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**Article:**
Hiemstra, N and Conlon, D orcid.org/0000-0003-4063-7914 (2017) Beyond privatization: bureaucratization and the spatialities of immigration detention expansion. Territory, Politics, Governance, 5 (3). pp. 252-268. ISSN 2162-2671

https://doi.org/10.1080/21622671.2017.1284693

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Title: Mobility and materialisation of the carceral: examining immigration and immigration detention

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Abstract: (102 words)

This chapter examines how criminality and carcerality are mobilised and materialised in United States’ immigration enforcement and the immigration detention system. It tracks and follow processes through which criminality and migrant identity are collapsed in immigration law, enforcement practices, and inside detention facilities and illustrate how carceral ideology ‘moves’ in different spheres and begets practices that guarantee migrant incarceration. It then examines broader effects of carceralisation arguing that the movement of carceral ideology and practices from spaces of confinement into wider public spheres has profound implications for understanding the ‘politics of mobility’ and the production of exclusion more broadly in contemporary society.

Wordcount: 6835 (previously: 7937) (inclusive of references)

Introduction

In June 2015, Donald Trump announced his candidacy in the 2016 election for president of the United States. In the speech accompanying this announcement Trump offered several gross and sweeping misrepresentations of immigrants to the US suggesting: ‘They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people’ (Associated Press, 2015: np). Trump’s views disturbingly articulate widely held ideas among a segment of the US general public that casts migrants as criminals and equates migration with illegality.

Where have these associations come from? How are criminality and illegality mobilised in US immigration enforcement? How do they link immigration to larger carceral regimes? How are criminality and carcerality materialised in detention practices? What are the broader implications for understanding and researching the mobility of carceralisation in society as a whole? In this chapter we consider these questions drawing insight from scholarship on carceral geography (Peck, 2003; Loyd et al. 2012; Philo, 2012; Moran et al. 2013; Moran, 2015), which investigates
issues of human security with a particular focus on spaces used to detain and incapacitate supposedly problematic groups. We also draw upon work by ‘new mobilities’ scholars including Creswell (1999; 2010; 2012) and Sheller and Urry (2006). Finally, we employ research and reports on migrant detention in the US (HRW, 2009; ACLU, 2012; Freeman and Major, 2012; Meissner et al. 2013; Doty and Wheatley, 2013; DWN, 2015) as well as our ongoing research on the internal micro-economies of migrant detention (Conlon and Hiemstra, 2014; Hiemstra and Conlon, forthcoming). We argue that criminality in the context of immigration law and immigration detention is mobilised as an iteration of the carceralisation of society (Peck, 2003). Not only does this process shape problematic conceptions of migrants and mobility across borders like those articulated by Donald Trump and his retinue. In addition, echoing McCann (2010) who identifies a need to examine the ‘mobility of ideas’ (cited in Creswell, 2012, p. 651), we propose that the movement of carceral ideology and practices from spaces of confinement, such as prison and immigrant detention, into wider public spheres has profound implications for understanding the ‘politics of mobility’ (Creswell, 2010) and the production of exclusion for other social groups in contemporary society. We also demonstrate how tracing the evolution of hegemonic ideas can deepen understanding in carceral mobilities scholarship.

The chapter develops as follows: first we provide an overview of developments in US immigration law in recent decades to identify how criminality, illegality and immigration have been conjoined in a legal landscape that shapes official responses to and popular perceptions of migrants in North America. Following this we examine how criminality and carcerality are mobilised and materialised in the immigration detention system. We highlight key points where prison and detention systems intersect to show how they are instrumental in shaping migrant
experience and producing popular misconceptions where distinctions between criminality and migrant identity collapse. We then examine some of the broader effects and implications of carceralisation or the mobilisation and impact of carceral ideology and practices in wider spheres, registering how this system impacts family and support networks, for example. In the conclusion we reflect more broadly on impacts of the mobility of the carceral system for other social groups, for counter-mobilisations, and for scholarship.

