

2-3-2018

# US Immigration Enforcement and the Making of Unintended Returnees

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## Recommended Citation

Gil-Garcia, Oscar F., "US Immigration Enforcement and the Making of Unintended Returnees" (2018). *Human Development Faculty Scholarship*. 16.

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# US Immigration Enforcement and the Making of Unintended Returnees

## Abstract

US immigration enforcement has led to a rise in the number of deportations. Several studies identify deportees as more likely to attempt re-entry to reunify with family members in a variety of international settings. These demographic changes have prompted some scholars to theorize how deportation produces a unique mobility subject: the *unintended returnee*. The importance of studying *unintended returnees* is amplified when we examine the 3.1 million unauthorized migrants deported by the US between 2005-2013. Over 1.5 million children living in the US were impacted by these removals. Data from the US Department of Homeland Security, indicate that among those who remigrate, the majority are those with US born children. While unauthorized reentry, is not new, the forms that return migrations take reveal changes in the organization of clandestine border-crossings that heighten the risk of violence. To provide insight on how these changes may impact deportees who remigrate, this article examines the chain of events that followed a 2006 immigration work-site raid and deportation of a migrant who was separated from his US based family. The concept of clandestinity – licit and illicit strategies that enable surreptitious cross-border mobility – is employed to understand how this person, following deportation, leverages his involvement in a human smuggling network as a smuggler (*coyote*) to reenter without authorization. By drawing inferences from a single case, I elucidate how immigration enforcement measures, along with limited avenues for humanitarian relief, may create conditions that compel deportees to defy the power of the state to produce involuntary transnational families and rely on illicit clandestine migration services to enable family reunification.

## Background

Since 2004, I have conducted ethnographic fieldwork with indigenous Maya from Guatemala in the state of Chiapas, Mexico. In 2007, in one of my return trips, I met Alex<sup>1</sup> and his wife Grace in Chiapas. Grace, originally born in Guatemala, fled as a child (age 9) with her brother (age 14) to escape military conflict from the country's civil war (1954-1996) and join their parents in the US. Alex was born in a refugee settlement in Mexico to parents who, like Grace and her family, fled from

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<sup>1</sup> To maintain anonymity, pseudonyms are used throughout.

Guatemala's military conflict. Barriers to incorporation – visa restrictions to mobility (Kauffer Michel 2002) and discrimination that limited employment options in Mexico – compelled Alex to migrate to the US at age 14 to assist his family.<sup>2</sup> Grace met Alex two years after his arrival, had a US born child, and lived in the US for 12 and 6 years, respectively.

In 2006, Immigration and Customs Enforcement (ICE) agents conducted an immigration raid at his place of work.<sup>3</sup> A new provision, “expedited removal”, within the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), normalized deportation as a mechanism for immigration enforcement was used to accelerate the deportations during the 2006 ICE worksite raids.<sup>4</sup> The immigration enforcement operation led to the incarceration and deportation of Alex and many of his co-workers, but also separated families impacting hundreds of children in the US<sup>5</sup> Alex's deportation to Nogales, Mexico at 1 am, without any form of documentation<sup>6</sup> or money, placed him in great vulnerability. A Mexican national gave him some cash to call Grace, and served as an intermediary to receive wired money, which Alex used to join his family in Chiapas.

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<sup>2</sup> For information on barriers to incorporation of Guatemalan refugees in Mexico that fueled international migration to the US see Gil-García (2015).

<sup>3</sup> The immigration raid discussed here was part of a larger ICE enforcement operation that took place across six sites throughout two states. For a systematic analysis of the large scale impact these raids had on families and communities see Capps, Castañeda et al. (2007).

<sup>4</sup> The provision “allows summary expulsions of non-citizens who have not been admitted or paroled into the US, have been in the US for less than two years, and who are inadmissible because they presented fraudulent documents or have no documents” (Campos et al. 2014, 5).

<sup>5</sup> The total number of children impacted by arrest is based on information obtained from service providers, and as it excludes those impacted by deportations, the precise number of children and families impacted by deportations is unknown (Capps et al. 2007).

<sup>6</sup> For fear of being accused of identity theft (a punishable offense) for the use of someone else's social security card, he did not disclose to ICE agents that his wallet was left in his car.

