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The Making of Crimmigration: The Criminalization of Immigrants

A Thesis

Presented to the Faculty of
The University of San Francisco,
San Francisco, CA

In Partial Fulfillment of the Requirements for the Degree
Master of Arts
In
Migration Studies

By: Dorisa Esparza (Reyes)

May 2021

The Making of Crimmigration: The Criminalization of Immigrants

In Partial Fulfillment of the Requirements for the Degree

MASTER IN MIGRATION STUDIES

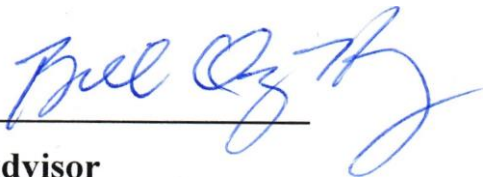
by Dorisa Esparza (Reyes)

May 2020

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.

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Table of Contents

Abstract.....	i
Acknowledgments.....	ii
Titles of Tables.....	iii
Disclaimer.....	iv
Chapter 1: Introductions	
1.1 Research Question.....	3
1.2 Hypothesis.....	3
1.3 Roadmap.....	4
Chapter 2: Literature Review	
1. Crimmigration.....	5
2. Immigration Narrative.....	13
3. The Impact of Criminalizing Immigrants.....	22
3.1 Immigrants as Criminals in the Interior.....	23
3.2 Immigrants as Criminals in the Exterior.....	27
Chapter 4: Data and Methodology	
1. Overview of Data and Methodology.....	33
1.1 Policy Source.....	34
1.2 Immigration Discourse and Critical Discourse Analysis.....	35
1.3 Understanding the Impacts of Criminalizing Immigrants.....	36
Chapter 5: Data Analysis	
1. Crimmigration Policy Analysis.....	36
1.1 The Anti-Drug Abuse Act of 1986 and 1988.....	37
1.2 Immigration Act of 1990.....	37
1.3 The Anti-Terrorism and Effective Death Penalty Act of 1996.....	38
1.4 Illegal Immigration Reform and Immigrant Responsibility Act of 1996.....	39
1.5 Homeland Security Act of 2002.....	40
2. Excerpts of Immigration Narratives Discussed by the Politicians who placed these Laws.....	41
3. Investigating on the Grounds and Researching the Criminalization of immigrants.....	43
3.1 Participant Observation: Deportados Unidos en La Lucha.....	43
3.2 A Closer Look at Detention Centers.....	44
3.3 Psychological Reports on Deportation.....	48
Chapter 6: Findings	
1.1 Connection between Political Speeches and Crimmigration.....	48
1.2 Crimmigration and The Criminalization of Immigrants.....	51
Chapter 7: Discussions and Suggestions	52
Chapter 8: Conclusion	53

Abstract:

For the past decades, immigrants and immigration policies in the United States of America are significant debates. During campaigns, politicians describe their immigration opinion and their immigration solutions. Media coverage also illustrates the fervor on immigration discourse. Immediately, one can argue that immigration discourse has extreme depictions of immigrants. Politicians use polarizing language that can be damaging for the immigrant community in the United States. The criminalization of immigrants was illustrated within the discourse and immigration policies.

This research will analyze the implication of immigration discourse from political actors on the creation of crimmigration policies. Crimmigration policies is defined as the merger of criminal and immigration law (Stumpf, 2015). Crimmigration is a framework that argues immigration law and procedures has intertwined with criminal practices. This research will connect the framing of immigrants from politicians and the development of crimmigration policies. Using, membership theory I argue speeches describing immigrants and crimmigration policies criminalize immigrants and exclude them from the society. For this research, critical discourse analysis will be utilized to connect negative immigration discourse and crimmigration policies. Above all, understanding how crimmigration has impacted the immigrant community is analyzed using literature, participant observation, a case study on the Eloy detention Center, and reviewing psychological reports.

Keywords: Crimmigration, the criminalization of immigrants, deportation, detention, critical discourse analysis, and speech

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Most importantly, this project goes out to my family. Mami, gracias para siempre ser una luchadora. Sin ti, yo no pudiera tener tanta inspiración para seguir in mis sueños. Viniste de Republica Dominicana para tus hijas e hijo, no teníamos mucho pero tu amor es que agradezco más en el mundo. To my siblings, all three of you motivate me to keep reaching for the stars. Rosie and Gissel, thank you for always keeping it real because of you two, I wouldn't be the woman I am today. David, you are a great mentor in navigating graduate school. I am super proud of being your little sister. Thank you for sharing and being vulnerable with me to all those who have come into my life. You all have a role in this accomplishment.

Title of Tables:

Table 1: Sources of Immigration Speeches.....35

Table 2: Subjects that National Detention Standards Covers Under Care and
Activities.....45

Disclaimer:

This paper will use the term 'criminal alien' and, at times, use 'illegal alien'. I do not perpetuate this idea on immigrants. The word criminal and illegal alien is described in legal context. Officials have used this word in their speeches. Since this paper is analyzing immigration policies and political speeches, these terms do come up. The term illegal has profound impacts on people; for the last decade, scholars have changed the word to undocumented to illustrate that people can't be illegal. I agree with this intention of using undocumented. Thus, I disagree with words like illegal and criminal aliens to describe immigrants.

Chapter 1: Introduction

The United States of America is known as the land of immigrants. Our forefathers were descendants of refugees and migrants from the old world. For the most part, immigrants created the United States. However, there seems to be a conflict with America the Great. The United States is known to have excluded specific communities and exploited others. America the Great has a dark history that could be repeating itself. From slavery to the Chinese Exclusion Act at face value, the United States has alienated black and brown bodies.

For the last decades, the number of immigrants deported has increased. Media fervor illustrates a negative view of immigrants. Immigrant communities themselves are articulating their experiences of exclusion. An ex-partner of mine described the feeling of alienation; he was undocumented and brown. To him, cops would stop him for fitting a ‘suspicious background.’ He was only walking. He had trouble accessing work opportunities and even financial aid for his education due to his lack of legal status. Joven was practically raised in the United States, and yet he felt like a criminal. He would joke and say cops would stop me because “I’m walking while I’m brown.”

I asked myself, a daughter of an immigrant if I felt the same way. There are times where I think I had a privileged life. But when I turned on the news and heard what some political commentators said about immigrants, I felt hurt because they spoke about my mom, family, and friends. My home where I gained my second language, where I am receiving an education, can be toxic towards the people who want to admire the country. Since I was born here, I am legally accepted but navigate America through the ethnic and racial lens. My ex-partner and undocumented friends being stopped by the police is a fearful event.

Two years ago, I witnessed the event of a person's removal from their community in the United States because of his legal status. “All Rise,” the immigration judge walks in, and everyone stands to show their respect. In Otay Immigration Court in San Diego, California, I witnessed the court's judgment of a migrant. His crime was dreaming and living in the United States. Both the prosecutor and defense attorney argued their case. The prosecutor claimed that the defendant should not go on bail because he is a flight risk. The defense attorney claimed otherwise and had facts that his client was part of the San Diego community. The defendant seemed stressed and was constrained to feet, legs, and handcuffs. Within an hour, the defendant’s life was c. He had no family ties in San Diego, just friends and employment. To the defendant, his friends are his family, and he has been living in San Diego for over 40 years. The judge was suspicious and sided with the prosecutor and deemed him as a flight risk. The defendant faced two predicaments; he will be held in a detention center for up to six years and then deported. The second is to be let free and have regular checkups at the United States Citizenship and Immigration Services (USCIS). For the defendant, the grim reality was that he would be held in the detention center and be removed.

As I sat there without words, I thought of the people I knew who fear of being deported and removed from their communities. This man was living that fear. On the other side of the border, some people have lived separated from their families. In the American media, these people were considered criminals, ‘immigrant aliens’ who deserved this judgment. My ex-partner, my friends, and the defendant did not show danger to society. So why are they being treated like they endanger the American people?

This question became engraved into my mind, and I wanted to understand this form of criminalizing immigrants. My research project is a multidisciplinary investigation on the

criminalization of immigrants. Laws and the media are two domains that have seemed to discuss the criminalization of immigrants. At prima facie, politicians are vocal of their opinion on immigrants and how they should be managed and use laws to unstill this opinion. For the last few decades, it seems that there is a war on immigrants. Academia is vocal on the criminalization of immigrants. Stumpf (2006) discusses how immigration and criminal law have overlapped each other, and this process has criminalized immigrants; she calls it crimmigration. Others explore how immigrants are framed as criminals (Rojas, 2018). Could there be a possible connection between how politicians and media are communicating immigrants and the rise of the criminalization of immigrants? How do criminalizing immigrants impact their communities?

1.1 Research Question:

Thus, my research question is a two-fold question relating to each other. The first question is, what is the relation of social threat narratives coming from the political sector and crimmigration policies in the United States? With this question, I want to identify social threat narratives that describe immigrants as the "other" and "criminals." If reports describe immigrants as the other than legal policies put it into practice criminalizes them. Secondly, how does the criminalization of immigrants impact their communities? Boldly speaking, one can argue that intersecting immigration and criminal law implements or reinforces a narrative that immigrants are criminals. Consequently, detaining and deporting those who have finished their sentences brands them as indefinite criminals. This practice severs their access to family and their network.

1.2 Hypothesis:

Using an analytical approach, one can argue that the discourse surrounding immigrants coming from political actors has helped develop crimmigration. However, the intersection of criminal and immigration law has occurred because both subject matters tend to include and

exclude people. Thus, both criminal and immigration create categories of excludable people. Membership theory is the ability of governance to contain or exclude people in society. Immigrants are heavily framed as the other, and laws governing them illustrate this tone. In practice, this creates obstacles and shapes the well-being of immigrant communities.

1.3 Roadmap:

This research paper will describe the literature surrounding the concept of crimmigration, the discourse surrounding immigrants, and the well-being of immigrants after crimmigration bills are implemented. My methodology section will be divided into subcategories. In the first section, I will analyze policy reports and explore immigration bills with criminal matters. Secondly, I will use a critical discourse analysis approach to explore the social threat narratives used for immigrants from the political sector. Within this section, analyzing speech and crimmigration laws will illustrate connections between the language surrounding immigrants. Secondly, I will investigate how crimmigration impacts the immigrant communities in the interior and exterior of the country. Finally, I will conclude with my findings.

This research is of importance because it can show how immigrants are excluded from speech and laws. Yet, once deported, we do not hear from immigrants that once lived in the United States. This deportation has an everlasting impact on themselves and their family members' lives. Criminal undertones should not violate immigration laws. This research explores crimmigration in various academic lenses, including legal, social, linguistically, and psychologically.