**Mobilising the carceral system: criminalising mobility and migrants**

The linking of immigrants with illegality and criminality has a long history in the US, as elsewhere (Cresswell, 2006). Mobile bodies are at once suspicious and outsiders, transgressive simply by defying norms of fixity and rootedness in place. For instance, early research in US sociology highlighted distinctive representations of mobility and class that overlay “duty” versus “delinquency” with representations of the ‘globetrotter’ and the ‘hobo’ respectively (Burgess, cited in Creswell, 2010, p. 22). Indeed, Coleman (2012) argues that from the beginning of US immigration law, initiated with the Chinese Exclusion Act in 1882, immigrants have been viewed with suspicion. This has been instrumental to ‘the production of immigrant il-legality, or extra-legality’ (Coleman, 2012, p. 420) so that non-citizens are both bound by and excluded from the US legal system. As Ngai (2004) puts it, this system produces undocumented immigrants as ‘impossible subjects’ who are marginalised and excluded within society precisely because of their mobility. Here, we focus on recent history and immigration laws—especially since the late-1980s—when the implementation of a sweeping array of laws and programmes helped construct and codify immigrants as criminals. Whereas immigration detention in the US is technically administrative and not punitive, in other words it falls within civil and not penal law, this
distinction paradoxically affords fewer legal protections to those detained for immigration violations than for criminal acts (Hernández 2008; Golash-Boza 2010). As Meissner et al. observe: ‘noncitizens today […] encounter the criminal justice system in unprecedented numbers and situations’ (2013, p. 92).

In 1988, the Anti-Drug Abuse Act\(^1\) was introduced into law. This piece of legislation brought aggravated felonies, a term and category of crime unique to immigration law and carrying a penalty of deportation if convicted, into existence. Initially, four felony crimes were designated as aggravated felonies.\(^2\) A subsequent round of punitive immigration laws in the 1990s expanded the number and type of crimes in this category.\(^3\) By 2010, over 50 crimes were so designated (Miller, 2003; Zuniga, 2010; Immigration Policy Center, 2012). This has led some immigration judges to note that numerous ‘non-violent, fairly trivial misdemeanors are considered aggravated felonies under our immigration laws’ (Leigh Marks and Noonan Slavin, 2012, p. 91). Once their sentence is served in the criminal justice system, migrants are transferred to immigration detention, which is mandatory pending deportation. An offense can also be categorised as an aggravated felony retroactively, meaning that non-citizens (including legal permanent residents) who may have committed minor crimes years prior forever run the risk of deportation. In short, aggravated felony laws mete out severe penalties to immigrants while also codifying them in the public imaginary as criminals.

In addition, changes to the legal landscape that girds immigration have resulted in a massive increase in the number of immigrants—including those with legal status—coming into contact with the US criminal justice and prison systems, in ways that further mobilise ideology
constructing migrants as criminals. These changes, described below, include increasingly harsh punishments for unlawful entry and re-entry to the US, sentencing immigrants en masse for these “offenses”, and sharing of information about an immigrant’s status between criminal justice and immigration enforcement divisions of government.