Deportation caused significant economic hardship for Alex's family. Scholars have identified more than 90% of noncitizens deported from the US in recent years are men, and as fathers are generally the breadwinners in immigrant families, when fathers are arrested or deported in large worksite raids, families lose almost all of their income (Chaudry et al. 2010). Such circumstances reflected Grace's experience. As a stay-at-home mom, she did not participate in the labor market, and relied on her husband's source of income. Consequently, to avoid greater financial strain, Grace moved in with her parents. She also initiated the process to obtain a US passport for her child, but required that Alex sign a notarized document, prolonging their separation. After an additional six months, both joined him in Chiapas to become "de facto" deportees.<sup>7</sup>

As opposed to being forcibly removed by the state as Alex was, *de facto* deportation occurs when parents make the involuntary decision to take their foreign national child back or US citizen-child to another country (Colvin 2008). The latter of the two, however, according to psychologist and migration scholar Luis Zayas (2015), abrogates the young citizens' rights and coerces them into a state of exile.<sup>8</sup> Along with US citizen exiles, scholars have identified how deportees who may have also lived part or most of their lives in the US confront stigma (McGuire and Coutin 2013) and economic vulnerability (Bengtson et al. 2013) that preclude their integration following deportation.

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<sup>7</sup> Interview dated July 25, 2014.

<sup>8</sup> Passel et al. (2012) estimate as many as 500,000 US citizens remain in exile. Their figures, however, may be greater as of this writing. US citizen children placed in exile status, "may be subject to greater economic hardship; a weaker social safety net; difficulties in school; and, potentially, the threat of social instability and physical danger" (Capps and Fix 2013, 87, see too Cave 2012).

Indeed, significant economic upheaval ensued following Alex's deportation and family's involuntary mobility to Mexico. All moved-in to Alex's family's small (20 x 20-meter lot) home in Chiapas, where agricultural lands for cultivation are not available. The collapse of the coffee market in Chiapas (Collier 1994), where previous generations periodically traveled to the coast to cultivate and harvest, made this option economically unfeasible. Outside of migrating to the US, a significant number of community residents emigrate to the Mayan Riviera to work in the poorly remunerated gendered informal labor sector: construction work for men, and hospitality for women (Gil-García 2015).

Within a year of his deportation, Alex befriended a *coyote* (human smuggler) and accompanied him on a series of trips across the Mexico-US border. The higher earnings Alex gained as a *coyote* and greater flexibility to spend time with his family made this work – albeit at great risk – more attractive.

## **Methods**

My presentation and analysis are based on a combination of published sources and four one hour-long informal interviews with Alex in 2014. His wife and seven community members (3 men, 4 women), who relied on Alex to smuggle kin to the US, participated in three informal focus group interviews in 2014 (between 30 minutes and one hour); all confirmed the veracity of his accounts. My longstanding rapport with participants and secondary sources – peer-reviewed scholarship and journalistic reports on human smuggling on the Mexico-US border – confirm their observations.

In 2015, following his capture and detention by Customs and Border Protection (CBP) agents, legal options for release was obtained from his attorney. Follow-up telephone interviews with Alex regarding his work as a *coyote* took place in 2016. While being in the US in violation of immigration laws is generally a civil violation, actually smuggling other individuals into the US is considered a federal crime. Scholars (Brabeck et al. 2015) have identified how case law has been variable on the ability to maintain human subjects protections; the federal government could take an interest in prosecuting him, and subpoena me to testify or provide records.

Consequently, to fulfill participants' request to maintain confidentiality and anonymity, and to diminish the risk of producing participant records to comply with a subpoena, field notes (in lieu of audio recordings) de-identified subjects through use of pseudonyms throughout fieldwork. Hopkins (2008) has mentioned, however, that to uphold confidentiality with vulnerable populations, it may be necessary to disguise particular details and information to prevent deductive disclosure (Kaiser 2009). As an additional precaution, to protect subjects, certain identifying details in this case have been altered, but findings have not been changed.

### **What Distinguishes Contemporary Clandestine Migration from the Past?**

In an attempt to specify what differentiates contemporary migration from the past, Anthropologist, Deborah Boehm (2016), in her book *Returned* identifies how deportation from the US has produced a series of emergent migrations that include

– family members with diverse US immigration statuses, including US citizens, who return after deportation or migrate for the first time.

Deportations from the US territory, for geographers Price and Breese (2016), constitute a type of involuntary removal, and produce what they call *unintended returnees*. The rise in deportations of foreign nationals from Latin America, particularly from Central America – Guatemala, Honduras, and El Salvador – along with Mexico (between 2000-2013) accounted for 3.8 million removals (DHS 2014). Several scholars have explored the incorporation of deportees in countries of origin (Hamann and Zunñiga 2011, Anderson and Solis 2014) with some identifying forms of marginalization upon return (Hagan, Castro, and Rodriguez 2010, Coutin 2010). While Price and Breese (2016) limit their discussion of unintended returnees to removals from US territory, they acknowledge that deportees could potentially return.