Chapter 2: Literature review

Before discussing my methodology and data, I will explore and illustrate the scholarship focusing on crimmigration, immigration discourse, and the criminalization of immigrants. My

focus is to understand what is crimmigration and how it was developed. The following objective is to understand the connection between crimmigration and how immigrants are being articulated in popular media. Thus, I will explore literature that describes the importance of studying communication and study the political sphere realm. My research is trying to understand how crimmigration came to be and if political speeches had a role in this development. So, I will review work on how immigrants are being discussed in media and broadly. Crimmigration is looked at through a legal lens, and I would like to see how crimmigration is practiced in the real world. There are three characteristics of crimmigration the laws, the procedural process, and the enforcement. To understand crimmigration in the 'real world' grabbing scholarship on the criminalization of immigration will help understand how it is being practiced.

1. Crimmigration:

The pioneer of the concept of crimmigration is Juliet Stumpf (2006). The scholar defines, discusses the components of crimmigration, and theorizes the subject matter. In the prologue of "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power," Stumpf (2006) broadly introduces detention governance in the United States. In a letter written to upcoming politicians from Campaign HQ, several pleas were elaborated. Issues, such as the "criminalization of immigration law," were broadly discussed and connected to the United States' practices of offshoring our immigration detention camps on a Military basis.

Belize, the Ivory Coast, Israel, and the Mariana Islands all hold immigrants deemed a threat to the United States in detention camps. Within the letter from Campaign HQ, these camps cannot be accessed by human right activist and organizations to check for violations. To them, this led to the riots in 2007 around the world within these confinements. A year before this incident, the discourse on legalizing undocumented folks propelled in the national debate.

Congress had to decide to legalize or to use authoritative power to act against “illegal immigration.” The following year, Congress made all immigration violations criminal actions, and all non-citizens would be deported. The letter describes this action as the criminalization of immigration law and urges the president to recognize this issue that has impacted the lives of long-term residents and non-citizens of the United States.

Stumpf (2006) uses this example to introduce how the United States has reached this point. Scholars before her witnessed the actions of both immigration and criminal law impacting immigrants but have not defined a unifying theory. Usually, they reinstate the dichotomy between the two bodies. The legal scholar argues that criminal law has engulfed immigration law, and the two have overlapped each other. She calls this practice crimmigration “the intersection of immigration and criminal law” (Stumpf, pg. 375. 2006). Crimmigration is observed on three fronts.

First, crimmigration law is overlapped by both immigration and criminal law. For instance, defining criminal grounds as exclusion and removal from the country were noticed—policies, such as the Immigration Act of 1988 and 1990, expanded on aggravated felonies. The Immigration Act of 1990 made removing immigration offenses any crime that has more than five years of imprisonment. Also, the Antiterrorism and Effective Death Penalty Act of 1996 deemed moral turpitude a removable offense. Immigration-related offenses like marrying to evade immigration law, voting as a non-citizen, false identification, and un-lawfully re-entering the U.S were all removable offenses defined in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.

The second component of crimmigration is the enforcement of both laws; they resemble each other. Stumpf (2006) argues that immigration enforcement has significantly reached

criminal enforcement. Previously, the Border Patrol agency had monitored flows in to and out of the country; this governance was transferred to Homeland Security (DHS) in 2002. Under DHS, Immigration Customs Enforcement, and U.S Customs and Border Protection enforce immigration management. To Stumpf (2006) these agencies navigate in a criminal framework. The scholar states, “Border Patrol agents are empowered to conduct surveillance, pursue suspected undocumented aliens, make stops, and effectuate arrests” (Stumpf, pg. 388, 2006). The agents in Border Patrol are trained as a police force and wear uniforms. In 2001, INS started to enter immigration violations in the FBI criminal database. In addition to federal surveillance, state police enforcements have access to the FBI’s database. Thus, state police stopped immigrants for civil violations, further blurring the line between immigration and criminal enforcement.

The third component is procedural similarities. Immigration enforcement includes warrants, arresting, and detaining suspected individuals. Both criminal and immigration laws adhere to the fifth amendment. For immigrants, their removal is a concern of the fifth amendment only. So why are these legal subject matters merging? The reason for these two laws' unification is due to membership theory. Stumpf (pg. 377, 2006) states that it is,

“membership theory, which limits the individual rights and privileges to the members of a social contract between the government and the people, is at work in the convergence of criminal and immigration law.”

Membership theory can include and exclude individuals from society by taking away their rights. Thus, both immigration and criminal law connect since they can classify and define groups of excludable people. To Stumpf (2006), this theoretical lens gave decision-makers the justification for excluding immigrants from society, using legal means. The theory is flexible

and, at times, bends to include and exclude entire communities. Stumpf (2006) explains that immigration law uses membership theory explicitly by creating a set of criteria to determine if the individual can access legal residency and pathway to citizenship.

For criminal law, membership theory is used implicitly; it removes segments of fundamental constitutional rights from individuals who committed criminal offenses. First, it eliminates the individual from society through incarceration. Then, it removes political rights like voting, serving in public office, and acting as a jury. Like immigrants, ex-felons are monitored through registrations.

The difference between the application of membership between criminal and immigration law is, criminal law must provide evidence before removing membership entitlement. In comparison, immigration law assumes that immigrants are not initially part of society. Thus, arriving immigrants are observed as inadmissible and must prove their admittance into the United States of America. For instance, Stumpf (2006) explains that legal residency acts as a “probationary entitlement.” This probationary period does not provide the immigrant the full inclusion into society. Thus, legal residents can be removed from the community. Removing immigrants is observed to be easier than imprisoning citizens. The usage of “clear and convincing” for deportation offenses is lighter than “beyond a reasonable doubt” for criminal offenses.

For crimmigration, membership theory acts as an intersectional buffer, eliminating immigrants' rights by defining their acts as criminal. Civil immigration infractions can also be argued as crimmigration because of the procedural, immigration police like enforcement, and detention of immigrants in a criminal manner. Overall, Stumpf (2006) argues crimmigration is a concept that criminalizes immigrants by using immigration policies and laws.

The practice of separating ‘criminal aliens’ was part of immigration management in the United States. In fact, Cuauhtémoc (2015), agreeing with Stumpf’s definition, argues that the crimmigration characteristics have long been part of the United States immigration policies. The scholar argues that The Page Act of 1875 forbade immigrants with past convictions to enter the United States and excluded anyone who may be perceived to commit “crimes involving moral turpitude.” To Cuauhtémoc (2015), these early manifestations of crimmigration impacted the concept in the twentieth century.

In “Laying the groundwork,” Cuauhtémoc (2019) historically connects ethnic control population and crimmigration. Imprisoning immigrants of color has been noted throughout the United States' history. The foundation of immigration policy in the U.S is based on excluding undesirable people (Cuauhtémoc, pg. 23). He describes how the U.S excluded Asians and how Southern Europeans were also denied to come into the States. Secondly, the U.S created detention centers for these undesirable immigrants in the early twentieth century by creating the concept of Entry Fiction (Cuauhtémoc, p. 25). Cuauhtémoc describes the emergence of entry fiction “as the in-between space in law. It was neither outside nor inside the United States. (p. 25)”. During current times, immigration imprisonment is still racially charged, even though National Quotas have been rescinded. During the Ronald Reagan administration, immigration imprisonment became private, and migrants were socially framed to be criminals. During the Nineteenth Century, the denial and deportation of immigrants are not nearly comparable to the end of the Twentieth century's numbers. Agreeing with Stumpf (2006), the scholar elaborates that immigration policies from the 1980s and beyond have created the climax of blocking and removing immigrants deemed as criminals.

Crimmigration is a relatively new concept that is emerging and taking different avenues. The scholarship surrounding it is emerging with new ways to examine it. For Cuauhtémoc (2019), immigration policies in the United States have historically alienated the racialized other. The subsequent scholars, Menjívar et al. (2018), elaborates on how the emerging topic of crimmigration is expanding globally; they argue that crimmigration scholarship fails to engage race and systemic racism and elaborates how crimmigration has become a money-making machine in a neoliberal world.

Agreeing with Stumpf's (2006) definition of crimmigration, the scholars argue that crimmigration has become globalized, and the United States' version of the concept is the blueprint. The scholars discuss different regions are using United States' crimmigration as a way to manage immigration. The four are the European Union, Australia, the Caribbean, and Latin America. All these regions have similar characteristics to the United States' crimmigration. According to these scholars, these characteristics are "hyper-policing, surveillance, apprehension, and removal of immigrants" (Menjívar et al. 2018, p. 3). For instance, in the European Union, immigration policies are taking on the punitive characteristics of crimmigration. The population impacted by this are the Non-Western European immigrants, mostly coming from North Africa and the Middle East.

Criminality is linked to the 'racialized subject' in the European Union by discourse. Black and brown immigrants in the EU are categorized as criminals during debates, news coverage, and discussions amongst civilians. In the Caribbean, the Dominican Republic is known for notoriously criminalizing Haitian immigrants. The country went so far by revoking the citizenship of four generations of Haitian Dominicans. In Australia, policies like Operation Sovereign Borders criminalize migration mobility by deeming boat migration illegal.

Furthermore, a common practice is outsourcing detention centers to Papua Guinea all in the name of national security (Menjívar et al. 2018; Van Berlo, 2015). In Latin America, Argentina and Venezuela are two countries that are using crimmigration grounds as deportable offenses. Argentina can now deport anyone they suspect to engage in criminal activity. Along Venezuela and the Colombian border, Maduro militarized the border and has linked Colombian immigrants to illegal activity. Crimmigration is being observed around the world. Nation-States are criminalizing immigrants for the sake of protecting their fragile identity.

In the United States, the process of criminalization of immigration is through enacting legislation. For Menjívar et al. (2018), immigration policies beginning in the 1980s was the crimmigration focal point. The Immigration Reform and Control Act of 1986 brought immigrants an amnesty program but simultaneously increased the budget for the Border patrol. In later years, legislative bodies expanded on deportable crimes. Specifically, the Immigration Act of 1990 “turned any violent crime with a sentence of five years or longer into an aggravated felony” (Menjívar et al. 2018 p. 5). The scholars state that every immigrant policy expands on the definition of aggravated felonies and deportable offenses. For instance, an illegal reentry to the country is a felony. This era also brought local enforcement into the world of immigrant policing. With the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996, known for its acronym IIRIRA, immigration, and criminal law was further converged. With the discretion between state and the local municipalities, police officers collaborated with immigrant agents by detaining immigrants with a level 1 offense. Level 1 offenses are prioritized; they include rape, murder, and kidnapping. However, many level 2 offenses which are minor offenses, are still being detained by local police and transferred to ICE officials.

Across the countries, states and cities have fought against this practice and created sanctuary cities policies because of moral and ideological perspectives.