While statutes governing unauthorised entry to the US have been in place for many years, penalties associated with mobility, for ‘illegal entry’ and ‘illegal re-entry’ specifically, have become increasingly harsh in recent history. When first introduced in the early 20th century, illegal entry—where an immigrant is apprehended while attempting to enter the US at an unauthorised port of entry—carried a misdemeanor charge with a jail sentence of up to one year. Illegal re-entry—when an immigrant is apprehended after being deported—carried a felony charge with a prison sentence of up to two years. In 1952 and again in 1988 punishment for these crimes expanded in space and time. Initially, borders and border crossing points, in other words points of entry into the US, were the only sites where a non-citizen could be apprehended and subsequently convicted on a charge of ‘illegal re-entry’. Since 1952, however, unauthorised presence in the country has been the basis for a criminal conviction under illegal re-entry laws (Keller, 2012). The prison sentence for ‘illegal re-entry’ has also increased and today carries a maximum sentence of 20 years (US Sentencing Commission, 2015). More recently, in 2005, a policy initiative called Operation Streamline was implemented resulting in the criminalisation of migrants en masse for unauthorised entry or re-entry along certain sectors of the US-Mexico border. Prior to Streamline a first time apprehension at the border resulted in return or removal from the US without a criminal conviction while only migrants who had re-entered after deportation or with a criminal record were referred for prosecution. Operation Streamline
stipulates that migrants who are apprehended at designated border crossing sites, primarily in Arizona and Texas, are ‘arrested, detained while awaiting trial, prosecuted with a misdemeanor or felony charge, incarcerated in the federal justice system, and finally deported’ (Buentello et al. 2010, p. 3). A notable characteristic of the programme is its use of ‘rapid-fire group trials’ (HRW, 2013, p. 35) where upwards of 70 migrants are prosecuted at a given time (Burridge 2011; Meissner et al. 2013; Lowen forthcoming). Also noteworthy is that while Streamline is supposed to include provisions for asylum seekers or humanitarian relief, reports indicate that migrants within these categories are regularly referred for prosecution (Office of Inspector General, 2015; HRW, 2013). In effect, regardless of conditions that might necessitate mobility in the first place, increasing numbers of migrants are collapsed into a single category that is classed as ‘criminal’.

Criminal prosecutions for violations of immigration laws have now skyrocketed. Over 90,000 people were prosecuted for unauthorised entry or re-entry in 2013 compared with 12,000 prosecutions in 2002 (Grassroots Leadership, 2014). Today, Customs and Border Patrol (CBP), the unit within the Department of Homeland Security that implements Streamline, along with ICE together refer more cases for criminal prosecution than do all Department of Justice law enforcement agencies combined (Meissner et al., 2013, p. 94-5). Moreover, the programme has swept up into the carceral system huge numbers of migrants with no criminal history whatsoever and also exacts consequences that have profound and far-reaching impacts (Lowen, forthcoming). For instance, reports indicate that significant numbers of migrants crossing the US-Mexico border do so in order to reunite with family members already in the US (HRW, 2013). With a criminal conviction and subsequent deportation an individual is barred from ever
returning to the US legally. This separates families and loved ones, increases economic vulnerability, and ensures that any attempt to return to the US requires the use of unauthorised means and routes, which further exacerbates vulnerability while also enriching smugglers’ and traffickers’ coffers. Put differently, a system that is intended to curtail migration by linking it with criminality has effectively mobilised and invigorated illicit practices. With this we see how carceral ideology ‘moves’ in different spheres and begets practices that more-or-less guarantee migrant incarceration.

Other nationwide programmes have contributed to the mobility of the border by shifting the scale of as well as the agents involved in immigration enforcement, resulting in an even wider net of individuals coming into contact with ICE, categorised as criminal alien and ultimately expelled from the US. Under Section 287(g) of the Immigration and Nationality Act,6 local law enforcement agencies could be authorised by federal authorities to enforce federal immigration law, which effectively eroded long-standing models of immigration enforcement as solely within the purview of federal authorities (Miller 2003; Coleman and Kocher 2011). The perversely named “Secure Communities” programme, in place from 2008 to 2015, institutionalised information sharing related to an individual’s criminal history and immigration status between all levels of law enforcement agencies. Arrested individuals who were found to be in the US without authorisation were transferred to ICE custody, subsequently referred for criminal prosecution, and eventually placed in deportation proceedings under ICE’s jurisdiction. Secure Communities resulted in massive expansion in the number of individuals screened for immigration status and subsequently deported (Meissner et al. 2013, p. 110). Under mounting criticism and increasing numbers of cities and states refusing to participate citing damage to relations between immigrant
communities and local police, in 2015 the Obama administration replaced Secure Communities with the “Priority Enforcement Program,” or PEP (Feliz, 2015). PEP is supposed to emphasise the use of detainers and transfer to ICE custody only for high-level “priority” offenses. While it is too early to assess if PEP actually works any differently than Secure Communities, critics remain highly skeptical, and high numbers of law enforcement agencies are still defying orders to participate (Feliz, 2015). Regardless, the conflation of state and local level criminal justice and immigration enforcement has been firmly established.