Scholars, have identified how remigration is common, but due to the clandestine nature of remigration, estimates on their frequency vary (Massey, Durand, and Malone 2002, Van Hook and Zhang 2011). Several studies identify deportees as more likely to attempt re-entry in a variety of international settings (Riosmena and Massey 2010, Peutz 2006). Hagan et al. (2008) identified how substantial portions of deportees intend to remigrate to the US. For instance, empirical research among deportee men in El Salvador, revealed a greater propensity to remigrate among deportees with children, spouses, and among deportees with both spouse and children in the US than their counterparts without family ties (Cardoso et al. 2016).

Cardoso and colleagues (2016) also found that Salvadoran deportees with family in the United States have substantial US-specific human capital – work experience, higher education, and English fluency – all important determinants of authorized and unauthorized remigration (Massey and Espinosa 1997), was substantially greater for deportees with family in the US than those without. Availability of US-specific human capital among study participants, however, was found to be inconsequential to the intent to remigrate. These findings run counter to the research literature’s emphasis on social capital – the information provided by migrant family networks that help lower the overhead costs to migrate – identified by Massey and Espinosa (1997) as a fundamental force that instigates and sustains more migration. Instead of benefitting from social capital the study’s authors found that involuntary transnational family structure served as the most important factor influencing the intent to remigrate (Cardoso et al. 2016, 217), despite severe penalties for unlawful re-entry to the US (Massey 2007).

The study by Cardoso and colleagues (2016) on the intention to remigrate among deportees helps shed light on the influence involuntary transnational families may have in shaping actual behavior among a population that represents a significant proportion of repeat migrants. For instance, data from the Department for Homeland Security (DHS), limited to migrant apprehensions that undercounts repeat migration among individuals not apprehended, identifies 21 percent of deportees in the US as repeat violators, whereas parents of US-citizen children constitute more than a third of repeat violations (DHS 2009).<sup>9</sup> The Cardoso et al.

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<sup>9</sup> It is important to note that while a substantial proportion of deportee parents, the majority from Mexico and Central America (ICE 2015), may intend to remigrate, overall levels of migration from



(2016) study suggests that the social capital thesis of Massey and Espinosa (Massey and Espinosa 1997) and others (Durand, Massey, and Zenteno 2001) may no longer hold in explaining the return migration among deportee parents with children in the US.

Along with possible changes in the role US-specific social capital may play as a determining factor in return migration, the documented rise in the use of *coyotes* in the last decade in Mexico (EMIF 2011) indicate a greater likelihood among deportee parents to use clandestine means to remigrate. What is new about these return migrations is the nature and extent of vulnerabilities experienced within the larger clandestine political economy.

There is on-going debate among scholars, however, about how clandestine crossings are organized; some argue that cartels do not have much involvement in human smuggling (Sanchez 2015), while others say they do (Gurney 2014). Greater consensus exists among scholars that restrictive immigration policies and tighter border controls by migrant receiving states like the US has fueled a diverse market for clandestine migration services (Andreas 1998, Slack and Whiteford 2011).<sup>10</sup> This diverse market according to Ortiz (2016) is part of a larger clandestine political economy fueled by the regulation of migration through border security along with cartel activity in drug-and people-smuggling.

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Mexico are down (Krogstad and Passel 2015) – with some investigators suggesting net migration from Mexico is zero (Passel, D’Vera, and Gonzalez-Barrera 2012).

<sup>10</sup> Scholars have identified several clandestine strategies that enable cross-border mobility, which include: human smuggling, crossings with tourist visas or borrowed documents. See Chávez (2011) and Ortiz (2016).

To help comprehend Alex's involvement in human smuggling, I deploy Spener's (2009) concept of clandestinity as licit and illicit strategies that enable surreptitious cross-border mobility. Reliance on these strategies is tied to limits imposed by states to the legitimate means of movement that increasingly produce involuntary transnational families and reinforce the clandestine political economy. I also employ and broaden Price and Breese's (2016, 374) concept of unintended returnee to illustrate how the structural constraints that befall Alex following his involuntary removal is part of a larger continuum that delimits the mobility options for deportees.

Restrictions on the legal means to migrate may compel deportees, particularly among those with involuntary transnational families, to deploy clandestinity as a resource and contract *coyotes* to enable cross-border mobility. Deportees who remigrate to the US are subject to immigration enforcement that increasingly criminalizes non-violent offenses, particularly unauthorized re-entry (Ewing, Martínez, and Rumbaut 2015), raising the specter of possible jail time and/or another unintended return.