These policies impact the Latino population at large. The scholars state that an overwhelming majority of deportees were Latino men. In 2014, 96 percent of deportees were from Mexico and Central America; 90 percent were men (Menjívar et al. 2018). Boldly speaking, Menjívar et al. (2018), claims that the programs from crimmigration policies like Secure Communities and Priority Enforcement Program are “gendered and racial removal programs”. Latinos are criminalized not only by the legislative framework the social realm has described them as criminals. The scholars include how media portrayal has furthered the criminalization of Latino immigrants.

Latino Bodies are then profited on by creating a market of mass immigration detention centers and deportation. According to the scholars, between 2006 and 2016, almost 3.5 million immigrants were deported. Menjívar et al. (2018), state that a critical feature of crimmigration is the privatization of detention centers. The majority of detention centers are privately owned by the Geo Group Inc and CoreCivic (CCA). These two companies are independent contractors with a multi-million contract with the Department of Homeland Security. Thus, neoliberal policies have created crimmigration as a market.

Furthermore, in *Migrating to Prison* by Cuauhtémoc (2019), the author reinforces this belief and reiterates private detentions are a vital component of crimmigration. Cuauhtémoc (2019) states that “the private prison industry grew alongside immigration imprisonment.” The Reagan Administration was the godfather of this practice. Today, some places rely on immigration detention centers as economic salvation.

Overall, these scholars, among others, examine the concept of crimmigration. All of them believe that immigration and criminal law are integrating. The components of crimmigration are the legal subject, procedural process, and enforcement of immigration control. Membership theory is the underlying cause of crimmigration. In the United States, immigration discourse illustrates how we decide who is worthy of being in society. For the most part, many scholars examine how we frame who is reputed to be included in our community. The following section will review immigration discourse literature. Using critical discourse analysis, scholars examine how the United States has excluded immigrants based on ethnicity, religion, and class schemes.

2. Immigration Narratives:

The media has narrations of immigration and immigrants. In the United States, the mass media approaches immigration in a linear form, good versus bad immigrant. The problem here is who is navigating these discussions and why immigrants are being framed as bad immigrants. Language can create identities; identities form experiences that impact the lives of human beings. For this section of my literature review, I will maneuver through academic work explaining how media discusses topics at large, how immigrants are being framed within media, and how politicians illustrate immigrants. This search on academic work will demonstrate how politicians, a form of media, present their narration or depiction of immigrants and its ties to the forming of crimmigration. Disclaimer, finding literature that ties immigration negative framing and crimmigration was complex. However, many pieces of literature do discuss how immigrants are framed.

First, it is important to note why media needs to be studied and explored. Jürgen Habermas, a social theorist with expertise in communication, dedicated his life to understanding

mass media. The scholar grew up under Nazi Germany and observed how media was being used for propaganda and its impact on the German psyche (Wessler, 2018). He wanted to understand how media was being used. Soon after, he published various books arguing concepts and theories on media. A significant finding of his was the concept of the public sphere and the political public sphere realm. The public sphere is widely used throughout social science and the humanities. To Habermas, “the public sphere is a discursive arena in which citizens discuss matters of common concern” (Wessler, 2018, p. 6). He theorizes that the public sphere is separated from the authoritative (state) and private domains. The private part is places of family and friend life. He includes that the private realm is comprised of the private citizens and can consist of the civil society. On the other hand, the public realm is places like associations, cultural spaces and can include the state. So how do private citizens become part of significant discussions?

The political public sphere is ideal for public opinion circulates, which is compromised by private citizens' opinion gathering in public places. However, Habermas examines it is the opposite. Mass media during the twentieth century was defined as newspaper press and television. The political public sphere can be illustrated in these spaces. Habermas analyzed with the arrival of the newspaper press and television, and there was a form of refeudalization. In other words, elitists colonized the newspaper and tv gaining power over discourses (Wessler, 2018, p.22). He emphasizes “citizens are not generators but mere addressees of communication, only strategically used to secure mass loyalty and mass consumption” (Wessler, 2018, p. 23). Habermas agrees with the idea that communication is not linear, but it can be seen through a bottom-up discussion and top-down persuasion.

The scholar analyzes who is dominating the political public sphere. Using the concept of the center-periphery axis, Habermas connects the flow of dominating opinions within the communication. In the center of the political public sphere are the state and administrative institutions. The state includes the various government branches, the politicians, and the bureaucratic officials. Surrounding the center is known as the output side; it comprises interest groups, economic associations, labor unions, and private organizations. The output helps develop opinions and arguments for discourse. On the outskirts are the private citizens. Habermas argues that communication flow in the political public sphere is not linear but more circular (Wessler, 2018, p. 2015). In summary, communication flow is a circular format and is contributed by various institutions, but the dominating force is elitist opinions. So, how does this connect with immigration discourse?

In "Creating Crimmigration," Cesar Cuauhtémoc Garcia Hernandez gives a historical account of the racial and ethnic criminalization narratives that helped form immigration policies. He also claims crimmigration is synonymous with xenophobic narratives. Before the 1990's Immigration and Naturalization Service did not carry guns, this turn symbolizes the criminalization form of immigration policies. He describes how the criminal system has always had racialized issues and that racial narratives heavily surrounded immigration discourse. From the early twentieth century, anti-Chinese descriptions were illustrated, and there were also anti-Jewish sentiments. In the mid-1960s, with the enactment of the 1965 Immigration Act, the racial and national quotas were diminished. But in the 1970s, Cuauhtémoc claims the emergence of crime as a social threat narrative came from political elites describing immigrants as threats. Furthermore, the politicians began using crime-related drug narratives to push for policies. Thus,

the scholar supports the claims that immigrants' stories have a racial component, categorizing immigrants as a threat.

Newspaper, magazines, and editorials discuss immigration debates and add on to the narrative of immigrant identities. The next scholar contributes to how immigrant framing can alter the minds of the massive. Hassel (2015) used critical discourse analysis to see how immigrants were being framed by media coverage. The scholar compiled news articles discussing immigration from The New York Times, between 1980 to 2011, to transfer it to empirical data. The New York times were purposely selected because it is a common belief that it aligns to the center-left. Hassel (2015) argues if news media discusses immigration in a pessimistic manner, then white voters will swing to the conservative spectrum.

While compiling data, Hassel (2015) found that immigration discourse is four times more likely to be illustrated negatively. Immigrants are associated with cynical news articles and described with unfavorable characteristics. Typically, immigrants were associated with articles relating their dependence on social welfare benefits. Including economic reports illustrated the toll immigrants have on the economy of the United States. Hassel (2015) articulates that immigrants were also associated with criminology articles. The scholar also found that racialized tone immigrants were categorized. In the New York times, immigrants were more likely to be associated with Latinos. Articles discussing other ethnic groups were more likely to be positively framed, while Latinos reported unfavorable characteristics like bringing crime to the communities.

Next, Hassel (2015) checked how this framing of immigration throughout time illustrates their white macro-partnership. Gathering political surveys from CBS/New York Times from the 1980s to 2011, Hassel and the scholar's associates were able to see a trend. From the 1980s and

beyond, White non-Latinos were a good percentage of those who consumed and identified themselves as democrats. Throughout the years, democratic white consumers declined while Republican and Independent voters increased. To find the connection between immigration threat narrative framing and white macro partnership, they tested the relationship with a test diagnostic called the Prais-Winsten AR (1) regression. With the test diagnostic, Hassel's team concluded a link between immigration threat framing and white macro-partnership.

More specifically, Leo Chavez (2008) describes the racialized tone articulated within immigration discourse in the "Latino Threat Narrative." Using a mixed methodology approach, including CDA, Chavez (2008) elaborated on the several framings the media, politicians, and society have created for Latinos. The author found that Latinos are described as immigrants and intersected with illegality. To be concise, Latino immigrants are framed to be criminals, aliens and take advantage of the welfare system (Chavez, 2008). For instance, Chavez (2008), using news headlines, found that Latinos are framed as criminal immigrants and social threats to America.

He dedicates several chapters to how Latino women's bodies are projected in the immigration discourse. In a New York Times article, Latino women were fertile, and birth production factories surpass native white women's birth rates. To Chavez (2008), this description created a threat narrative since white women and Latina women were put in a nation-building racial-ethnic competition. This sentiment directly creates narratives for Latina women children. Chavez (2008) dissects the terms used to classify Latino children in media and political discourse. Conservative politicians have politicized the offspring of Latina women by calling them 'anchor babies'; derogative term meaning a was child purposely born in the United States for birthright citizenship, which relies on the welfare system. Chavez (2008) argues against all

these negative framings of immigrants and Latinos. He debunks the Latino threat narrative by providing empirical evidence on the contrary of these framings. He found that the first Latino generation is less likely to commit crimes. Yet, immigrants are still being framed in this manner.

Immigrants are being framed into stereotypes and metaphors that shape the way they are being treated. Cisneros (2008) argues that metaphors provide a foundation to the ideologies of immigrant identities. He elaborates how other scholars have illustrated various narratives that are discussed in immigration discourse. Overall, the discursive language on immigration is a problem speaking tone. Cisneros (2008) demonstrates that the word immigrant is connected to derogatory stereotypes like criminals, a threat to the nation, and dirty. Studying metaphors is significant because rhetorical theory illustrates how language can be used as a tool that “affects political behavior and cognition” (Cisneros, 2008, p. 570). For instance, Cisneros (2008) acknowledges terms such as “illegal” is not neutral and deprives the humanity of immigrants. Laws are put into place to monitor and deport people without legal status. Thus, the management of immigrants is impacted by the discursive language surrounding immigrants.

Using “immigrant as a pollutant,” Cisneros (2008) explores the rhetorical theory and cognitive science. He does a visual and discursive comparative analysis on how news coverage examines the toxic waste spillage into the Love Canal, New York, in 1975 and how immigrants are being framed in major media outlets during the Bush Jr administration. He explicitly uses both CNN and Fox News to gather immigration discourse. Using Love Canal as a comparison point, the media covered the case as a threat to the population and a ‘public health tragedy.’ Including discussing the long-term effects like cancer and congenital disabilities (Cisneros, 2008, p. 577). The visuals used to cover the event were images of toxic waste being dumped into garbage trucks. Media coverage on immigrants was similar; imagery depicting migrants in the

desert illustrated them disturbing the habitat. Fox News used videos of migrants crossing the border to the United States and described them as a threat. Cisneros (2008) argues the directional, disorganized format of the video can be connected to the Love Canal incident since similar techniques were used. Videos of immigrants walking towards the cameras meant the demographic, cultural, and political contamination.