It is clear that the number of migrants classified as criminals, coming into contact with the criminal justice system, or imprisoned has ballooned in recent decades. Hand-in-hand with these developments is the massive expansion and privatisation of the immigration detention system, which, as we discuss in more detail further on, often shares space and services with the prison system. A growing body of critical work highlights the influence of private corporations in political lobbying efforts to expand what is now referred to as “crimmigration” (Stumpf, 2006) and to ensure the continued growth of immigration detention (Miller, 2003; Golash-Boza, 2009; Cervantes-Gautschi, 2010; Doty and Wheatley, 2013; Conlon and Hiemstra, 2014; Mitchelson, 2014). The detention system is comprised of approximately 250 facilities in which over 400,000 non-citizens are detained annually. Detention facilities can be owned and operated by federal, state or county governments, by a private company, or by some combination of these entities (Doty and Wheatley, 2013; Meissner and Kerwin, 2009). Two points are important for our purposes here: first the range of facilities used for immigration detention includes current and former jails and prisons as well as privately owned and operated facilities, and second, regardless of who runs a facility, privatisation permeates the detention system as even where facilities are
government owned major components of operation are often contracted out to the private sector. This gives some indication of various stakeholders—politicians, legal entities, law enforcement, local governments, and private corporations—that have a vested interest in shaping public opinion that casts migrants as criminals in an effort to garner support for further expansion of detention (Doty and Wheatley, 2013; Golash-Boza, 2009; Miller, 2003). In short, a confluence of politics, law, and privatisation has mobilised ideologies that entwine migrants with criminality and place them firmly within the grip of the carceral system. How is this system materialised on a day-to-day basis and in the experiences of migrants who are ensnared within immigration detention? We turn to this question in the next section.

**Materialising criminality within immigration detention**

Given the ways migrant status and criminality overlap within the legal landscape, it is hardly surprising that sites, spaces, and services for prison populations and migrant detainees overlap. This is evidenced in the expanding proportion of the prison population serving time for immigration related offenses, a trend that reached a ‘tipping point [in 2009] when more people entered federal prison for immigration offenses than for violent, weapons, and property offenses combined’ (ACLU, 2014, p.2) and continues to rise today. It is also evidenced in the use of jail space and former prisons as detention facilities for those awaiting an immigration hearing or deportation (ICE, 2011; Hiemstra and Conlon, forthcoming). Indeed, some commentators point out that immigration detainees represent an important revenue stream for state and local governments where they serve as a “replacement” for declining state prison populations (Justice Policy Institute, 2011; Ackerman and Furman, 2013).
Carcerality is also materialised in spaces of detention and for migrants throughout the system in almost every facet of daily life. As Schriro notes, facilities ‘vary in age and architecture. Quite a few do not have windows. A number consist of single and double-celled units’ (2009, p. 21) and many are in remote areas; this limits access to transportation for family, advocates, and other potential visitors. In state and county jails where migrants and criminal populations are held in the same space, they are usually housed separately from one another, however services are provided to the facility as a whole or subcontracted to private corporations that do not differentiate between the institutionalised populations they serve. For instance, food service provision contracts treat migrant and corrections populations the same way and exercise heightened security practices in their operations regardless of whether in a prison or detention facility. Similarly, commissary systems operate according to a corrections institution logic; with this the types of goods available for purchase and the practice of accessing the commissary are the same (for discussion of these ‘micro-economies’ within detention see Hiemstra and Conlon, forthcoming; Conlon and Hiemstra, 2014). Thus, with few exceptions, detention centres operate just like prisons, according to logics of security, surveillance, command and control. Migrant encounters with this carceral system are even further reinforced in the discourse and day-to-day culture of detention. Detainee handbooks offer significant insight here.8

