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# Legal Violence: Immigration Law and the Lives of Central American Immigrants<sup>1</sup>

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This article analyzes how Central American immigrants in tenuous legal statuses experience current immigration laws. Based on ethnographic observations and over 200 interviews conducted between 1998 and 2010 with immigrants in Los Angeles and Phoenix and individuals in sending communities, this study reveals how the convergence and implementation of immigration and criminal law constitute forms of violence. Drawing on theories of structural and symbolic violence, the authors use the analytic category “legal violence” to capture the normalized but cumulatively injurious effects of the law. The analysis focuses on three central and interrelated areas of immigrants’ lives—work, family, and school—to expose how the criminalization of immigrants at the federal, state, and local levels is not only exclusionary but also generates violent effects for individual immigrants and their families, affecting everyday lives and long-term incorporation processes.

Concha is in Honduras, the native country of one of the fastest-growing immigrant populations in the United States.<sup>2</sup> The country’s stagnant economy resulting from the Central American Free Trade Agreement with the

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<sup>2</sup> All individuals’ names in this article are pseudonyms.

United States and the devastation of Hurricane Mitch in 1998, along with recent political turbulence in the country, have led to massive outmigration in the past decade and a half. Comparing the migration of two family members at different points in time, Concha describes the effects of U.S. immigration and border policy changes on peoples' perceptions of a successful migration:

When my brother went [to the United States, 15 years ago] the idea was to send money. One considered that a successful migration, when people who went sent money here. Now, no. Now it's another thing with all the dangers on the way there, the crossing of the border. Now it's successful if they make it there alive. One is left here with so much anguish. It's just so worrisome to see a loved one go [to the United States].

As Concha relates, the definition of a successful migration today, compared to 15 years ago, has been reduced to simply surviving the trip. Having accepted the dangerous terms of migration, immigrants and their families understand them as a "new normal," perhaps even expected, aspect of migration and settlement. In this article, we analyze how Central American immigrants in tenuous legal statuses experience current immigration laws in qualitatively different and more negative ways than in the recent past.<sup>3</sup> We argue that this change is rooted in the effects of an increasingly fragmented and arbitrary field of immigration law gradually intertwined with criminal law, and we label the current practices *legal violence*.

The Central American case provides a fruitful starting point to analyze how the legal context of reception produces vulnerabilities among contemporary immigrants. Guatemalan, Honduran, and Salvadoran immigrants have multiple legal statuses resulting from an array of U.S. foreign and immigration policy decisions, bringing into sharp relief the consequences of specific laws on groups and individuals (see Menjívar, n.d.). Grounding our analysis on immigrants' experiences, we use a theoretical lens that makes visible different forms of violence inherent in the implementation of the law, particularly when these become normalized and accepted (Menjívar 2011, n.d.). Like Central Americans, many immigrants in the United States and in other major receiving countries around the world are facing similar predicaments. Thus, our objective is twofold: (1) to inspire comparative work by offering an analytical lens that can capture the experiences of other immigrants in unresolved legal statuses today and (2) to theorize about the place of the law in shaping everyday life more generally.

The legal violence lens is particularly useful in the study of immigrants

<sup>3</sup> We do not discuss what factors led to the creation of these laws, the dynamics that preceded their implementation, or why they have been implemented now; such debates have been adequately covered elsewhere (see De Genova 2005; Wong 2005).