Cisneros (2008) discusses the consequences of the construction of immigrants as a pollutant. He argues that they're described as dangerous because of their skin color and ethnic difference, "Images of immigrants as dangerous and destruction pollutants dehumanize immigrants by constructing them as threatening substance, denying them agency, and reinforcing common stereotypes. Immigrants' primary identity is marked by their racial difference and illegal migrant status. Their brown bodies are portrayed as dirty and dangerous because of their ethnicity." (Cisneros, 2008, p. 591)

Not only do the images and metaphorical language dehumanizes immigrants, but it also impacts the management of immigration. Cisneros (2008) argues that deportation is then a 'natural response. He connects it to the Love Canal cleaning toxic pollution, and states deportations are a tool that removes unwanted people. Language and image metaphors imply legislative and government solutions. The academic connects the Secure Fence Act of 2006 as a solution from the legislative body to block invaders to the United States. Cisneros (2008) captures how imagery and metaphors describing immigrants can be a dehumanizing tool to govern their bodies.

How does this link to immigration governance? The following scholar argues the foundation of these metaphors and othering narratives. Bajt (2020) describes the foundation of

why immigrants are being represented negatively. She claims that the theory of nationalism is behind the discursive language describing immigrants as a criminal. Her main objective is to link crimmigration and nationalism. Bajt (2020) argues there are no theoretical underpinnings of crimmigration in social schools, except for legal studies. She states that the theory of nationalism should be considered as a component of the development of crimmigration. The theory of nationalism is observed in “discourse and systems of cultural representation” (Bajt, 2020, p. 264). Nationalism is also a political ideology that impacts a nation-state’s laws and practices.

In the article, Bajt (2020) contextualizes the usage of nationalism in the Western world. The scholar describes how there is a fight between humanitarian efforts and punitive measurements. In Europe, images of children drowning in the Mediterranean Sea created a regional dialogue to help migrants. Migrants were being hyper-visualized and were seen as vulnerable people. Yet, there were videos and images of older migrants trying to make it to the European Union. A different tone took hold, and the migrants at sea were not tolerated. The migrants were then seen as threats. According to Bajt (2020), within the boundaries of western states’ immigrants were not accepted and Arab-Muslim immigrants were discussed as a terrorist. A rise in right-wing parties in both Europe and the United States increased crimmigration narratives. Crimmigration narratives, according to Bajt (2020), are xenophobic and paranoia speeches that describe immigrants as a threat. These speeches need to be observed, specifically from the political elite at the local, national, and global levels. The scholar argues that political elites can “facilitate the rise of hate speech, which in turn enables the enactment of crimmigration measures and anti-immigration policies” (pp. 272-273).

These facilitations can be seen as national paranoia, which creates a distinct character to the national body. National paranoia stems from the micro and macro level of collectivism based

on fear and envy: the collective fears the 'other' based on assumptions, stereotypes, and prejudice. According to Bajt (2020), academia on the concept of the 'other' needs to be explored.

Using a case study of the 'other,' Bajt (2020) explains how Europe, specifically Germany became paranoid. During the New Year's Eve of 2015/2016, German women were attacked. German woman is a symbol of the nation, and her body defines the nationalistic boundaries and continuity of the German culture. Thus, media surrounding the events illustrate the intersection of the bodies of German women as borders and nation-state. The suspect was young Muslim men who were turned into the 'other'. They were turned into dangerous others because of their distinct background and ethnic difference (Bajt, 2020). The brown body is then monitored. Bajt (2020) concludes that there are three spaces of national paranoia. The first is what is being said in mainstream media. The second space is the nationalistic discourse occurring in the digital realm, specifically social media platforms. Most importantly, the third space is the dialogue politicians are forming around immigrants. Understanding nationalism and studying speech are essential. Bajt (2020) argues, the creation of dangerous others "makes it possible to tighten asylum and immigration policy, violate migrants' human rights, and militarize the society" (p. 278).

In "Immigration on the War on Crime," Patricia Macias Rojas (2018) discusses how politicians framed immigrants as an active members in a criminal action. The scholar links political immigration rhetoric with the creation of immigration bills. During the 1980s, then-President Ronald Reagan had launched his campaign on the "War on Crime." The campaign was to deter people from committing crimes and consuming drugs, but the prison population had increased over the year. Haitian and Cuban arrivals were politicized and became a problem for the prison overcrowding. For Rojas (2018), the placement of asylum seekers in prison during the

Reagan administration demonstrated their exclusion to society because the government was suspicious of them. Including their suspicion of Cuban and Haitian asylum seekers, they were framed as one of the prison population's problems.

From then on, immigration discourse from politicians became more suspicious. Rojas (2018) connects two crimmigration bills that were created based on doubts of immigrants. The Anti-terrorism and Effective Death of 1996 (AEDPA), proposed by Henry Hyde (R, IL), was created after the nation had experienced the World Trade Center attack of 1993 and the Oklahoma Bombing city of 1995. Many politicians had sided with former Representative Hyde and felt the nation-state security was breached. Discussing the AEDPA of 1996 and proposals like the bill, politicians used terms such as 'terrorist aliens' to elaborate their fear, including Chuck Schumer (D, NY). AEDPA had many repercussions. It limited the due process of criminal and immigration cases.

Along with AEDPA, many politicians focused on the 'criminal alien' and created the IIRIRA of 1996. The crimmigration bill expanded criminal grounds of deportation, limited relief from deportation and detention, intensified both state and federal immigration enforcement. Rojas argues there is a direct link between negative immigration framing and the creation of immigration bills with crimmigration frameworks. The legal framework and the governance of immigration are based on internal and external exclusions of immigrants.

3. The impact of Criminalizing Immigrants:

There is no doubt immigrants are being criminalized by speech, laws, and enforcement. The previous concepts discussed were crimmigration and the discourse surrounding immigration at large. For the last section of this literature review, I will explore the side of immigrants being

criminalized. To do so, I will use crimmigration as a guideline to understand the plea of immigrants. According to Stumpf (2006), there are three components of crimmigration the laws, enforcement, and the procedural similarities of immigration and criminal law. They create several layers of crimmigration. These layers are how immigrants are being treated in immigration courts, detention centers, and deportation proceedings. This project is determined to understand the impacts of immigrants being criminalized. Thus, to understand the trajectory of immigrants being criminalized, I will discuss articles surrounding these components and characteristics of crimmigration. First, I will examine scholarship on the criminalization of immigrants in the interior of the United States. This will include how they are being treated in courts and prison detention centers. Then scholarship on the afterlife of deportation will further our understandings of the impacts. Gathering scholarship around the plea of immigrants will help develop a better understanding of crimmigration and enrich the academic work.

3.1 Immigrants as Criminals in the interior:

The previous academic works describe how immigrants are illustrated as criminals and perceived as a threat to the United States society. The speeches present asylum seekers, refugees, and immigrants in general in a negative perspective. In turn, immigrants can be criminalized. Das (2020) examines how immigrants are defined as “criminal aliens.” The legal scholar focuses on the intersection of criminal and immigration studies. In her recent work, “No Justice in the Shadows,” the scholar advocates for immigrants who have been legally deemed as “criminal aliens”. Within her career, she recounts the stories of her clients going through the crimmigration system. Das's (2020) work is of significance because she states, “it is their humanity that is too often overlooked even by those who seek or build a more humane immigration system.” (p. 9).

The scholar argues that crimmigration creates the “criminal alien” by expanding deportable offenses.

For instance, Das (2020) recounts the trajectory of her client named Ely, a Jamaican immigrant who resided in New York City. Ely came to New York after the implementation of the Immigration and Nationality Act of 1965. His family created a home and was joyful for being in America. Ely got married, started a family, and worked at a paper factory that provided a stable income. However, the landscape of the neighborhood changed after the war on drugs and crime. His father was shot right in front of Ely’s house and became a victim of the war on crime. Ely lost his job and got divorced by his ex-wife. Like so many others, illicit drugs became his comforter, but they later became his colonizer. His drug habits lead him to a dark path, even to the point that he was homeless. Yet, Ely was a fighter; he became sober and lived with his daughter and kids. He managed to get back on his feet.

Unfortunately, years later, Das (2020) became his lawyer to fight for his deportation case. Immigration agents deemed his past dependency on drugs as an offense and felt his actions as deportable. His family fought for him and hired lawyers. The lawyers were able to grant him a deportation removal. Das (2020) explains that cancellation of deportation removal is a form of relief from deportation since he has changed his life around (p.16). The immigration judge reviewed Ely’s case and agreed that he has changed and granted the deportation removal. But this was not a victory for Ely; immigration officials had appealed the judge’s ruling. Ely lived in uncertainty for years, waiting for his court date. In the immigration appellate court, his lawyers once again had to fight for him not to be deported; after all, his initial offense was a minor drug possession that occurred years before. ICE argued that it was a drug trafficking aggravated felony, an offense that made him a severe offender under the lens of immigration.

According to Das (2020), the legal term aggravated felony was created by Congress to detain and deport “criminal aliens” (p. 19). As the years go by, crimes that are aggravated felony is expanded, and so did the interpretation of Immigration judges. ICE claimed that Ely’s minor drug possession offense could be considered as a drug trafficking aggravated felony. The judge was not buying it and could not connect a petty offense to a federal offense. Still, ICE did not back off. Ely had exhausted all his economic resources to pay for lawyers, and a pro bono team was assembled to fight for Ely. Under the NYU School of Law’s Immigration Rights Clinic, Alina Das was able to win Ely’s case in the US Court of Appeals for the Second Circuit. Das (2020) was perplexed by how the judges used words like ‘alien’ to describe Ely. However, the judge did not understand the federal state’s position by equating Ely as a felon. Years of fighting for his case, Ely was able to live in the United States. Still, it does not erase that for years; he was criminalized (Das. 2020, pp. 20-23).

The following narrative describes how immigrants are criminalized and then held in immigration detention centers. Das (2020) elaborates on her client Aba’s experience of being held in an immigration detention center. The day Aba was arrested, she was walking her son, David, to preschool. The scholar painfully explains the events that occurred after. Aba hugged and kissed her son and tells him she will pick him up later. As her son walks into school, moments after, a man and woman wearing vests with “Police” on it called out her name. They held a paper document in which they showed Aba. Lamented on the record was a picture of ABA from eight years ago. Unbeknownst to Aba, the man and woman were ICE agents. The agents handcuffed her and took her to Orange County Correctional Facility.

Das (2020) recites that eight years before her arrest, Aba was pregnant and facing eviction. Aba’s family was going through economic hardship; at the time, she was working for a

small travel agency company. Facing adversity, she decided to take money from the company and pay it back before the company knew. Aba's boss quickly found out that Aba had stolen money. The cops were called, and she had to pay the price. The criminal legal system humanized Aba; here was a mother with a clean record and suffering economic hardship. The criminal court judge did not believe Aba needed to go to jail, she spent the following five years on probation, and she had to repay the company. Aba did, and the case was closed. But years later, ICE agents got a hold of her information, and she was placed in a digital system looking for "criminal aliens". ICE officers then search for the people and put them into immigration detention centers. For Aba, she was lucky to have Das as her lawyer. She was able to get, Aba bond in 2018, and she was released. Some of her other clients were not so lucky. Das elaborates on one of her clients named Paul.

