oxford Research Encyclopedia of Criminology and Criminal Justice* 1:1-24.
- Tvedt, Johanna N. 2013. "Accounting for Gender in International Refugee Law: A Close Reading of the UNHCR Gender Guidelines and the Discursive Construction of Gender as an Identity." Master of Arts in International Studies (MAIS), International Studies, University of San Francisco.
- Tyler, Imogen, Nick Gill, Deirdre Conlon, and Ceri Oeppen. 2014. "The business of child detention: charitable co-option, migrant advocacy and activist outrage." *Race & Class* 56 (1):3-21.
- U.S. Border Patrol Policy. 2008. Subject: Detention Standards, Reference No: 08-11267.
- U.S. Customs and Border Patrol. 2016. United States Border Patrol Southwest Family Unite Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016.
- U.S. Customs and Border Protection. 2009. CBP Security Policy and Procedures Handbook, HB1400-02B. edited by U.S. Customs and Border Protection.
- U.S. Department of State. 2017. Proposed Refugee Admissions for Fiscal Year 2018. edited by Refugees Bureau of Population, and Migration.
- UNHCR. 1951. 1951 Refugee Convention Relating to the Status of Refugees. edited by United Nations. Geneva, Switzerland: United Nations High Commissioner for Refugees.
- Valdez, Al. 2011. "The origins of southern California Latino gangs." In *Maras: Gang violence and security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 23-42. Austin, Tx: University of Texas Press.
- Valdez, Inés. 2016a. "Nondomination or Practices of Freedom? French Muslim Women, Foucault, and The Full Veil Ban." *American Political Science Review* 110 (1):18-30.
- Valdez, Inés. 2016b. "Punishment, Race, and the Organization of US Immigration Exclusion." *Political Research Quarterly* 69 (4):640-654.
- Valdez, Inés, Mat Coleman, and Amna Akbar. 2017. "Missing in action: practice, paralegality, and the nature of immigration enforcement." *Citizenship studies* 21 (5):547-569.
- Van Houtum, Henk. 2005. "The geopolitics of borders and boundaries." *Geopolitics* 10 (4):672-679.
- Van Houtum, Henk. 2010. "Human blacklisting: the global apartheid of the EU's external border regime." *Environment and Planning D: Society and Space* 28 (6):957-976.
- Van Houtum, Henk, and Ton Van Naerssen. 2002. "Bordering, ordering and othering." *Tijdschrift voor economische en sociale geografie* 93 (2):125-136.
- Vanden, Harry E. 2014. "Maras, Contragoverned Spaces, and Sovereignty." In *US National Security Concerns in Latin America and the Caribbean*, edited by Gary

- Prevost, Harry E Vanden, Carlos Oliva Campos and Luis Fernando Ayerbe, 81-92. New York: Palgrave Macmillan.
- Vogl, Anthea. 2013. "Telling stories from start to finish: Exploring the demand for narrative in refugee testimony." *Griffith Law Review* 22 (1):63-86.
- Vucetic, Srdjan. 2011. *The Anglosphere: A genealogy of a racialized identity in international relations*. Palo Alto, CA: Stanford University Press.
- Walters, William. 2004. "Secure borders, safe haven, domopolitics." *Citizenship studies* 8 (3):237-260.
- Walters, William. 2010. "Foucault and frontiers: notes on the birth of the humanitarian border." In *Governmentality: Current issues and future challenges*, edited by Ulrich Bröckling, Susanne Susanne Krasmann and Thomas Lemke, 138-164. London, UK: Routledge.
- Watch, Human Rights. 2009. Forced Apart (by the Numbers). Non-citizens Deported Mostly for Nonviolent Offenses. Human Rights Watch.
- Watkins, Josh. 2017. "Bordering Borderscapes: Australia's Use of Humanitarian Aid and Border Security Support to Immobilise Asylum Seekers." *Geopolitics* 22 (4):958-983. doi: 10.1080/14650045.2017.1312350.