and immigration as it grasps the complex and often overlooked effects of the law on immigrants' paths of incorporation and assimilation. A central theme in sociological studies of immigration, past and present, has been the incorporation or assimilation of immigrants into the receiving society. This question preoccupied the early scholars whose work set the foundations of American sociology (e.g., Park 1950; Thomas and Znaniecki 1996), and it has sustained considerable attention. Over the decades, debates have revolved around whether immigrants follow a purported straight-line path, as in Milton Gordon's (1964) classic conceptualization in which, over time, they become similar to the majority group in terms of norms, values, and behaviors, or perhaps a "bumpy line," as in Herbert J. Gans's (1992) view. Contemporary debates have centered on whether the paths of incorporation of contemporary immigrants differ from those of immigrants from the turn of the past century (Waldinger and Perlmann 1998; Portes and Rumbaut 2001; Rumbaut and Portes 2001; Kasinitz et al. 2008). **Scholars have identified various factors, including immigrant groups' human capital levels and the occupational opportunities that receive them, as catalysts for successful incorporation.** New formulations, building on earlier foundational questions and focusing on the second generation, have refined the theoretical tools for the understanding of immigrant incorporation. For instance, in what has been called the "**new assimilation theory**," Alba and Nee (2003) highlight the crucial role of civil society organizations, past and present, in facilitating assimilation. And exponents of the **segmented assimilation framework** propose varied paths of incorporation in which structural factors in the context of reception can lead to stagnant or downward mobility, straight-line assimilation, or an alternative path in which immigrants become successful by staying close to their ethnic group (Portes and Zhou 1993).

The segmented assimilation framework has been especially useful in identifying structural forces that block or facilitate mobility: poor urban schools, inequalities in job market opportunities, racialization (Portes and Zhou 1993; Portes, Fernández-Kelly, and Haller 2005), and immigration laws, for example, shape immigrant "modes of incorporation" (Portes and Böröcz 1989, 620). Along with economic, social, and human capital factors, and the contexts of exit and reception, the segmented assimilation model incorporates immigration laws of the receiving country as a key analytical feature to understand the various paths of immigrant incorporation. Theoretically, we build on this tradition to further examine the potential effects of immigration laws on immigrants' incorporation, and, in doing so, we focus on the law's underside—the sometimes hidden and violent effects. This is particularly relevant today, as many immigrants are spending longer periods of time as undocumented or in uncertain legal statuses with significant long-term consequences (Menjívar 2006a, 2006b). And

although we do not directly examine the long-term effects of current laws, in highlighting this aspect of the context of reception, we contribute to broader discussions of the place of immigration law (not of legal status per se) on immigrant incorporation.

Much of the current discourse implicitly assumes that legal status is intrinsic to individuals; however, migrant illegality (and legality) is legally constructed (De Genova 2005; Ngai 2007; Donato and Armenta 2011). Immigration laws restrict the movement of some individuals but allow the admission of others (Hao 2007), thereby making and unmaking documented, undocumented (Calavita 1998; Ngai 2004), and quasi-documented immigrants. These practices establish a social hierarchy anchored in legality as a social position (Menjívar 2006b), as legal categories grant immigrants access to goods, benefits, and rights in society (Massey and Bartley 2005). As such, immigration laws today create a new axis of stratification that, like other forms of stratification, significantly shapes life chances and future prospects (Menjívar 2006a, 2006b).

To bring to the fore the complex manner in which the law exerts its influence and control, we examine the harmful effects of the law that can potentially obstruct and derail immigrants' paths of incorporation. We use the term *legal violence* to refer to these effects, as they are often manifested in harmful ways for the livelihood of immigrants. Importantly, although we note cases of interpersonal aggression, or physical violence, we concentrate on those instances that are not directly physically harmful and that are not usually counted and tabulated; indeed, our analysis draws attention to the accumulation of those damaging instances that are immediately painful but also potentially harmful for the long-term prospects of immigrants in U.S. society. We trace immigrants' experiences to the laws, their implementation, and the discourses and practices the law makes possible.