Paul spent years in immigration detention centers. He had a lengthy criminal record compromised of misdemeanors. He found himself in order of removal by ICE. While waiting for his removal, Paul experienced a mental and physical breakdown. Officers within the detention center inhumanely mistreated him. Left and right, he saw his companions being neglected, mistreated, and malnourished. In a violent environment, it affected him. Fortunately, his lawyer, Alina Das, canceled deportation removal and got him out of the immigration detention centers. Das (2020) states that many people in immigration detention centers are there for civil infractions. So why does it feel punitive and harsh?

The legal scholar states, "immigration jails are notorious for abuse, neglect, and punitive sanctions. In other words, they are like prisons" (Das. 2020, pp. 124-125). Many immigration infractions are civil, yet immigrants are being treated in a punitive manner. To Das (2020), the immigration imprisonment system was created for several purposes. One of the purposes is the

usage of immigration imprisonment as deterrence (p. 130). Many immigrants face immigration judges without lawyers. Alone they face detention, not knowing why they are there, many sign papers to be released to their home countries. The motive is so they do not (re)enter the country's interior freely.

According to Das (2020), immigration imprisonment boomed under the Reagan administration, agreeing with Rojas (2016). Refugees from Haiti and Cuba, who were framed as criminals, filled beds in prison. Thus, immigration detention centers were created and later privatized to free up space in the prison complex. The underlining objective was to develop a deterrence amongst refugees. As years go by, “criminal aliens” became an interest to remove them from American society. For Das (2020), the word criminal alien criminalizes immigrants, allowing them to be detained and removed from the country. These stories of her clients explore how immigrants are being penalized in the interior of the country. Ely, Aba, and Paul all had to go through the crimmigration court system, consisting of the criminal and immigration court. They lived in fear of being separated from their family. Their family members, specifically Aba, were overwhelmed emotionally and psychologically. Paul suffered mental losses while in detention. Ely’s drug addiction was criminalized instead of receiving adequate help. Overall, Das (2020) illustrates the trajectory of criminalization and how it impacts their lives.

3.2 Immigrants as Criminal in the Exterior

Crimmigration is not just a national interior issue; it is international. The system creates deportees and forces people to live in their original countries. Deportation is not a momentary event; it affects the lives of immigrants years after. The following scholars explore the impact deportation has on those who were removed from the country. Most academic work will discuss the afterlife of deportation in Latin America. Academic work surrounding deportation favors the

U.S./Latin America context. One can assume that it has to do with the United States deporting so many people into those regions (TracImmigration, 2014). However, the United States deports thousands of people around the world.

These “deportees” are more than their identity of no point of return. Their experience of deportation is of suffering and resilience. From the turn of the century, Central America and Mexico have transitioned to a receiving destination of deportees. Who are these folks and how was their trajectory back to their so-called homeland? Chomsky (2011) describes the path of the criminalized immigrant from detention centers to deported lands. The scholar using an ethnographic approach, articulates the chaos at the U.S/Mexico border. Recent deportees from Mexico are perplexed into an immediate chaotic experience. Some are looking for a way back to their community on the other side of the borders. Others are forced to find a way back to distant Mexican hometowns. The Mexican government plays no role in providing information to the citizen-forced migrants but has outsourced the help to groups like Border Transport. Border Transport helps give rides to the inner regions of the Mexican country. Most rely on civil society that has sprung up to help migrants on the way to the U.S and deportees seeking assistance like Proyecto Kino. What was causing this mass forced migration to the U.S/Mexico border?

Simply put racism (Chomsky, 2011). The scholar elaborates on her encounter with Sal, a border transport worker, a deportee himself from Chicago. The reason for his deportation was jaywalking. Without a doubt, Sal and Chomsky (2011) both acknowledge the police stopped him because of the color of his skin. Many deportees, like Sal, share stories of unjust stops that lead to deportation.

In Central America, the region became a forced destination place to many deportees in the turn of the century. El Salvador, Guatemala, and Honduras were all receiving deportees from

the United States. These people had created a life and a community in the United States but were branded as criminals and removed (Hagan, et. al., 2008). Many had settled into the country and created mixed-status families. Hagan et. al (2008) illustrated in their studies the various family creation in the United States deportees had. Using a mixed-method approach, they found that deportees had been removed from an extended and nuclear family setting. The scholars analyzed the family members had a variety of mixed-legal status family members. Meaning some were documented, undocumented, and some are parents to citizen children. Another analysis is the possibility of not reuniting with their family members because of mobility restrictions and access to mobility.

Furthermore, deportees in Central America face mental and emotional hardship, exclusion from society, and economic hardship (Sørensen, 2010). According to Sørensen (2010), the scholar reports that many deportees in Central America are being ignored. These forced deportees face trauma from the deportation process. Once in their country, they navigate their trauma while dealing with gang violence. Due to the stigma of deportees as criminals, they are alienated by society at large. Sørensen (2010) explains deportees have difficulty entering the job market because of stigma. However, in Central America, deportees provide skills that can diversify the workforce sector. The scholar reports these skills are speaking English, some with higher education, and foreign experience job market.

Similarly, to Sørensen (2010) findings, people deported to the Dominican Republic also had illustrated precarious afterlives. Ceciliano et. al (2018) all observed the lives of Dominican deportees. Many of them have lived in the United States for decades. They created families and were part of their Dominican community in the Tri-State area. Yet, twenty-eight men and the two women deportees found themselves on ICE plane bringing them back to their motherland.

Some have lost their mother tongue, and some forgot how the Dominican Republic looked; some did not want to back. What awaited them was the Dominican Republic's Deportation Unit and the police force. The deportees with immigration infractions were separated from the rest, while those with criminal records were fingerprinted and asked several questions. The Deportation Unit was created to facilitate the re-integration into their society (Ceciliano et. al., 2018). All the deportees were on six-month probation to receive a "Carta de Buena Conducta" to work. Within these six months, the deportees rely on remittances from their families back home.

Ceciliano et. al (2018) brought the perspectives of Dominican deportees by using an ethnographic approach. The scholars observed that the deportees experienced a sense of unfamiliarity towards their homeland, illustrated stress and anxiety over their futures, were believed to be living visibly by state powers, and felt stigmatized because of their deported experience. Many showed a sensation to go back to the United States. This feeling comes from having their families staying in the United States. After the six-month probation period, finding work was difficult for many. Some relied on the informal market like taxi driving, cleaning, painting, and farming to make ends meet. Others with English skills were able to receive employment in call centers. A small group did illustrate not going back to the States since they felt unjustly treated. These people have an economic and social foundation on the island. For instance, the scholars demonstrate Darius's happiness since he was able to see his neighborhood and friends again. Others found the joy of just being in their homeland again after being away from it for many decades, like Paul. However, many did not want to be back on the island. Some like Maxwell were raised in New York and loved their neighborhood. Their family, wives, children, and friends were back in the states. They felt a tremendous loss.

At face value, scholarship surrounding deportation describes it as a gendered experience. Men of color are being deported at high rates. Yet, women are too being impacted by removal. Deportation ethnographic studies illustrate removals to Latin America, although people being removed from the country are sent to other places in the world. The next scholar, Cengal (2014), discusses the trajectory of Cambodian women who fled the Khmer Rouge regime, raised in the United States as refugees, succumbed to drug addiction, and deported to a land that they feared. Cengal (2014) interviewed three women named Kroeung, Pich, and Sany. All women fled Cambodia and received refugee status, along with their family members. All three were later convicted relating to drug offenses. How can it be that refugees who went to the United States be deported?

Refugees should have support, especially surviving a brutal regime. Pich was born in a refugee camp; her mother fled Cambodia after her entire family was killed. Kroeung, without mental health support, relied on drugs and alcohol to cope with her issues. Sany barely spoke of her past in the United States. But in the streets of Long Beach, California, Sany found comfort with gang members. When Cambodian refugees found themselves in the United States, they had to find a way to cope with their experiences and integrate independently. Cengal (2014) argues that the United States did not have an integration system to help refugees. The government neglectfully did not support the Cambodian refugees by not providing support for their needs. Thus, women like Piche, Kroeung, and Sany found themselves in Cambodia still depending on their addiction.

These women needed support. Cengal (2014) describes the Human Rights Watch fighting for thousands like them. According to Cengal (2014), the Human Rights Watch argued in favor of people with refugee status and claimed they should not be deported. The Human Rights Watch

claimed the government failed to provide support, and before the IIRIRA of 1996, people with residency were not deported on criminal grounds. Unfortunately, since these three women are gazed at as underserving many are seen as convicts who will be imprisoned anyway. Cengal (2014) discusses how studies on ‘criminal aliens’ concluded that the Cambodian refugee community has a high recidivism rate. So, by default, they are not given a chance to test this inhumane hypothesis. In the perspective of the nation-state, an immigrant with an addiction is not worthy of being in our country, and they are not respected for support.

Cengal (2014) does describe how gender stereotypes in Cambodia have stigmatized these women. Pinay and Sany are over thirty and unmarried. Women who are older than 30 and available have a hard time acculturating and creating a family. These women are then are isolated and stereotyped. Seen as a criminal in the U.S and stereotyped in a place they do not know is their experiences. Discussing the intersection of gender and deportation creates an in-depth analysis of the impact of criminalizing immigrants. Cengal (2014) emphasizes that a critical analysis of the assessment of refugees with drug addiction in the United States needs to be explored.

Overall, all these academic works describe the afterlife of deportation. Forced deportee migrants exhibit mental and emotional distress. Furthermore, the stress over family connectivity is exacerbated because of distance. Another stressor for deportees is being able to find work. Social alienation occurs in their original country. Many scholars center narratives of deportees usually are from Latino males. Women are deported at a lesser rate than males (Trac Immigration, 2014). Some of the similarities from these academic works is drug-related charges t leads to deportation. In the United States, drug addiction is criminalized for the poor and minority. Instead of criminalizing addiction, should the United States create a rehabilitation

policy that helps everyone within the country's interior? After reading these articles, understanding both the crimmigration system and its impact on immigrants needs to be explored.

Chapter 4: Data and Methodology

1. Overview of Data and Methodology-

This research study is multi-disciplinary work that encompasses the schools of legal and social studies. Crimmigration and the criminalization of immigrants can be observed through the lens of the legal and social realms. Since crimmigration is a legal concept, its impacts can be felt socially. For this research paper, my three objectives are understanding crimmigration, the source of its development, and how it criminalizes immigrants. Thus, for this project, I used a mix-methodological approach with qualitative tools. First, I will be analyzing crimmigration policies, literature, and reports discussing the merger of immigration and criminal law. Then I will see if social threat narratives coming from politicians describing immigrants are an underpinning of crimmigration. To analyze these speeches, I will be using the critical discourse analysis (CDA) approach. Finally, I will explore immigrant narratives of how the criminalization of immigrants has impacted their lives. I use various methods to understand the impacts, like participant observation as a method, reports on a detention center. To include, I will add analyses of psychological reports of deportations. Below is the data gathered and the justification for this data.