My focus, however, is not on the clandestine practice of human smuggling per se. Instead, I am interested in examining how deportation of individuals with families serves as an incentive to attempt re-entry and the changing dynamics of clandestine crossings. My aim is to also elucidate through my case study how social capital, which helps lower overhead costs to migrating is of marginal importance when the migrant has been deported and separated from family members already in the US. Moreover, I will demonstrate how immigration

enforcement measures that fuel deportations and family separation restrict the legal avenues available to returnees who have credible fear claims to obtain humanitarian relief, which in turn erodes the fundamental right to family life, and reproduces unintended involuntary returns.

### **The Hierarchical Organization of Human Smuggling from Central America and Mexico to the US**

Migration scholar David Spener (2009, 144) in *Clandestine Crossings* identifies how the commercial-transport business of border crossing is one of several strategies that are largely structured by “a loosely networked set of [decentralized] independent contractors.” Spener also found, through ethnographic interviews, analysis of court records, and surveys a high degree of *relational embeddedness* – defined as far-reaching yet relatively closed social networks – whereby most migrants form contracts with recommended *coyotes* in their hometowns. The strength of these networks generates a degree of trust necessary to order the illicit cash-on-delivery system of human smuggling.

Some scholars, however, have identified a loosening of these networks whereby migrants rely less on local ties established with known smugglers who may also be linked to drug cartels (Slack and Whiteford 2010). The participation of drug cartels in clandestine smuggling networks has been identified to increase the vulnerability of migrants who can compel *coyotes* to assault migrants or force them to transport drugs (Slack and Whiteford 2010). Ortiz (2016) argues that the

increased participation of imposters who pretend to be *coyotes* and recruit migrants only to extort them may inform Slack and Whiteford's (2010) findings, which has helped reinforce dominant perceptions of smuggling as intertwined with criminal syndicates (Spener 2009, Palacios 2012).

Interviews conducted by Palacios (2012) with forty *coyotes* identifies unequal power relations between cartels who deploy violence to extract quotas from *coyotes* for the privilege of operating on the Mexican borderlands of Tamaulipas to facilitate cross-border migration. The association between the two – a common practice made by representatives of the US state security apparatus and humanitarian groups alike<sup>11</sup> – “is actually produced by coercion and operates to the detriment of *coyotes*” (Palacios 2012, 58). This unequal power dynamic may help explain Ortiz's (2016) ethnographic findings that bolstered border enforcement has resulted in more frequent cartel activity and involvement of *coyotes* in the movement of drugs with that of people across three major cities along the Mexico-US border.

Bolstered immigration enforcement and changes in the organizational makeup of contemporary clandestine smuggling networks begin to explain the structural factors that contribute to migrant vulnerability when crossing the Mexico-US border. Within this loose human smuggling network exist *enganchadores* who are charged with actively recruiting potential migrants. A *coyote*, according to Alex however, is more honest in his dealings with border-crossers, who unlike *enganchadores*, must encounter many of the same dangers faced by clients when

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<sup>11</sup> See HCHS (2006) and CNDH (2009).

crossing the border (hunger, thirst, injury, imprisonment, and death). While Alex portrays himself as an honest *coyote*, deception, coercion, and violent relations of power can take place throughout the smuggling milieu (Ortiz 2016, Palacios 2012).

The *patrón* plays a managerial role, which involves contracting *enganchadores* and *coyotes*, and regulating the cost and number of attempts that will be made to cross the international border. Apprehending a *coyote* by US border enforcement results in the loss of funds paid to the *patrón*, and denies clients another opportunity to cross the international border.

While Alex used the terms *patrones*, *enganchadores*, and *coyotes* to describe the organization of clandestine crossings, as David Spener's (2014) recent work has shown, the lexicon varies greatly over time and space.<sup>12</sup> The vernacular terms used to describe clandestine crossings by Alex may therefore differ in another context. His account, however, confirms other studies that identify a loosening of relationally embedded networks in clandestine human smuggling.

Inequities embedded in the current clandestine political economy that require payment of costly quotas, places at a disadvantage less complex or embedded networks, which are linked to small scale clandestine migration (Palacios 2012). These inequities provide loose networks, or what Ortiz (2016) calls a "spatially segmented system" of independent contractors who may not necessarily know each other, a competitive advantage. This loose organization has been identified as an effective protection mechanism to prevent identification of parties involved in the smuggling operation in the event a facilitator is arrested

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<sup>12</sup> For a review of the lexicon used to coordinate irregular clandestine crossings from the Mediterranean to the European Union see (Achilli, 2016)

(Zhang 2008). As a result, complex spatially segmented networks have been identified as the primary mechanism used by larger numbers of migrants from across the world to surreptitiously cross the US-Mexico borderlands (Palacios 2012).

### **Negotiations between *Patrones*, *Coyotes*, and *Enganchadores***

By the summer of 2014, Alex completed 14 border crossings over the course of seven years, all in the Arizona – Sonora corridor. The frequency of these crossings enabled him to gain insight on how cartels rationalized clandestine crossings along the Sonora – Arizona border region.