#### FORMS OF VIOLENCE: STRUCTURAL, SYMBOLIC, AND LEGAL

According to sociologist Mary Jackman (2002), two dominant assumptions have guided most examinations of violence: (1) that violence is motivated by the willful intent to cause harm presumably resulting from hostility and (2) that violence is socially or morally "deviant" from mainstream human activity. Thus, "when violence is motivated by positive intentions, or is the incidental by-product of other goals, or is socially accepted or lauded, it escapes our attention" (Jackman 2002, p. 388). This approach, therefore, leaves out sources of material injuries, "such as loss of earnings, destruction, and confiscation; the psychological outcomes of fear, shame, anxiety, or diminished self-esteem; and the social consequences of public



humiliation, stigmatization, exclusion, banishment, and imprisonment, all of which can have deeply devastating consequences for human beings" (p. 393). Ignoring these less dramatic, often less visible, forms of causing injuries results in a "patchy, ad hoc conception of violence" (p. 395). Through our analysis of immigrants' experiences with immigration law, we heed Jackman's call to open up the sociological optic to the examination of violence and focus on those instances that might, otherwise, elude attention.

To theorize about legal violence, we link specific laws and their implementation to particular outcomes in three central facets of study participants' lives: family, work, and school. These are vital spheres of life through which immigrants come into contact with institutions in the wider society and thus are key areas to examine when assessing long-term incorporation and paths of assimilation. As such, they also represent the most salient spheres of life through which immigrants experience the effects of the law.

Drawing from the scholarship on structural and symbolic violence, we utilize a lens that identifies harmful outcomes of the law in the lives of individuals (see Menjívar 2011, n.d.).<sup>4</sup> The concept of legal violence incorporates the various, mutually reinforcing forms of violence that the law makes possible and amplifies. This lens allows us to capture the aggravation of otherwise "normal" or "regular" effects of the law, such as the immigrants' predicament that results from indefinite family separations due to increased deportations; the intensification in the exploitation of immigrant workers and new violations of their rights; and the exclusion and further barring of immigrants from education and other forms of socioeconomic resources necessary for mobility and incorporation. All of these instances constitute forms of structural and symbolic violence that are codified in the law and produce immediate *social suffering* but also

<sup>4</sup> Other researchers have conceptualized the consequences of contemporary immigration laws in the lives of immigrants as forms of structural or symbolic violence. In a study of immigrant laborers in California, Holmes (2007) calls attention to the inter-nalization of structural violence to explain how inequalities are maintained among farmworkers. From a medical anthropology perspective, Walter, Bourgois, and Loinaz (2004) examine the embodiment of structural violence that results in patterns of social suffering among undocumented Latino men. Examining the effects of deportation among undocumented immigrants in Israel, Willen (2007) notes that such campaigns represent forms of structural and symbolic violence that exacerbate the effects of the ever-present threat of deportation. Spener (2008) uses the concepts of personal, structural, and cultural violence to analyze the tragedies involved in crossing the Mexico-U.S. border. And in a study of Indian migrant laborers in Bahrain, Gardner (2010) uses the concept of structural violence to capture the consequences of labor recruitment practices.

potentially long-term harm with direct repercussions for key aspects of immigrant incorporation.<sup>5</sup>

Moreover, the legal violence lens exposes the contradictions on which the formulation and implementation of immigration law rests: the various laws at federal, state, and local levels today seek to punish the behaviors of undocumented immigrants but at the same time push them to spaces outside the law. This dual contradictory goal makes immigrants simultaneously accountable to the law but also excludes them from legal protections or rights, or in Chavez's (2008) conceptualization, it forces them to live in the nation but not be perceived as part of the nation. Finally, the concept of legal violence also allows us to bring into focus the far-reaching consequences of laws enacted in a regional center of power as these have a spillover effect that engulfs as well the lives of the nonmigrant relatives and communities in countries from which immigrants originate (see also Coleman 2007; Massey 2007).