1.1 Policy Sources

To understand crimmigration in its totality, several sources need to be analyzed. More academic literature describing crimmigration, including policy review and the actual policies, are further analyzed. The preliminary research describes several immigration bills as the mergers of crimmigration. These policies are the following...

- a. Anti-Drug Abuse Act of 1988
- b. Immigration Act of 1990
- c. The Anti-Terrorism and Effective Death Penalty Act of 1996
- d. Illegal Immigration Reform and Immigrant Responsibility Act of 1996
- e. Homeland Security Act of 2002

These immigration policies are reviewed to understand crimmigration and see the merger of criminal and immigration law practiced. These policies will illustrate the characteristics Stumpf (2015) has described.

1.2 Immigration Discourse and Critical Discourse Analysis:

Politicians created all these policies. Language is a power that allows people to understand their human experiences. Society engulfs language from politicians. Jurgen Habermas calls this form of communication realm the political public sphere (Wessler, 2018). The political public sphere comprises politicians, interest groups (lobbyists), activists, and civilians debating on the topic. Habermas discusses that the top-bottom approach, usually the elites, has the most influence on framing the discourse. Thus, I collected ten immigration discourses deriving from political actors.

The first five political actors discussing immigrants are from five former Presidents. The following five data were gathered from elected legislative officials during these terms. These officials are describing the policies that are addressing crimmigration bills that are discussed above. The legislative officials were chosen because they introduced the crimmigration bills discussed above. Under President Obama's administration, literature describing crimmigration laws is lacking. However, congressional conversation on immigration reform occurred during that time; at the time, Sen. Jeff Sessions (R-AL), commented on immigration

reform. Understanding the senator’s position on immigration under Obama will give an insight into his positionality as former Attorney General under Trump’s administration.

Former Presidents:	Legislative Officials:
President Reagan	Sen. Thomas Foley (D-WA)
President Bush Sr.	Sen. Edward Ted. Kennedy (D-MA)
President Clinton	Sen. Charles W. Young (R-FL)
President Bush Jr.	Sen. Jim Sensenbrenner (R- WI)
President Obama	Sen. Jeff Sessions (R-AL)

Table 1: Sources of Immigration Speeches

Analyzing these speeches in the political sphere realm I, have used critical discourse analyses, a methodology approach created by Norman Fairclough (2010). Critical Discourse Analysis (CDA) is concerned with how language shapes social systems and processes. Norman Fairclough (2018), a pioneer of CDA, describes the basic three properties of CDA; it is relational, dialectical, and transdisciplinary. For Fairclough, CDA focuses on the discursive aspects in producing social wrong by examining the power relations, and injustices language create. CDA will provide a connection between the language describing immigrants and the development of crimmigration.

1.3 Understanding the Impacts of Criminalizing Immigrants:

Since immigrants are depicted as criminals, their lives are on the line. We need to see how the crimmigration system has impacted their lives. Initially, I was supposed to do an ethnographic approach to understand the effects of crimmigration. However, as a new scholar to crimmigration, I do not feel ready and prepared to speak to this community. To replace this data set, I had to be creative. First, I used participant observation by attending meetings for *Deportados Unidos en La Lucha*, CDMX in the Spring of 2020. The organization was created to provide services for deported folks in Mexico. Secondly, I gathered new articles and reports discussing immigrant detention. Thirdly, I further with my literature reviewed

books describing crimmigration experiences. Furthermore, I investigated psychological reports on immigration detention and deportation. Using an investigative, analytical literature review will provide how the criminalization of immigrants under crimmigration has impacted their lives.

Chapter 5: Data Analysis

1. Crimmigration Policy Analysis-

While doing my preliminary literature review, the concept of crimmigration is observed mainly through the legal lens. Legal scholars describe how the idea was solidified from the 1980s and presently (Stumpf, 2006; Cuauhtémoc, 2018). The characteristics of crimmigration are the legal doctrine that describes removal offenses, state and federal criminal proceedings, and the enforcement tactics that indirectly target all immigrants (Cuauhtémoc, 2018). Thus, what immigration and illegal bills have created the crimmigration concept? What are the similarities between these crimmigration bills? And who does it target? For my data analysis, these were the questions I had laying on my mind. Analyzing scholarly work, policies, and policy briefs and reports provides a look into crimmigration. Here I will discuss my observation during my investigation of these policies.

1.1 The Anti-Drug Abuse Act of 1986 and 1988: Detainers and Aggravated Felonies:

In the 1980s, the Reagan Administration focused on the War on Drugs. A rise in drug usage had increased in the United States. Many people affected by drug usage were poor and minority communities. When Len Bias, a basketball player at the University of Maryland, passed away on drug overdose, he became the War on Drugs poster child. The media became obsessed with Len's death; he was a great basketball with a bright future ahead of him. Len overdosed on cocaine. The question of his death brought up who was responsible, was it his former team

players or the “the low-level drug dealer” (Kenworthy et. al., 1986). In response, Reagan’s administration launched a campaign to make sure drugs would not fall into the American youth laps (Cuauhtémoc, 2018).

The Anti- Drug Abuse Act of 1986 (ADAA) was implemented to keep American society clean and safe. But for immigrants, it became the beginning of the legal doctrine of crimmigration. Under the policy, the bridge between the local, state, and federal government solidified with the implementation of “detainers” (Cuauhtémoc, 2018). According to the American Immigration Council (2017), detainers were used to hold immigrants in local jails suspected of committing an immigration infraction; so immigrant officers can receive. Today this practice still applies under the 287(g) programs, which I will discuss later. Two years later, the 1988 bill furthered implemented the crimmigration concept by creating aggravated felonies as a legal definition for federal immigration agents to hold these offenders in detention centers. These offenders were convicted on a criminal charge of murder, drug trafficking, and illicit firearms trafficking (Tooby, & Rollin, n.d.).

1.2 Immigration Act of 1990:

A few years later, President George Bush, Sr; implemented the Immigration Act of 1990. Essentially this policy of law was to curtail family reunification and create a new form of immigration acceptance and management. To the President and political officials, they wanted to develop a selective immigration system that would benefit the economy and the future of America. However, that meant it would exclude unwanted immigrants in the interior of the United States. To do this, political officials and President Bush Sr, expanded the definition of aggravated felony and removal offenses like crimes involving moral turpitude. Five removal categories were created for the deportation of non-citizens. An immigrant can be removed from

the country if they were excluded at the time of entry and status violation. The other four are related to criminal grounds, falsification of documentation, security threat, and public charge (Chisti, & Yale-Loehr, 2016).

1.3 The Anti-Terrorism and Effective Death Penalty Act of 1996:

A few years after implementing the Immigration Act of 1990, the country was a victim of a terrorist attack in Oklahoma City. The event is known as the Oklahoma City Bomb; it propelled political officials to respond in the name of securitization. The response was the Anti-Terrorism and Effective Death Penalty Act of 1996 or AEDPA (Rojas, 2018; Cohen, 2015). The policy's objective was supposed to help from outside security threats, even though Oklahoma City Bombing was a domestic white supremacy terrorist attack.

Under Title IV of AEDPA, several issues relating to ‘terrorist aliens’ and ‘criminal aliens’ were addressed, including expanding the definition of an aggravated felony. Under AEDPA Title IV, ‘aliens’ deemed terrorist inside the United States were considered deportable people. Those migrants seeking asylum and residency in the United States connected with terrorist organizations were also considered inadmissible. The government was placing a black and white way of living for asylum seekers. Furthermore, the AEDPA of 1996 began to address the intention of creating a federal criminal alien record system. The system objective was intended to help federal, state, and local officers to find and detain ‘criminal aliens’. Also, AEDPA expanded detention offenses which included minor offenses. According to the American Civil Liberties Union, crimes that were not punishable by criminal imprisonment can lead to immigration detention while awaiting the immigrant's deportable court case. For instance, we saw this previously in the literature review in Aba’s case. The mother who stole money from a travel company to pay bills. She did not spend time in jail but was detained. Furthermore, the

definition of aggravated felonies also expanded to misdemeanors. AEDPA of 1996 main concern was ‘criminal aliens’. The United States began to illustrate its paranoia by implementing a bill that many believe targeted Muslim immigrants (Beydoun, 2015).

1.4 Illegal Immigration Reform and Immigrant Responsibility Act of 1996:

The Illegal Immigration Reform and Responsibility Act of 1996 is the crimmigration bill that solidified criminal and immigration law. This bill further expanded the definition of aggravated felonies as an immigration-related infraction. The policy allowed immigration infractions as deportable offenses like entering the country and fraudulent documentation. Also placed holds on criminal aliens, they’re subjected to mandatory detention while awaiting their removal deportation proceedings. A significant part of the bill was to manage illegal immigration and providing funding for new agents at the southern border. It is evident in this crimmigration bill that border enforcement is a component of crimmigration. The IIRIRA of 1996 focused on illegal immigration and included that any noncitizen of the United States committing deportable offense can be removed from the country. A vital component of the IIRIRA of 1996 is the delegation of immigration enforcement. The IIRIRA of 1996 enacted the 287(g) program to allow local and state police officers to work with federal immigration officers.

On top of expanding more aggravated felonies definitions and deporting legal residents, the IIRIRA of 1996 also imposed barriers on asylum applications. For instance, it created a filing deadline for asylum seekers within the United States up to one year, if they’re not eligible for exceptions. The following is allowing immigration enforcement officers permitted the discretion of expedited removal. For asylum seekers, this can hurt their access through the initial screening process known as the credible fear interview. Once removed, the individual cannot come back into the country's interior; if they do, they are subjected to federal criminal charges based on re-

entry the country. Under the IIRIRA of 1996, asylum seekers were classified as a migrant population detained under immigration officers while awaiting their asylum hearings (Acer et. al, 2017).

1.5 Homeland Security Act of 2002:

In the aftermath of the 9/11 attack, the United States was ready to reform immigration and delegate new powers to different agencies. The Homeland Security Act of 2002 instituted the Department of Homeland Security to handle immigration management and enforcement. Under the Department of Homeland Security (DHS), the policy combined twenty-two federal agencies into a unified system (DHS, n.d.). Within DHS, one of its core objectives was to manage immigration and replace the Immigration and Naturalization Service agency. Under the DHS, three separate bureaus were created for immigration management. These three are the US Citizenship and Immigration Services (USCIS), US Immigration and Customs Enforcement (ICE), and US Custom Borders Protection (CBP). USCIS administers immigration applications and legal status adjustments. ICE manages the apprehension of unauthorized immigrants and the removal of immigrants in the interior of the country. At the same time, CBP operates the ports of entry and border enforcements (Kerwin, et. al, 2009).