The control of border cities provides cartels leverage to pressure *patrones* and independent smugglers to pay a *derecho de piso*, a quota or user's fee for crossing the border; the further from the Mexico-US border crossing clients originate, the more cartels may charge for access to the border. *Patrones* provide *coyotes* with a location, controlled by a drug cartel, where clients pay up to \$600 USD to enter a safe house. To opt-out and gain authorization to leave the safe house requires an additional \$600 USD. These fees are in addition to the \$4,000 to \$4,500 USD charged per Central American client to cross the Mexico-US border.

For one to three weeks prior to departure from the safe house, Alex scouts border authorities' patrol patterns. Clients are then transported from the safe house by *raiteros* (slang for a driver) on a four-hour journey in Mexican territory controlled by a cartel. To prevent stowaways, heavily armed guards that work for cartels inspect each vehicle to make a final count of all passengers. To ensure that

*patrones* pay the right amount for each client, all are periodically asked to provide information on their place of origin. Once all passengers are accounted for, and place of origin is confirmed, permission is granted to continue to their next destination. In one instance, however, Alex described how a cartel identified discrepancies in the place of origin of some clients. The cartel leader, displeased with the attempt by a *patrón* to pay less than the required amount for a *derecho de piso*, alerted all cartels to discontinue business with this *patrón*.

The unequal power relations in the illicit informal economy of human smuggling that privilege drug cartels and *patrones*, who take a larger cut of the fees paid by migrants, and place *coyotes* at risk of death or incarceration by immigration authorities became all too clear as Alex shared information about his experiences facilitating clandestine cross border migration.

### **Clandestine Crossings**

Alex's numerous clandestine crossings allowed him to gain experience as an independently contracted *coyote* who participated in a spatially segmented smuggling network. Alex quickly established a strong reputation for guiding migrants safely across the border. The following provides a snapshot to one of these crossings.

In 2014, Alex and Omar, worked together to guide ten foreign nationals across the Mexico-US border. Six hours into the journey in the Arizona desert, dehydration and fatigue set in. Unable to reach their designated pick-up point on

time, Alex called the *raitero* to inform him of their predicament and decision to hide overnight in the desert bush. They agreed to meet the next day at a new location.

Day became night, and without warning, a helicopter and border patrol vehicles appeared near their location. Alex suspected the immigration authorities overheard his conversation with electronic monitoring and identified his location. The group dispersed throughout the bush. Once immigration authorities left, Alex and Omar searched for group members, but could not find them. Omar suggested leaving them behind, but Alex – fearing they would die without assistance – refused. It took several hours before they were found safe and sound asleep.

At dawn the group moved close to the pick-up point, but as a precaution remained in the bush. Once again, without warning, a helicopter and a border patrol caravan appeared at the designated site. The *raitero* never came, and a poor telephone signal prevented communication. For a second night, the group remained in the desert where they were in desperate need of water. Alex volunteered to go to a nearby community to search for sustenance. After some failed attempts to find residents at home, an elderly woman and her adult son who happened to be of the Tohono O’odham Nation – a binational indigenous group and federally recognized tribe – opened their door.

Alex’s limited English prompted him to call his wife in Mexico (who completed seven years of schooling in the US) to translate his request for water, food, and one night’s lodging for group members. The hosts agreed to a stay of just two hours and provided nourishment at a cost of \$500 USD. Alex called associates to arrange for another *raitero* to pick them up. Michael, a *raitero* and



member of the O’odham Nation, was identified as their only option – at the cost of \$2,300 USD. Due to the high risk of detection by immigration agents, both *coyotes* accepted the offer on behalf of the group, but the fee significantly reduced their earnings.

Once in the vehicle, Alex negotiated – with his wife over the phone – a new business deal with Michael: future transportation services at a fee of \$1,000 USD per passenger. Migrants, not *coyotes*, would have to cover the additional cost. Alex calculated that collaboration with Michael – with established networks and familiarity with O’odham Nation territory – reduced the risk of capture by immigration authorities and future financial losses. Ultimately, Michael agreed to partner in the human smuggling trade.

Alex explained how Michael, to diminish the risk of imprisonment for his role in human smuggling, subcontracted duties to other O’odham members to transport Alex’s clients across the border. An element of risk, however, underlined their newfound business relationship. For example, Alex disclosed an instance when, under the cover of night, border patrol pursued him and new *raitero* in a car chase as they attempted to transport eight migrants across the border. Once at a safe distance, the *raitero* stopped the vehicle to allow everyone to disperse. Unable to chase everyone, the agent arrested the *raitero* and impounded the vehicle.