Detainees are provided with a detainee handbook as part of their “orientation” to a facility, which lays out rights and responsibilities pertaining to conditions and day-to-day life in the facility. Provision of handbooks accords with guidelines set out by the Performance Based National Detention Standards (PBNDS), which were developed in 2008 and revised in 2011 in response to a review and recommendations on improving detention standards (see Schriro, 2009).
Importantly, detention standards including guidelines for preparation of detainee handbooks draw, in part, from standards identified by the American Correctional Association; as such they carry ‘criminal incarceration policies and practices into the arena of immigration detention’ (Schriro, 2009, p. 16). Facilities routinely fail to comply with “requirements” laid out in the PBNDS and, indeed, there are currently no penalties for non-compliance.⁹ Detainee handbooks distributed by facilities we have researched follow a template provided in a section of the PBNDS (ICE, 2011, Section 6, pp. 388-391) and in this respect can be seen to nominally comply with the standards. In this section, we highlight ways in which elements of the handbook—specifically admission procedures and aspects of general orientation, the classification system, and the disciplinary process—serve to represent and materialise migrants as a potential threat or criminal. In so doing, they rationalise and reinforce expressions and experiences of carcerality.

As detailed in handbooks, upon admission to a facility, an individual must swap their “civilian” clothes for a prison jumpsuit and relinquish all personal items and money in their possession with the exception of a wedding band, which is permitted. These items are stored within the facility until the detainee is transferred, released, or more often, deported. Detainees also undergo a medical exam and an assessment to determine a ‘classification level’. In this process detained migrants are, effectively, stripped of their identity in much the same way as a prisoner entering the corrections system. Expressions of individuality or affiliation are vetoed, expectations about behaviour and demeanor—such as how detention centre staff should be addressed—are set out as rules, and consequences for non-compliance are detailed at length. With this, an understanding of migrants as different, as potential threat, and in essence, as criminal is spatialised and becomes manifest immediately.
The detainee classification system is used to establish ‘security needs’ (Community Education Centers (CEC), Delaney Hall Detainee Handbook, nd, p. 8)\textsuperscript{10}, which is to say, level of control, for individuals upon admission to a facility.\textsuperscript{11} The classification system is quite elaborate with different levels (from low (1) to high (3)), different statuses (major and minor), as well as distinct categories for males and females, special needs (such as medical, mental health or substance abuse), and juveniles. Where space within facilities allows it, differently classified groups are housed separately and co-mingling between certain groups is not permitted (e.g. level 1 and 3 detainees cannot mix). According to the detainee handbook, classification is assessed ‘based on criminal behavior, criminal convictions, immigration history, disciplinary record, [and] current custody level’ (Essex County Correctional Facility (ECCF), ICE Detainee Handbook, 2013, p. 8). For individuals detained at Delaney Hall, a facility that detains immigrants classified as ‘low level’ security risk who ‘do not have a significant history of criminal behavior’ (CEC, Delaney Hall handbook, nd, p. 10) the initial classification assessment includes an eleven item list including interview questions to determine ‘prior criminal and history of escape, aggressive or passive tendencies, gang membership, and criminal sophistication’ (CEC, Delaney Hall Handbook, nd, p. 9).

We have described the classification system in detail because it is illustrates that detainee criminality is assumed at admission and the classification system defines detained immigrants in accordance with the apparent degree of threat they represent. In other words, day-to-day life within detention space mobilises and reinforces migrant carcerality. Even where facilities are explicitly designated for individuals with no criminal record, the basis for initial assessment and
classification presumes criminality. With this, it is, perhaps, not surprising that in the general public’s view distinctions between migrant and criminal collapse together. It is also noteworthy that an individual’s classification level is subject to revision at any time ‘based on direct observation and supervision of ICE detainees’ (ECCF, ICE Detainee Handbook, 2013, p. 8) and any review or reclassification could potentially result in a detainee’s ‘housing assignment being changed […] or potentially being placed] into a segregation unit’ (ECCF, ICE Detainee Handbook, 2013, p. 9). As such, the classification system serves as a disciplinary tool that constructs detained migrants as unruly, which rationalises the use of detention as well as the degree of control exercised over detainees.