The different forms of violence we examine are linked and mutually constitutive. At the macro level, patterned forms of structural violence are "rooted in the uncertainty of everyday life caused by the insecurity of wages or income, a chronic deficit in food, dress, housing, and health care, and uncertainty about the future which is translated into hunger" (Torres-Rivas 1998, p. 49). This type of violence is considered structural because it is borne through and concealed in exploitative labor markets and discriminatory educational systems that impose inequality on society (p. 49). As the anthropologist Paul Farmer (2003) observes, **suffering that results from structural violence is "structured" by historically given (and often economically driven) processes and forces that conspire . . . to constrain agency**" (Farmer 2003, p. 40). Structural violence is particularly evident in the living conditions and limitations of the poor. For example, although malnutrition and lack of access to goods and services do not result in immediate killings, over many years, for the most vulnerable members of society, they do effectuate a slow death (Galtung 1990). In Galtung's (1990) classic conceptualization, exploitation (in its various forms) lies at the core of the archetypal violent structure. Thus, attention to forms of inequality and abuses of immigrants' labor that are made possible by specific laws under the current immigration regime highlights not only immediate social suffering but also how the law can block access to society's goods and services that promote integration and success. These violations of rights are, in turn, linked to and mutually constitutive of symbolic violence.

An important aspect of the violence we address is its normalization,

<sup>5</sup> We use the anthropologically informed term *social suffering* to analyze collective experiences of suffering among a large group of individuals (see Willen 2007).

for which we turn to the work of Pierre Bourdieu. Following Bourdieu (1998), symbolic violence refers to a range of actions that have injurious consequences, to the internalization of social asymmetries, and to the legitimation of inequality and hierarchy, ranging from racism and sexism to expressions of class power. It is about the imposition of categories of thought on dominated social groups who then accept these categories and evaluate their conditions through these frames and think of their predicament as normal, thus perpetuating unequal social structures.<sup>6</sup> In this conceptualization, “The dominated apply categories constructed from the point of view of the dominant to the relations of domination, thus making them appear as natural. This can lead to a systematic self-depreciation, even self-denigration” (Bourdieu 1998, p. 35). Since the lens through which social actors see the social world is derived from the same social world, they (mis)recognize the social order, including, for instance, the power of the law in their everyday lives, as natural. In this way, inequalities and rights violations in the social order can go unquestioned because “it is the law.” Individuals who endure these power inequalities, however, are fully aware of the effects, but the conditions are so overwhelming and structures so omnipotent that there is little room for questioning this natural order of things (Kleinman 2000).<sup>7</sup> Symbolic violence, moreover, “is exercised upon a social agent with his or her complicity” (Bourdieu and Wacquant 2004, p. 273) and manifested through individuals’ feelings of inadequacy, mutual recrimination, and exploitation of fellow victims. These processes, in turn, divert attention away from the forces that created the conditions of violence in the first place (Bourgois 2004a, 2004b). Thus, individuals come to understand their marginalized positions as natural and can then become contributors to their own plight but also actors in trying to change those conditions.<sup>8</sup>

Drawing on these conceptualizations of structural and symbolic violence (see Menjivar 2011, n.d.), we argue that legal violence best explains the living conditions and experiences of contemporary immigrants in ten-

<sup>6</sup> Unlike scholars who capture state-induced violence on communities and individuals using a Foucauldian analysis that emphasizes surveillance and discipline to control individual bodies (Hekman 1996; Roberts 1997; Simon 2007), the legal violence concept is based on Bourdieu’s work because this perspective provides a better understanding of the process through which laws with harmful consequences become part of the social order.

<sup>7</sup> In the interest of space, we are not including a discussion of resistance and protest, which are critical aspects of how individuals and groups have responded to the effects of the law today (see Abrego 2011).

<sup>8</sup> Auyero (in press) proposes a useful distinction when examining habituation to conditions of multisided violence between familiarization, as in “we are used to it,” and desensitization, meaning that individuals are less likely to pay attention or notice. Following Auyero, we mean familiarization.

uous legal statuses in the United States as well as in other major immigrant-receiving countries.<sup>9</sup> Legal violence captures the suffering that results from and is made possible through the implementation of the body of laws that delimit and shape individuals' lives on a routine basis. Under certain circumstances, policy makers and political leaders enact laws that are violent in their effects and broader consequences. Although their effect may be considered a form of both structural and symbolic violence, we refer to it as legal violence because it is embedded in legal practices, sanctioned, actively implemented through formal procedures, and legitimated—and consequently seen as “normal” and natural because it “is the law.”<sup>10</sup>