Michael arranged for another *raitero* to pick them up, but demanded that Alex pay the impounding fee and the bail amount needed to release his *raitero*. Initially, Alex refused, arguing that the *raitero* was at fault for speeding and bringing suspicion to the vehicle, but soon relented. He recognized that entry to the US

depended on Michael's cooperation, and paid the fees. US citizenship status provides Michael, and his associates involved in human smuggling, a degree of protection from deportation, but places Alex at a disadvantage when negotiating financial transactions with O'odham. Imprisonment for aiding and abetting unauthorized entry of foreign nationals to the US, however, is an on-going risk for US citizens.

US and Mexican disinvestment in indigenous borderlands according to historian Gerardo Cadava (2011) fueled smuggling among the O'odham. The economic impact of governmental neglect is captured in a study by the Arizona Rural Policy Institute (2011), which identifies high rates of unemployment and poverty (27 and 41 percent, respectfully) among the O'odham. The O'odham borderlands, according to Cadava (2011), contrast with official ports of entry where free market capitalistic exchange is viewed as a modern neoliberal advancement. In this frame, the informal cross-border forms of exchange among the O'odham and *coyotes*, such as Alex, reinforce ideas of disorder and backwardness in the borderlands and justify their neglect.

While the O'odham nation formally observes US border enforcement laws, many feel conflicted. Journalist Andrea Filzen (2013) identifies how economic marginalization and ethnic profiling by CBP agents of O'odham tribe members fuel resentment toward them. Amnesty International (2012) has documented several cases whereby CBP agents racially profiled, harassed, denied entry and "returned" registered O'odham and other indigenous peoples to Mexico. These circumstances, along with rampant marginalization by the American and Mexican

governments, helps diminish the *us-them* distinction between the O’odham and migrants, perchance making partnerships such as Alex’s and Michael’s possible.

### **The Unauthorized Re-entry**

The movement of people without state authorization is a dynamic and historically contingent process. Contemporary immigration enforcement measures throughout the Americas (Villegas and Rieteg 2015) have placed deportees and their involuntary transnational families in increased precarity (Bengtson et al. 2013). It is this increased marginalization that forces many deportees to *re-enter* the US. The US enforcement strategy along the Mexico-US border and interior (Coleman 2007, Steil and Ridgley 2012), however, has involved increased convictions for unlawful re-entry – a federal crime – along with a rise in incarceration rates and deportations (Light, Hugo Lopez, and Gonzalez-Barrera 2014).

In 2014, Grace disclosed how they discussed the possibility of returning to the US soon after her return to Mexico. But, now with four children, their plans changed. I asked Grace what she thought about the prospect of Alex continuing to work as a *coyote*. Anticipating my question, she motioned, nodding her head sideways while holding her temples, and replied:

“I don’t want him to do it anymore. Every time that he does, I remain worried with the stress that something horrible might happen to him. It is for this reason that I much rather he goes to the US to find employment.”

When asked if he considered this option, he replied,

“I’m undecided.”

I then asked how long he planned to work as a *coyote*, Alex answered: “The increased cost of living, and lack of employment [outside of the informal economy], require that I do another trip.” Mexico’s high unemployment (Aristegui Editorial Board 2014) along with institutionalized racism that disadvantage the indigenous in the labor market (De La Madrid 2012), and Alex’s commitment as a husband and father who prefers to spend time with his family informed his decision continue working as a *coyote*. The risks associated with this line of work, however, became evident with the increased difficulty Alex faced when crossing the Mexican-US border.

By the end of 2014, Alex attempted to guide 18 migrants through the Sonora - Arizona corridor, but before leaving Mexico armed men surrounded the group and confiscated their belongings. Alex ran into the desert bush and escaped in the US side of the border. After a night in the desert, without food or water, Alex returned to Sonora, Mexico, where he asked a fellow *coyote* to contact his *patrón* to find out the whereabouts of the migrants, and learned that hostages were released after US kin paid an undisclosed ransom. Alex returned to Chiapas and informed Grace and his parents of the incident; all insisted that he no longer continue to work as a *coyote*.

Alex heeded his family’s request, and in 2015, Alex and Grace decided to join kin members in the US, where both could accrue more earnings for the upkeep of their family. Alex paid a fellow *coyote* to cross his wife and children (including their US citizen child). This *coyote* informed Alex of successfully crossing mothers

and their children in a location on the border where US immigration officials captured and later released migrants.

This development on the border reflected a change in DHS enforcement practices; a Federal Court Judge rejected (Preston 2015) use of private detention centers for children and their parents – hastily opened soon after the 2014 media coverage of a reported “surge” of arrivals from Central America – as a “deterrence” strategy to discourage future migration.