On the matter of discipline, a substantial proportion of the detainee handbook is given over to identifying actions that beget disciplinary action and to detailing the disciplinary process. Details related to discipline comprise almost twenty percent of the 48-page handbook for the ECCF detention centre and sixteen percent of the Delaney Hall handbook where migrants are classified as ‘low level’ detainees. This is in contrast to eight percent of the information presented devoted to communication and family contact and less than one percent to the law library and recreation services respectively, each of which is a required programme service according to the PBNDS.

The array of acts that constitute disciplinary violations is dizzying, including a 47-item list under ‘prohibited acts’ (ECCF, ICE detainee handbook, 2013, pp. 4-6) an additional list of over 40 ‘minor violations’ (p. 15) and an even more extensive list of ‘major violations’ (p. 17-18). Among ‘prohibited acts’ are: leaning on a stairs or near pillars, storage of commissary bought food for more than one week, and keeping garbage or plastic bags in cells. Behaviours that
warrant disciplinary action as ‘minor violations’ include: being insanitary or untidy or refusing to work, while ‘major violations’ include lying to a member of staff, fighting with another person, and possessing money or currency in excess of $50.00.

Consequences for violations range from loss of privileges, such as recreation or TV access for up to five days and confinement to cell for up to four hours for minor violations, to loss of privileges for up to 30 days, up to 15 days disciplinary detention, which may include ‘disciplinary segregation’ (commonly known as solitary confinement in criminal justice settings), or, if necessary, filing criminal charges against the detainee. A number of reports indicate that despite elaborate details, the disciplinary process is uneven, unreasonably harsh, and unfair punishments are meted out regularly (see AFSC, 2015; Gonzalez, 2015). That discipline saturates detention as outlined here is remarkable for what is supposed to be a matter of civil law and an administrative process. As Schriro reports, the standards used in detention ‘impose more restrictions and carry more costs than are necessary to effectively manage the majority of the detained population’ (2009, p. 3-4), elaborating further, ‘the majority of the population is motivated by the desire for repatriation or relief, and exercise remarkable restraint’ (2009, p. 21).

The great emphasis on discipline and the disciplinary process speak to the mobilisation and superimposition of command and control logic, common to corrections settings, in the shared space of immigrant detention. Moreover, this logic imagines and produces detainees as troublesome or potentially so, always on the verge of committing some disruptive act, which justifies treating them as though they are individuals incarcerated for criminal acts and similarly confined within a carceral space.
The mobility of carceral logic and its materialisation within detention means there is little substantive distinction between detained migrants and an incarcerated criminal population. This also obscures distinctions between Latino/a immigrants more broadly and their conception as criminals (see Hernández, 2008). The mobilisation and materialisation of carcerality vis-à-vis immigration law and migrant detention, therefore, help to account for the question posed in this chapter’s introduction, namely, from where have associations that cast migrants as criminals and equate migration with criminality and illegality come? An equally important question is where are these associations going? In other words, what are the broader effects and implications of migrant carcerality for contemporary society? And how might we, as scholars, researchers, and society respond? We reflect on these questions in the final section.

Concluding thoughts on the impact and implications of carceralisation

The mobility and materiality of carcerality in immigration law and detention exact a profound toll on migrants and their extended networks. Numerous reports attest to abysmal conditions and the debilitating impact of detention on the mental and physical health and well being of detainees (HRW, 2009; ACLU, 2012; Meissner et al. 2013; Bosworth, 2014; Conlon and Hiemstra, 2014; Gill, 2016). Scholars also show how ‘ontological insecurity’ (Katz, 2007), which is marked by a profound and perpetual ‘state of anxiety about the future’ (Katz, 2008, p. 6), takes root in immigrant communities in association with the threat of being picked up, detained, or deported either by law or immigration enforcement agents (Hiemstra, 2008; Coleman and Kocher, 2011; Harrison and Lloyd, 2012; Conlon, 2015). Anxieties extend to family and support networks too. For instance, like prisons, detention facilities are often located in remote areas; also, detainees experience frequent transfers, routinely over hundreds of miles (HRW, 2009; Hiemstra, 2013).
The burden associated with maintaining contact falls on family members outside detention and doing so necessitates hours of travel time as well as arranging time off from work or coordinating child care, as well as myriad other logistics. When a detainee is transferred there can be a gap in knowing where s/he is, and the practice immediately evokes concern about whether the individual has been moved or deported (Hiemstra, 2012). With this, we see that the “weight” of migrant encounters with carceralty is borne by family and networks, at minimum, through perpetual worry and over-extensions of time and expense in efforts to maintain contact.¹²