Legal violence, in the interpretation that we advance here, is embedded in the body of law that, while it purports to have the positive objective of protecting rights or controlling behavior for the general good, simultaneously gives rise to practices that harm a particular social group. In these cases, the law enables various forms of violence against the targeted group. For contemporary immigrants, legal violence is rooted in the multi-pronged system of laws at the federal, state, and local levels that promotes a climate of insecurity and suffering among individual immigrants and their families. To be sure, legal violence against immigrants is not a new phenomenon (see, e.g., Takaki 1989; Espiritu 1997; De Genova 2004). The lens we employ based on today's practices, therefore, may shed new light on the violent effects of immigration law in the past, such as the Chinese Exclusion Act of 1882 and Operation Wetback in the 1950s. However, in today's regime, which increasingly links civil immigration with criminal laws (Miller 2005; Inda 2006), the threat of deportation has been used with unprecedented vigor to make even permanent legal residents vulnerable to deportation (Kanstroom 2007).<sup>11</sup> A key point is that beginning in the early 1990s and progressively after the attacks of Sep-



<sup>9</sup> Legal violence is also related to, but distinct from, the violence revealed in the work of the legal scholar Robert Cover (1975). Unlike the legal violence framework, which includes symbolic and nonphysical forms of violence, one of Cover's central arguments is that to maintain order, the state must use its laws in direct and violent ways. These include practices such as returning people to slavery prior to the Civil War, capital punishment, and force by police officers. Cover also asserts that judges' legal interpretations are a form of direct violence when they result in subjects' loss of freedom, property, children, or even life (Minow, Ryan, and Sarat 1993). Certainly, these are convincing examples of law's violent effects, but the analytical lens we use here looks beyond these more explicit and direct violent consequences of the law.

<sup>10</sup> Walter Benjamin (2001, p. 69), in his classical writings on violence, observed that “all violence as a means is either law-making or law-preserving.”

<sup>11</sup> As Kanstroom (2007) observes, there have been immigrants deemed excludable as criminals or as posing a political threat since the foundation of the nation. But today's regime differs in significant ways.

tember 11, 2001 (Donato and Armenta 2011), lawmakers have converged civil immigration law with criminal law, relying on a vast state technology that enables the merging of the two for border but also interior social control (Kanstroom 2007). Indeed, the reorganization of the Immigration and Naturalization Service (INS) under the Department of Homeland Security (DHS) created in the aftermath of 9/11 to safeguard the country against terrorism (Borja 2008) has increasingly linked immigrants with terrorists and criminals, helping to move immigration matters from the civil to the realm of criminal law. This process has fashioned a violent context for immigrants already in the country, where social suffering becomes commonplace, normalized, and familiar. This new approach to immigration, undocumented and documented alike (Kanstroom 2007; Donato and Armenta 2011), has created a new context that requires a fresh lens to unearth its violent effects.<sup>12</sup>

Unlike most punitive laws that target the behavior of individuals, current immigration laws and their implementation target an entire class of people mostly with noncriminal social characteristics, such as language spoken or physical appearance, that associate them with a particular immigration status. Although the focus of these laws is immigrants in uncertain legal statuses they also target their U.S.-born family members as well as documented immigrants (and other noncitizens). And importantly, whereas immigration law has moved toward a convergence with criminal law, there are now fewer (and more restrictive) avenues for immigrant legalization. These parallel tracks have created a population caught in uncertain legal statuses with very limited legal options but living with the omnipresent threat of deportation. We bring together a variety of situations that when taken individually may be interpreted (or perhaps dismissed) as aberrations or exceptions but when examined collectively across different contexts reveal group vulnerabilities specifically linked to the law and its administration. Moreover, each of the situations we analyze relates to areas long examined in assessments of immigrant assimilation. In this way we link the immediacy of the violent effects of the law with cumulative, long-term consequences for immigrants' futures.