The two major organization relating to crimmigration is the enforcement. The core objective of Custom Border Protection is to secure the nations from security threats and prevent terrorism. Under CBP, Secure Border Initiative (SBI) issued in 2005, was created to implementing border enforcement by patrolling the border physically and upscale virtual technology. The objective was to reduce illegal immigration. The second crimmigration enforcer is Immigration and Customs Enforcement; this agency was established to track, apprehend, detain, and remove immigrants' ties to terrorist and criminal activity. With the establishment of

Secure Communities, ICE was able to work with other law enforcement, from the FBI to local police officers, to help with the ICE tasks (ICE, n.d.).

2. Excerpts of Immigration Narratives discussed by the Politicians who placed these laws:

“Future generations of Americans will be thankful for our efforts to **humanely regain control of our borders** and to thereby preserve the value of one of the most sacred possessions of our people, American
Citizenship” – Ronald Reagan (1986)

“I ask each American to be strong in **your intolerance of illegal drug** use and firm in your commitment to a drug-free America. United, together, we can see to it **that there's no sanctuary for the drug criminals** who are pilfering human dignity and pandering despair.”-Ronald Reagan (1986)

“This bill provides long needed in force and authority. It also credits. The special role of immigrants to America. And it will promote a more competitive economy. Respect for the family unit and **swift punishment for drugs and crime.**”- George Bush Sr (1990)

“All Americans, not only in the States most heavily affected but in every place in this country, are rightly disturbed by the large numbers of **illegal aliens** entering our country.”-Bill Clinton (1995)

“We are a Nation of immigrants. But we are a nation of laws”-Bill Clinton (1995)

“**Illegal immigration** puts pressure on public schools and hospitals; it strains. State and local budgets and **brings crime to our communities.**”- Bush Jr (2006)

“First, we’ll build on our progress at the border with additional resources for our law **enforcement personnel so that they can stem the flow of illegal crossings** and speed the return of those who do cross
over.”-Barack Obama (2014)

“**Now, the fact is we have to deal with the border.** As a nation we have to have a secure border. We have now 500,000 individuals that are coming in here. That is a potential **national security issue. Why? Because not only do we not know who they are**”. -Sen. Ted Kenney (2006)

“Certainly, the largest single fiscal impact of illegal immigrants is the cost to taxpayers of **educating their children, whether U.S. or foreign-born.**”- Sen. Jim Sensenbrenner (2006)

“Our Borders is lull-Absolutely not sure. It is insecure, in crisis. **Our communities are not safe. Preventable crimes are committed everyday** because our laws are not being enforced and our sovereignty at its base level is not being protected...”-Sen. Jeff Sessions (2014)

Understanding speech, language, and communication tools is a complicated manner. For CDA, it gives the scholar the opportunity to synthesis the meaning behind discourses. While observing the “political public sphere”, finding speeches on immigration discourses was challenging to find. To find these speeches and analyze them, I used investigative tools to redirect me to several website pages. For the most part, most speeches derived from C-SPAN, it is a public affair network that provides Americans access to congressional debates, hearings, and official public statements. It also provides the transcripts of the speeches given by the officials. At the top, I offered excerpts of the speeches I coded. In bold letters, it describes similar characteristics of political official’s sentiments relating to social threat narratives. Despite coming from different political parties, all officials’ concerns are ‘illegal’ immigration, border security, criminal activities from immigrants, and the threat of nation-state sovereignty.

Within coding these speeches, I noticed earlier political officials discussed immigration more positively. Reagan and Bush Sr. were aware that immigrants were beneficial for the nation and are part of the American values. Yet, in their speeches, they provide a tone of good verse terrible immigrants. Legal immigrants are perceived for the most part as good immigrants since no laws were broken. Immigrants living without papers were perceived to be ‘illegal’ and a burden to the American society, undermining the nation-state sovereignty. Immigrants who violate immigration and criminal laws are seen as a threat to the United States national security. Plus, immigrants in their speeches are not illustrated as a member of the American community.

For instance, Sen. Jeff Sessions described the burden. Amongst other similarities, politicians reiterated the Southern Border as a problem. The border is characterized as a weak port of entry in the United States. To these politicians, it is a place of crime, illegality, and opposition to the nation. Why is the southern border a major hot topic and not the north?

3. Investigating on the Grounds and Researching the Criminalization of Immigrants:

3.1 Participant Observation: Deportados Unidos En La Lucha CDMX

In the Spring of 2020, pre-pandemic times, I was invited to attend weekly meetings at Deportados Unidos En La Lucha (DUL), located in CDMX, MX. DUL was created by immigrants from the United States who were deported back to Mexico. In my second meeting with DUL, all the members recounted why they were spending their Saturday mornings in an office. Most people shared similar stories; they went to a meeting with ICE officials and were deported immediately. One member was a U.S citizen whose mother was deported and has since relocated to Mexico. Many others had families in the United States, which they miss dearly. Everyone was there to help provide services to newly deportees arriving in Mexico. Since they went through the deportation experiences, DUL was created to help the re-integration process of deportees. They recognized that most deportees had lived in the States for several decades. Once they found themselves in Mexico, it had drastically changed. DUL focused on aiding deportees navigating the bureaucratic process of getting copies of legal documentation, such as birth certificates and identification cards. Also, they provide assistance in transportation from Mexico City to other parts of the country.

During my time with DUL, the organizations created information pamphlets to provide deportees and return immigrants arriving from the United States. Also, a coalition with other organizations in Mexico aiding the deportee migrants and return migrants. The pamphlet would

encompass critical information for deportees and return migrants to adjust back into Mexican society. It was noted that deportees were alienated from Mexican society because of the stigmatization of deportation. Thus, a coalition with other organizations facilitated a support system for deportees and return migrants. My time with DUL was a remarkable experience; here, I learned to listen to the members and learn about the organization's duties. Here I learned that the crimmigration system is complicated. Going to an ICE appointment and being deported immediately based on immigration infractions or accusations of criminal offenses confuses our democracy. The crimmigration system is not a linear series of events of people going to criminal and immigration court and detention. Crimmigration is a complicated system that does not just hurt immigrants with criminal backgrounds; it is a mother who was assumed to be a criminal because of misinformation. Being in DUL provided an insight into how immigrants are being criminalized.

3.2 A Closer look at Detention Centers:

Providing that the crimmigration system detains both immigrants on criminal and immigration infractions and holds asylum seekers in detention centers, an examination of detention centers needed to be investigated. In the spring and summer of 2020, I researched and analyzed reports of one of the most infamous immigration detention centers of the United States, the Eloy Detention Center in Arizona. This detention center is owned by a United States for-profit private prison business called CoreCivic contracted by ICE (Planas, 2016).

Under ICE, all contracted private prisons adhere to the National Detention Standards defined by ICE. The National Detention Standards covers guidance on maintaining the detention centers and defining the rights of people detained (ICE, 2011). For instance, it covers

administration procedures of detention centers and building infrastructure. The NDS guides a standard of care on safety, security, order, care, activities, and justice for detained people.

Care:	Activities:
Food Services	Correspondence and Other Mail
Hunger Strikes	Trips for Non-Medical Emergencies
Medical Care	Marriage Requests
Medical Care (Women)	Recreation
Personal Hygiene	Religious Practices
Significant Self-Harm and Suicide Prevention and Intervention	Telephone Access
Terminal Illness, Advance Directives and Deaths	Visitation
Disability Identification, Assessment, and Accommodations.	Voluntary Work Program

Table 2: Subjects that the National Detention Standards Covers under Care and Activities

The National Detention Standards (NDS) were created to help guide the treatment of immigrants detained in immigration centers. With the NDS guiding detention facilities, they are monitored by the Nakamoto Group who is contracted by ICE to do an annual inspection (Nakamoto Group, n.d.). Nakamoto Group must present detailed facts on how detention centers are handling detainees under NDS.

However, in Eloy Detention Centers, mistreatments of people being detained were reported by two activist organizations comprised of lawyers, family members of detainees in Eloy, and allies. The organizations are called Puentes Movement and Advanced Project National. In a report called “The Carcel State of Arizona,” the organizations using visitation time investigated mistreatments of detainees. Staff from Advanced Project National were able to investigate the detention center by having a stakeholder visit. First, this group describes the difficulty of visiting the facility. Together with the two organizations- they requested three times to visit but were denied twice. On the third try, Advanced Project was able to receive a one-day stakeholder visitation. The purpose of the visitation was to interview the staff members and those

detained in the facility. For their report, the lawyers and members were only able to interview sixteen incarcerated people in Eloy.

Once in Eloy Detention Center, Advanced Project National was able to verify if it complies with the National Detention Standards. According to their report, the facility has a maximum capacity of 1,596 people. At the time of the report, in 2018, Eloy held 1,056 men and 494 women, in total 1,550 people. Almost over the detention center's operating capacity. The Eloy Detention Center employs 332 CoreCivic Staff, 100 ICE agents, 70 medical staff, and 10 food staff from a non-governmental organization called Trinity Services (Alacantara, et.al, 2018). The medical staff comprises doctors, nurses, dentists, social workers, one psychologist, and one psychiatrist. Once in Eloy Detention Center, Advanced Project National was able to verify if it complies with the National Detention Standards.

The interviews of the people detained illustrated that there is mistreatment that occurs in the Eloy Detention Center. According to the detainees, the food that is provided is old and moldy. The drinking water is contaminated; the detainees noted that worms come out of the water pipelines. It was also illustrated that sometimes the detainees could only shower twice a week. According to NDS, Medical Care for Women, the facility is not allowed to hold women whose pregnancy is more advanced than two months. However, the Advancement Project noted that there were women who were eight months pregnant at Eloy. The pregnant women noted that the food they received was not nutritious enough for a healthy pregnancy. The report also noted that detainees have issues accessing communication resources; for example, they have trouble receiving and sending mail. Another violation of the NDS is detainees did not receive an initial medical inspection.

Antonio, a detainee, described how he received inadequate health service. For instance, Antonio is required to have a soft diet because of stomach issues. No one listened to the order, and it resulted in him having a colostomy bag surgery. After this, Eloy refused to do post-surgery therapy, which caused Antonio to undergo surgery for his gallbladder. Antonio also describes that he could not see his family during this time. He was also placed in solitary confinement for six months since he was a hunger strike participant (Alacantara, et.al, 2018).