Alex and Grace agreed to follow this strategy, which in addition to minimizing the risk of fatigue and death in the desert, was also less expensive. Alex, to help finance the cost for his family’s crossing, decided to make a final clandestine crossing with eight migrants in the Sonora – Arizona corridor. Hours after beginning their journey, heavily armed men captured and held them hostage in a secluded building. A ransom was requested from US kin for every migrant. Despite Alex’s request to pay the ransom for his release, his captors refused. Instead, Alex remained captive for an extended time period and physically tortured.

He escaped his captors, but as he was without food or water, he turned himself in to CBP agents who documented the physical wounds he sustained following his prolonged torture and placed him in detention. Grace, who remained without news of her husband’s whereabouts, became increasingly worried that he may have been detained by CBP agents, captured by rival *coyotes*, or perished in the desert, and requested my help to find Alex.

I searched for and covered the cost of a reputable attorney who located Alex in a detention center and obtained his consent for legal counsel. Alex

expressed a well-founded fear of persecution or torture upon return to Mexico. However, his previous unauthorized entry prompted a Reinstatement of Removal, a new provision under the IIRIRA, which reestablished the previous order of removal subsequent to the 2006 immigration raid. Alex faced criminal charges for unauthorized reentry and – following a 2009 “detention bed mandate” passed by the US Congress, requiring ICE to fill 34,000 beds in detention facilities across the country (Robbins 2013) – prolonged imprisonment.

The attorney advised him of the option to apply for a withholding of removal or protection under the Convention Against Torture (CAT). Unlike asylum, however, both of these remedies do not offer a path to permanent resident status (Campos et al. 2014, 5). Additionally, a withholding and CAT application required that Alex remain in detention (potentially 6 months to a year) during the course of the credible fear process. Scholars have noted how prolonged detention can exacerbate post-traumatic stress and other harms asylum seekers and their families may have suffered in their own countries (Campos et al. 2014, 7-8). With no guarantee that the legal process would result in Alex’s release following his prolonged detention, in opposition to his wife and parents, who feared for his life should he be deported to Mexico, he refused legal counsel. Under such constrained legal options that denied access to asylum or permanent resident status, and additional detention to adjudicate a withholding and CAT application, following the end of Alex’s sentence and deportation, he opted to remigrate to reunite with his wife and children in the US.

## Discussion and Conclusion

This article used a case study method to present a “thick description” (Marcus 1998) of the human consequences that befall an involuntary transnational family created by US immigration enforcement. Specifically, I document how the 2006 deportation of Alex produced a chain of events that resulted in multiple returns as a human smuggler (*coyote*) and participation in a larger clandestine border-crossing network.

The changing dynamics of the clandestine political economy create conditions where *coyotes*, must not only evade border patrol, but also rival smugglers, and cartels that vie for greater control of the border region. Increased border surveillance by these actors has restructured the *relational embeddedness* that once shaped the *coyote*-migrant relationship. Alex’s collaboration with *patrones* throughout Central America, Mexico and the US who contact him to smuggle migrants to the US, is illustrative of the transnational scope of the dispersed flexible network that scholars (Palacios 2012, Ortiz 2016) have noted increasingly orders the clandestine political economy.

The complex spatially segmented systems (Ortiz 2016) that order clandestine cross border migration are unstable and can involve a variety of different independent contractors. The power relations between these contractors can also be unequal. This is evidenced by the different roles played by *patrones*, *coyotes*, *enganchadores*, and *raiteros*. Each face varying degrees of risk for participating in human smuggling, particularly along the Arizona-Sonora border region where cartels and immigration authorities vie for control. To reduce the risk

of capture by border patrol or cartels, Alex partnered with Michael, a member of the Tohono O’odham Nation. Michael’s national origin and US citizenship granted a degree of protection from deportation, which he leveraged to negotiate financial transactions that disadvantaged Alex. The increased complexity of the cross-border migration system that involved additional O’odham subcontractors and expenses, informed Alex’s decision to redirect the added costs to migrants.

It is important to note, that I am not arguing that it is common for cartels or federally recognized tribes in the US to be involved in clandestine crossings. Instead, I argue that cartel activity and bolstered border enforcement measures have created conditions that disturb the normative relational embeddedness that underpinned the *coyote*-migrant relationship to a dispersed transnational flexible network. This diffusion has coincided with record number of US deportations.