#### IMMIGRATION LAW AS LEGAL VIOLENCE

Immigrants receive a combination of rewards and penalties depending on whether they are naturalized U.S. citizens, legal permanent residents, temporarily protected, or undocumented (Massey and Bartley 2005). Im-

<sup>12</sup> Hagan, Rodriguez, and Castro (2011) identify three periods of mass deportations in U.S. history, noting that the third, starting in the mid 1990s, is quantitatively and qualitatively different than the previous two.

migrants with a greater degree of legal protections are much more likely than those in tenuous statuses to fare better; in general, documented immigrants earn more, work in safer jobs, and can apply for and obtain various forms of educational and housing aid. Legal status determines access to health care (Menjívar 2002; Holmes 2007), housing (Painter, Gabriel, and Myers 2001; McConnell and Marcelli 2007), higher education (Abrego 2006, 2008*b*), and employment (Simon and DeLey 1984; Uriarte et al. 2003; Walter et al. 2004; Gonzalez 2005; Fortuny, Capps, and Passel 2007; Takei, Saenz, and Li 2009). Legal status also has been found to affect immigrants' health risks (Guttmacher 1984), vulnerability in the streets (Hirsch 2003), domestic violence (Salcido and Adelman 2004), wages in the labor market (Massey, Durand, and Malone 2002), and family dynamics (Rodriguez and Hagan 2004; Menjívar 2006*a*; Menjívar and Abrego 2009). In every case, immigrants who are undocumented or in tenuous statuses are more vulnerable, and many of them incorrectly believe they have no legal protections; thus, to evade detention and deportation, they avoid denouncing physical abuse and crime (Menjívar and Bejarano 2004) and refrain from seeking formal health care (Okie 2007). Today's immigration regime exacerbates these situations and creates a wider gap between immigrants and various social institutions (see Capps et al. 2007).

Immigrants in tenuous legal statuses, however, are not the only class of immigrants harmed by the current immigration regime. Despite the very real differences between the paths of documented and undocumented immigrants in various spheres of life, documented immigrants (e.g., legal permanent residents) also have been progressively losing rights as they are also targets of new laws and increasingly at risk of deportation (Kanstrom 2007). This is a new development resulting from today's immigration regime.

Legal categories are also tied to negative perceptions of undocumented immigrants, which are produced and maintained through their representations in mass media (Chavez 2008). For example, immigration raids are often covered in the media in a manner that associates immigrant workers with criminality—even when these are still matters of civil law.<sup>15</sup> These practices solidify perceptions of immigrants in tenuous legal statuses as criminals and portray them as less than human in the minds of viewers and listeners, contributing to normalizing and then justifying maltreatment against immigrants who are perceived as lawbreakers. In effect, sociologist Douglas Massey, relying on work on cognitive science from social psychology, notes that in the minds of U.S. citizens, undocumented

<sup>15</sup> Socially constructed phenomena can be closely linked to public fear (Glassner 1999; Best 2001), often with important political gains for particular groups (Glassner 1999).




immigrants (alongside sex offenders, drug dealers, and those perceived to be lazy welfare recipients) are considered “despised, out-group members” (Massey 2007, p. 14). Massey warns that this is dangerous terrain: **undocumented immigrants “are not perceived as fully human at the most fundamental neural level of cognition, thus opening the door to the harshest, most exploitative, and cruelest treatment that human beings are capable of inflicting on one another”** (p. 150). This is how symbolic violence permeates perceptions, interactions, and ultimately shapes the treatment accorded to immigrants, with short- and long-term consequences for their lives.