This report also discussed the death of Jose de Jesus on May 20, 2015. According to Eloy detention center and ICE (2015) reports, Jose de Jesus committed suicide by choking on his sock, swallowing a toothbrush, and blunt force to the head. The detention center claims that he was on suicide watch, meaning staff had to continuously monitor his behavior (Alacantara, et.al, 2018). According to the psychologist at Eloy, Jose de Jesus was not illustrating any psychosis and suicide sentiments (ICE, 2015). However, there are claims that Jose de Jesus did not commit suicide but was killed by detention officers. Fellow detainees witnessed maltreatment of Jose and told the Advanced Project. One described that he heard Jose pleading for his life and for him not to be hit. Others saw Jose being dragged out of his cell. Many believe Jose did not commit suicide, instead, he was tortured while in solitary confinement (Alacantara et.al, 2018;). The ICE report on Jose de Jesus suicide conflicts with Advanced Project report. Since ICE was reporting on the event, they may omit specific facts to protect officers. But their accounts bring discrepancies, like the blunt force to his head.

Advanced Project and the Puentes Movement organized to call on the negligence of Nakamoto group for allowing the facility to run. Furthermore, the Human Right Watch has scrutinized CoreCivic, ICE, and Nakamoto group of how they are treating detainees and investigation surrounding Jose de Jesus death (Meng, 2019).

3.2 Psychological Reports on Deportation:

Three reports deriving from psychological organizations were examined to see how deportation has impacted immigrants and their communities deriving from the American Psychological Associations, Frontier in Psychology, and National Council on Family Relations. All three examine the toll deportation has on the individual deported and the family members. Immigrant families come from various legal statuses, gender statuses (LGBTQ), and socioeconomic statuses. In the country's interior, immigrant families fear deportation—those who lack legal status stress about being removed. At the same time, their family members fear their removal. After removal, stress over communication, money, housing, and fear of not seeing their family were presented. Their children examined heightened awareness of race, ethnic, and social status discrimination once parents were removed. The psychological reports provide support to the literature review section on the impacts of criminalization.

Chapter 6 Findings:

1.1 Connection between Political Speeches and Crimmigration:

For this research project, one of my main concerns was how politicians discussed immigration and had a role in creating crimmigration policies in the United States. As you can see in the data analysis, I reviewed crimmigration policies and immigration speeches from political officials. With my literature review and the research, there is substantial evidence that politicians have created crimmigration policies because of their concerns of ‘criminal aliens,’ undocumented migration, and security issues. Politicians, media, and widespread discussion on immigration have undertones of ‘us vs. them,’ ‘illegal,’ the ‘racial other,’ and the ‘criminal alien.’ To enforce the idea of immigrants being perpetrators of criminal activity and being threats to the nation, crimmigration policies implemented these ideas. Also, the intersection of the war

on drugs, the war on crimes, and immigration management helped developed crimmigration policies (Shull, 2021; Sirin, 2011). All these of concerns were illustrated in the way Presidents and Senators discussed immigration. Every speech analyzed all brought the concerns of creating an immigration reform that will be beneficial for the country. In the perspective of politicians, undocumented immigrants, immigrants with an offense, and asylum seekers were a problem which needed to be solved.

To solve the concerns of the politicians created crimmigration bills that enforce their ideologies. For instance, during Reagan and Bush Sr. administration, the war on drugs was the main priority. Thus, the intersection of the war on drugs and immigration helped create the expansion of aggravated felonies. Aggravated felonies were put in place so that state offenses, including minor drug offenses, can be penalized for immigration infractions. Those with aggravated felonies were then removed from the country (Das 2020; Stumpf 2006). As the year goes by, President Bill Clinton and other officials were concerned with undocumented migration to the states. Thus, penalizing folks with undocumented status was a concern of the country. Under the IIRIRA of 1996, political officials diminished the quality of legal residents and undocumented folks by denying their access to social welfare. This was done to deter anyone from coming to the country. The IIRIRA of 1996 expanded the definition of aggravated felonies- an action that speaks to the criminalization of immigrants in the United States. Former President Clinton also had a zero-tolerance approach toward immigrants who committed a crime. After the implementation of the IIRIRA of 1996, the discretion of immigration judges was diminished and legal permanent residents with one criminal charge could be deported (Hing, 2014). Immigrants before the implementation of crimmigration bills could stay in the country; now their chances have become slim. One simple charge of an aggravated offense means that immigrants can be

removed from the nation. Most immigrants find themselves perplexed when ICE comes looking for them (Das, 2020). They find themselves not understanding their situation. Politicians have created a mess; they describe they want law-abiding immigrants, but they criminalize immigrants by creating new deportable offenses.

Who are these immigrants they are discussing? When hearing and reading immigration discourse from politicians at face value, it sounds like a neutral language, but it is not. One cannot deny that our immigration policy was created on a racist foundation (Hing, 1998). From exclusionary immigration policies based on race and ethnicity, to even resisting ideologies, the United States has a history of creating immigration policies that denied people of color citizenship. Crimmigration policies criminalize immigrants based on surveillance, apprehension, and securitizing the southern border. Every politician has discussed their security concern. Programs like 287(g) and Secure Communities, under crimmigration bills, have help create an enforcement project that monitors black and brown people from the local to the federal level. For instance, ever since the AEDPA of 1996 a response to Oklahoma City bombing, federal authorities were supposed to secure our nations from terrorist outsiders. Yet, the terrorists were homegrown and white supremacists. Right after the event, Muslim and Arabic communities were painted as a terrorist. This caused for civilians to state xenophobic sentiment(Beydoun, 2015). After 9/11, securitization of the southern border was ramped up in the name of security by making the Department of Homeland Security. Clearly, they were afraid of brown folks coming into the country. The rationalization is terrorist groups and gang members can use the southern border as an entry. In the country's interior, with the help of local police officers, brown and black immigrants are subject to surveillance because of suspicion. For instance, in New York the policy of stop and frisk, no longer used, illustrated how racist the police force can be. Stop and

frisk data presented that police officer stopped minority people more than their white counterparts. If you were undocumented and did not live in a sanctuary city, you would be placed in jail by police officers and picked up by ICE officers. Even though politicians use ‘neutral language’, there is no denying when they say ‘illegal immigrants’ people understand they are talking about black and brown immigrants. This has to do with decades of framing immigrants in media as ethnic minorities. A big percentage of deportees are of Latino backgrounds. Thus, crimmigration policies allows for the detention of brown and black immigrants and asylum seekers. Crimmigration allows for immigrants to be criminalized indefinitely by deporting them.

1.2 Crimmigration and the Criminalization of Immigrants:

Immigrants are being criminalized in a top-down approach. Politicians are suspicious of immigrants, they create crimmigration bills, and immigrants feel the impact. They are detained and deported. They are not given a chance. Regardless of immigration infractions being civil offenses, immigrants are still being penalized for breaking them. A civil infraction should not mean to be punitive and detention for immigrants. At detention centers, immigrants are being mistreated, like in the case of the Eloy Detention. In my research, it illustrates how detention centers do not meet the basic needs of detainees. Immigrants fear deportation, and if deported, they feel stress, trauma, loss, and separation from their families. Many deportees have not been to their original countries for years. Their original countries' landscape, people, and culture have changed. Adjusting to it can be difficult since they created a life in the United States. For many, they have been battling a drug addiction that has been exacerbated in their original countries (Cengal, 2014). This also impacts their families, as seen in psychological reports. In some countries, like Mexico, deportees create their support system and community to adjust to

deportation. Deportation is an injustice to the deportee, deportees' families, and our justice system. Why? To deport someone, it is to brand them as an indefinite criminal. To deport an immigrant, it is a justification for the United States to keep communities out of the country.

Chapter 7: Discussions and Suggestions

Crimmigration is a new concept that is changing as the years go by. Academic work on crimmigration needs to be expanded and needs to be adopted in different schools of thoughts. As criminalization of immigrants keeps occurring, crimmigration can take new forms. During the literature review, crimmigration was discussed as a new form of immigration management and being outsourced to other regions of the world. Academia should expand on this thought and establish more evidence of crimmigration in an international framework. Also, the connection between crimmigration and the criminalization of asylum seekers should be explored. A significant similarity that I came across in my literature review, research, and analysis, is how drug addiction has been criminalized and leads to deportation. Thus, crimmigration and the war on drugs impacts immigrants. Should the United States be responsible and help with drug addictions? Accessing health care for immigrants is difficult, so does the system perpetuate drug abuse and deportation? I believe scholars should examine the intersection of the war on drugs and crimmigration, including how drug addiction has been criminalized.

Another important topic not discussed in my research paper is the resistance to the criminalization of immigrants. The concept of abolition was brought to my attention on several occasions. My project wanted to understand crimmigration, but now it is time to imagine new ways the United States can move away from this policy. Academia and activist are beginning to bring new forms of systems that can unravel the crimmigration systems. I believe that legal residents, especially those with refugees' status should not be deported. Asylum seeker should

not be placed into detention centers while awaiting their court date. Undocumented folks should have access to pathway to residency and citizenship. Many people are organizing on these principles, and new forms of thinking are resisting crimmigration.

Chapter 8: Conclusion

I remember the first day I heard of crimmigration, I was looking for information on why undocumented folks were being criminalized. The topic did not make any sense to me. As I began to investigate more academic work that described the criminalization of immigrants, I began to understand crimmigration. For these two years, I embarked on journey to understand the topic of crimmigration. At times, I struggled, at times, I thought I understood the issue. This research paper has brought me to further my knowledge on the intersection of criminal and immigration law. Today, I still have so many questions. But it is clear black and brown immigrants are being criminalized by crimmigration policies, and politicians play a role in why this is occurring. So many people are being trapped into the crimmigration system and so many do not know why.

A few months ago, an uncle of mine had passed away in the Dominican Republic. I called him “mosquito”, pronounced mo-quito, since our dialectal Spanish omits the s. Mo-quito was a third cousin, but he was my uncle since my grandparents raised him. Every time I went to the Dominican Republic, he would drive my mother and me to all the touristy spots on the island. He knew English and would tell me his experience in New York. I never questioned why he never visited us back home. At my grandfather’s funeral, Mo-quito was profoundly hurt. He talked about how my grandfather helped him in rough times. To him, my grandfather was his dad. There I found out why he never went back to New York. I was shocked to know the Mo-quito was deported from the United States and the person who helped him was my grandfather. I

never questioned him why he was deported to me it did not matter. He was my annoying Uncle that I loved dearly. Crimmigration impacts immigrants in so many ways but they are resilient.

This project was difficult, but worthy to take on. Crimmigration does not define an immigrant's identity, it does not speak for them. All it does is illustrate the resilience the immigration community is. I believe that activists, academics, and politicians who resist this concept will provide a new future that does not involve an era of crimmigration policies. The criminalization of immigrants is a symptom of the countries racist, xenophobic, and systematic paranoid tendencies. For America to be great, it needs to shed these sicknesses and do away with crimmigration.

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