One of the US government’s arguments for bolstered immigration enforcement is that it will deter future unauthorized migration. Deterrence strategies – detention and “fast track” removal procedures – illegal under international and domestic law (2015), are ineffective in reducing the intention to migrate, particularly among those with direct experience with crime and violence who have credible fear claims (Hiskey et al. 2016). Deportations for instance have been found to reinforce structural economic and political inequalities that compound the needs of deportees (Coutin 2010, McGuire and Coutin 2013). Paradoxically, deterrence has produced a deportee population, many of whom have involuntary transnational families in the US, providing a profound inducement – family reunification – for remigration.



Scholars have begun to identify how deportees who are separated from kin are more likely to remigrate and rely less on US-specific social capital to attempt reentry (Cardoso et al. 2016). While reliance on US-specific social capital, which helps lower overhead costs to migration, may be of marginal importance to deportees separated from family members already in the US, the clandestine political economy remains a site where other forms of social capital may be leveraged by deportees to remigrate. This site, however, is undergoing significant change creating conditions that place those who participate in the informal clandestine economy vulnerable to multiple forms of violence.

These forms of violence are increasingly illegible by migrant receiving states (Echeverria et al. 2015). Alex's violent torture constituted grounds for credible fear. While several scholars have identified how most smugglers are migrants or asylum seekers themselves (Stone-Cadena 2016, Maher 2016), those who have credible fear claims face increased obstacles to exercise humanitarian protections by the US state (Menjívar and Rumbaut 2008).<sup>13</sup>

The limited legal options to seek asylum and humanitarian protection for individuals who have credible fear claims<sup>14</sup> is evidenced by the marginal number (between 1% and 7%) of applicants from Mexico and Central America who receive asylum (Campos et al. 2014, 13). Moreover, due to provisions under the IIRIRA, individuals who are deported and subsequently reenter, are barred from applying

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<sup>13</sup> Along with the US, the wealthiest receiving countries of international migrants have all refused to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. See, Menjívar and Rumbaut (2008).

<sup>14</sup> As of January 2015, of the credible fear interviews conducted at family detention facilities of foreign nationals, 76% from El Salvador, 55% from Guatemala, 70% from Honduras, and 67% from Mexico established a credible fear (USCIS 2015).

for asylum (except for withholding of removal or CAT protection) and face a reinstatement of their previous order of removal. In the absence of effective humanitarian protections that uphold the fundamental right to family life, deportees who are separated from families may have a greater propensity than those without involuntary transnational families to remigrate. Alex's case provides an opportunity to understand the complex motivations that fuel the migration of unintended returnees, particularly when it concerns family reunification.

The importance of studying unintended returnees as a unique mobility subject is amplified when we examine US deportations between 2005-2013. During this period, the US deported over 3.1 million unauthorized migrants (DHS 2013). Of this number, using the Capps et al. (2007) two-to-one ratio to calculate the number of children impacted by US deportations,<sup>15</sup> we can estimate over 1.5 million children living in the US have been impacted by these removals. Moreover, based on DHS (2009) data on repeat violations, which identifies more than a third of repeat violations committed by parents of US-citizen children, we can reasonably predict that a large proportion of the 3.1 million removals may remigrate to reunify with involuntary transnational families in the US. The staggering number of deportations of parents of US-citizen children – one fourth of all removals between 2010 and 2012 (Wessler 2012) – who have a greater propensity to remigrate to reunify with families (DHS 2009), should give pause to immigration policies that prioritize enforcement measures over humanitarian protection (Vélez and Boehner 2014).

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<sup>15</sup> The Capps et al. (2007) study found that for every two adults apprehended in a work site raid, at least one child (two thirds of whom are US-born citizens) is impacted.

While my findings are not generalizable, the strength of this qualitative case study lies in its ability to document how deterrence as a strategy for immigration enforcement paradoxically enabled Alex – with established long-term residence in the US – entrée to a human smuggling network. As a *coyote*, Alex deployed clandestinity as a resource to operate within the interstices of the dominant systems of migration, linked in both complicit and marginal ways to lawful migration to the US and the contemporary system of human smuggling. Findings also reveal how, despite bolstered immigration enforcement and limited legal options to seek asylum, clandestinity remained a viable, albeit dangerous, strategy enabling Alex to surreptitiously reenter the US to reunify with his family.

To conclude, returnees and recent arrivals are increasingly systematically denied basic human rights in the US producing unauthorized persons/families who are at risk of deportation for years to come. Current US immigration enforcement policies are not only ineffective in deterring future migrations, but actually fuel emergent migrations that may increasingly rely on non-relationally embedded clandestine smuggling networks. These changes – enforcement and changes in clandestine smuggling networks – place returnees and recent arrivals in greater vulnerability as they attempt to migrate to the US. In lieu of deportations, policies that address structural inequalities in places of origin may curb unauthorized entry to the US and weaken cartels from gaining greater control of smuggling networks.

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