This chapter has also offered a particular way of doing carceral mobilities research: through tracking and following the development and materialisation of dominant ideologies. We traced the manufactured nexus between migrants and criminality that shapes public opinion, bolsters popular support for pernicious anti-immigrant politics such as those seen in the current US election campaign, and builds support for nativist and anti-human rights policies. Discourses of migrant criminality also deepen hostility toward migrants, which exacerbates the fears and insecurities that define everyday life for migrants. These effects are disturbing by themselves. They are also particularly troubling when we think about the implications of migrant carceralty vis-à-vis other social groups and in society broadly.

Writing over a decade ago, Peck observed, ‘the prison system can be understood as one of the epicentral institutions of these neoliberalized times’ (2003, p. 226). In his review of scholarship that critically examines the multi-faceted dynamics of neoliberal policies, Peck identified a need to eschew linear or pre-conceived ideas about the ‘shrinking state’ or wholesale advance of free markets under neoliberalism, and called for attention to ‘the social/penal frontier as an active
zone of statebuilding’ (ibid, p. 230) in the current era. He goes on to outline scholarship that identifies growing swaths of social groups, including but not limited to youth, working class men, minorities, the homeless, the disabled, as well as immigrants, that are now subjected to ‘new forms of micro-social intervention’ (ibid, p. 227) and regulation that amounts to carceral control. In this vein, our examination of immigration enforcement in the US highlights how carceral ideology and practice have been mobilised beyond prison to immigration detention and beyond this again to extend the social/penal frontier into wider spheres. We have shown, for instance, that the extension of aggravated felony laws retroactively means not only migrants but also legal permanent residents can now be swept into the carceral system. We have also shown how screening programmes and data sharing protocols in the name of immigration enforcement mean massively expanded numbers of individuals—migrant and non-migrant alike—are subject to monitoring and potential control. These extensions and mobilisations of the social/penal frontier also extend what Creswell (2010) describes as the ‘politics of mobility’ to show that power relations embedded within embodied experiences, migrant identity, and mobility also operate at scales of ideology and institutional practice.

Yet another dimension of the broader mobility of carceralisation can be seen in its dynamic morphing and expansion in other spheres. Peck’s analysis suggests that carceralisation is simultaneously a new form of statecraft and a growth industry. This is certainly the case with immigration enforcement and can be seen in yet another impact of detention for migrant families. As more and more migrants are detained or deported, the number of children in the child welfare system has expanded rapidly. Research completed by the Applied Research Center (ARC) estimated at least 5,100 children of detained or deported migrants in the foster care
system in 2011. The same report noted this figure was expected to increase over five years, with ‘15,000 more children [facing] threats to reunification with the detained and deported mothers and fathers’ (2011, p. 4 italics in original). When it comes to deportation specifically, one report observes that of migrants who were deported in the first six months of 2011, twenty-five percent were the parent of a US citizen (Wessler, 2011). In these situations there is ‘a systematic bias against reunifying children with parents in other countries’ (ARC, 2011, p. 6). Beyond the obvious emotional and social toll, this practice exposes a new group, US citizen children, to institutionalisation and some suggest also sets them on a path for future encounters with the carceral system as ‘children who wind up in the child welfare system have a higher incidence of involvement with the criminal justice system than the general youth population’ (Ackerman and Furman, 2013, p. 259). Just as the carceral system ensnares the children of detained and deported adults within its grip, it seems logical to conclude that its weed-like potential is imminent for additional swaths of social groups. McCann (2010) identifies a need to scrutinise how ideas shift as they move. Our analysis in this chapter represents one step in this process by identifying how carceral ideology has been mobilised and, in turn, moves from one sphere to another. More work is needed, however, to carefully track, trace, and ‘reveal how things change in transit’, as Creswell (2012, p. 651) observes.