- Weber, Leanne, and Sharon Pickering. 2011. *Globalization and borders: Death at the global frontier*. Basingstoke, UK: Palgrave Macmillan.
- Weizman, Eyal. 2011. *The least of all possible evils: Humanitarian violence from Arendt to Gaza*. London, NY: Verso Books.
- Welch, Michael, and Liza Schuster. 2005. "Detention of asylum seekers in the UK and USA: Deciphering noisy and quiet constructions." *Punishment & Society* 7 (4):397-417.
- White, Christopher C. 2014. "Australia's Boatpeople Policy: Regional Cooperation or Passing the Buck?" *Cultural Encounters, Conflicts, and Resolutions* 1 (1):8.
- Whyte, Jessica. 2017. "'Always on Top? The 'Responsibility to Protect' and the persistence of colonialism." In *The Postcolonial World*, edited by J. G. Singh and D. D. Kim, 308-324. UK: Routledge.
- Wiggins, Jenny, and Michael Smith. 2015. "Transfield Services to change name to Broadspectrum as founders sever ties." *The Sydney Morning Herald*. Accessed June 12, 2018. <https://www.smh.com.au/business/transfield-services-to-change-name-to-broadspectrum-as-founders-sever-ties-20150925-gjum0b.html>.
- Williams, Jill M. 2015. "From humanitarian exceptionalism to contingent care: Care and enforcement at the humanitarian border." *Political Geography* 47:11-20.
- Williams, Jill M, and Vanessa A Massaro. 2016. "Managing capacity, shifting burdens." In *Intimate Economies of Immigration Detention: Critical Perspectives*, edited by Deirdre Conlon and Nancy Hiemstra, 87-103. New York: Routledge.
- Wilsher, Daniel. 2012. *Immigration Detention: Law, History, Politics*. Cambridge, UK: Cambridge University Press.
- Wilson, Dean, and Leanne Weber. 2002. "Surveillance, risk and preemption on the Australian border." *Surveillance & Society* 5 (2):124-141.

- Wolf, Sonja. 2011. "Street Gangs of El Salvador." In *Maras: Gang violence and security in Central America*, edited by Thomas Bruneau, Lucía Dammert and Elizabeth Skinner, 43-70. Austin, Tx: University of Texas Press.
- Wolf, Sonja. 2016. "Drugs, violence, and corruption: Perspectives from Mexico and Central America." *Latin American Politics and Society* 58 (1):146-155.
- World Health Organization. 2008. ReliefWeb glossary of humanitarian terms.
- Yamashita, Hikaru. 2015. "New humanitarianism and changing logics of the political in international relations." *Millennium* 43 (2):411-428.
- Yeng, Sokthan. 2013. *The Biopolitics of Race: State Racism and US Immigration*. Lanham ML: Lexington Books.
- Young, Dennis Michael. 2017. "When Refugees are Terrorists: Conceptualizing the Racial Logic of Statelessness." Political Science, Whitman College.
- Zagor, Matthew. 2014. "Recognition and narrative identities: is refugee law redeemable?" In *Allegiance and Identity in a Globalised World*, edited by Fiona Jenkins, Mark Nolan and Kim Rubenstein, 311-330. Cambridge: Cambridge University Press.
- Zagor, Matthew. 2015. "The struggle of autonomy and authenticity: framing the savage refugee." *Social Identities* 21 (4):373-394.
- Zilberg, Elana. 2004. "Fools banished from the kingdom: Remapping geographies of gang violence between the Americas (Los Angeles and San Salvador)." *American Quarterly* 56 (3):759-779.
- Zolberg, Aristide. 2003. "The archaeology of "remote control"." In *Migration control in the North Atlantic World. The evolution of state practices in Europe and the United States from the French Revolution to the Inter-War Period*, edited by Andreas Fahrmeir, Olivier Faron and Patrick Weil, 195-222. New York: Berghahn Books.
- Zolberg, Aristide R. 2006. "Managing a world on the move." *Population and Development Review* 32 (S1):222-253.