This leads to a further, final reflection on how we in society and as scholars can respond. In other words, as punitive control and exclusion of ever-increasing masses of society continue, what opportunities for counter-mobilisation against carceralisation are possible? In formulating a tentative response to this question, we return to Donald Trump’s presidential candidacy, which exemplifies an especially bombastic and putrid manifestation of carceral thinking. At the time of
writing, a number of media reports indicated significant numbers of naturalised immigrants in the US are now registering to vote with the explicit aim of voting against Trump and what he stands for (Schlesinger, 2016), as well as immigrants seeking citizenship just to vote (Preston, 2016). Additionally, at a political rally in Chicago, Illinois, which was shut down for fomenting unease and potential violence toward attendees who oppose the rhetoric of Trump’s campaign, a number of accounts identify the beginnings of a coalition of disparate groups, among them minorities, women, and young people, who reject being maligned, marginalised, and subjected to unjust control (Ollstein and Lee, 2016). Such movements, nascent and fragile as they may be, suggest the emergence of a much-needed counter-mobilisation that opposes carceralisation writ large (see Loyd et al., 2012). If, as scholars, we wish to align our work with these counter-mobilisation efforts, we must recognise, as Creswell (1999, p. 177) does, that mobility is ‘the most basic form of intentionality’ and work in mobility studies must continuously work toward exposing and extending analyses of the ‘politics of mobility’ in this carceral age.

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4 Illegal entry and re-entry were introduced with passage of immigration laws in 1929 (March 4 1929). Earlier laws included the 1918 Passport Act (entry law) and 1798 Aliens Act (re-entry laws). For detailed discussion of these and the current status of illegal entry and re-entry laws, see Keller (2012).
5 Thanks to Matthew Lowen for alerting us to this report.
6 Although adopted in 1996, 287(g) was not widely implemented until after September 11th 2001.
CCA, Geo Group, and MTC are the ‘top three’ corporations involved in immigration detention. Companies with a smaller share of the privatized immigration detention industry include Community Education Centers, Emerald Connections and LCS Corrections (Detention Watch Network, 2011).

This section draws on research from a broader project examining the internal micro-economies of immigration detention in the greater New York City metropolitan area. For that project, we have gathered data from three sources: a series of Freedom of Information (FOIA) requests submitted at the federal level and comparable requests (Office of Public Record Act, OPRA) at the state level, 15 semi-structured interviews with individuals who have inside knowledge and experience of detention facilities in some capacity (e.g. lawyers, activists, visitors, and a former detainee), and a review of published reports on conditions within detention. Here we focus on detainee handbooks for two facilities, Essex County Correctional Facility is a county jail that also has a contract with ICE to detain migrants, and Delaney Hall is owned by Essex County and operated by a private contractor, Community Education Centers. Further detail can be found in Conlon and Hiemstra (2014) and Hiemstra and Conlon (forthcoming).

Inspections reflect a “checklist culture” (NIJC, 2015, np) that records the presence or absence of policies but not how they are implemented. Facility inspections based on these standards have been deemed a ‘sham’ with “inspectors—employed by ICE directly or via subcontracts—[who] engage in pre-planned, perfunctory reviews of detention facilities that are designed to result in passing ratings and to ensure local counties and private prison corporations continue to receive government funds” (NIJC, 2015, np).

Detainee handbooks for Delaney Hall and Essex County Correction Facility are available from the authors.

Thanks to Ella Graham and Emily Cowling at the University of Leeds for research assistance on detainee classification.

While not the focus of this chapter it is important to note that the developments in law and discourse discussed here also have enormous monetary implications. Costs to government and taxpayers in terms of fiscal resources and labour time as well as record level profits generated in the immigration industrial complex are detailed in a growing number of reports, see for example: Buentello et al. (2014); AFSC (2015); Conlon and Hiemstra (2014).