The growing nexus between immigration and criminal law is evident in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and its implementation. This act makes even documented immigrants deportable and includes language that criminalizes a wide range of behaviors. For example, immigrant workers in tenuous legal statuses are being charged with aggravated felony for using borrowed Social Security numbers in order to work. Indeed, the term *aggravated felony* has been expanded to include a broadening array of what were previously considered to be relatively minor crimes (even misdemeanors). In Phoenix, Arizona, for instance, the Maricopa County Sheriff’s Office (MCSO) refers to the crime suppression sweeps conducted in predominantly Latino neighborhoods as efforts to combat identity theft (Creno 2009).<sup>14</sup> This is how the language of the media mingled with public officials’ narratives contributes to normalize images of immigrants as criminals, setting conditions for mistreatment.

The legal context also includes federal programs run by Immigration and Customs Enforcement (ICE) that are meant to round up criminals and terrorists, further fusing images of immigrants with criminals and terrorists. The National Fugitive Operations Program, an ICE program that seeks to integrate immigration and border control, is meant to focus resources on immigrants with criminal records, but it also includes “fugitives without criminal conviction.” Thus, in practice, these enforcement tactics—broadcast in the media and garnering public attention—persuade the public that federal and state governments are moving to solve the immigration problem, even when government statistics show that the arrests capture mostly immigrant workers without criminal records.<sup>15</sup> Importantly, broadcasting reports of these raids, which have become a com-

<sup>14</sup> Employer sanctions, on the other hand, even though codified into law for much longer, have not had nearly as damaging effects on employers (Calavita 1990; Medina 1997).

<sup>15</sup> The outcome is that 287(g)—the program that allows local police departments to act as immigration agents—has had its largest impact on noncriminal immigrants, such as day laborers, street vendors, and drivers with broken taillights (Shahani and Greene 2009).

mon strategy to detain and deport immigrants in recent years, sustains immigrants' fear of deportability (De Genova 2002). As De Genova observes, the mere threat of deportation, even when not coupled with the practice of deportation, is key to the power of the law and what makes undocumented immigrants potential targets of abuse. And although there is insufficient funding and inadequate means to actually deport all undocumented immigrants, the perennial threat of deportation is encoded in the law. 

Immigration categories into which contemporary immigrants are classified have created the possibility for the dramatic expansion of the “illegality” we see today (De Genova 2002, 2004; Massey et al. 2002), categories that determine immigrants' rights, their position in society, and also their treatment. Moreover, targeted by (mis)representations, immigrants often internalize their status, accept these conditions as normal, and may even feel deserving of mistreatment (Abrego 2011). Our argument, then, is not simply that immigrants are an especially vulnerable group or that current laws disenfranchise contemporary immigrants. This point has already been examined and effectively argued before (Piore 1979; Hagan 1994; Cornelius 2001). Instead, we argue that immigrants in tenuous legal statuses today experience the multipronged system of immigration laws and their implementation, aided by a vast technological infrastructure and state bureaucracy, as a form of violence due to the blurring of immigration and criminal law that leads to a progressive exclusion of immigrants from “normal” spaces and societal institutions. This transformation has immediate and long-term consequences that, cumulatively, can contribute to thwarting their incorporation into the host society.

## LEGAL CONTEXT

Structural and political violence have shaped in interrelated ways Central American immigrants' lives in their countries of origin as well as in the United States.<sup>16</sup> The political conflicts that lasted approximately three decades in Guatemala and 12 years in El Salvador, along with related political and economic dislocations in Honduras, have shaped U.S.-bound migration flows from those countries, as well as U.S. immigration policies toward these immigrants. On the receiving end, the U.S. government has responded with legal actions in a span of more than two decades that

<sup>16</sup> Notably, popular accounts of the current “immigration debate” fail to note that most Central Americans being targeted for immigration infractions in the United States today had already experienced the devastation of civil wars and their aftermath in their own countries—conflicts substantially funded by the U.S. government.

have failed to recognize Central Americans as refugees of geopolitics in their homelands; thus, many Guatemalans, Hondurans, and Salvadorans have entered, and many remain in the United States, as undocumented immigrants or only temporarily protected.

In the United States, the legal status of the majority of Central American immigrants has been marked by prolonged uncertainty embedded in laws with few avenues for legalization (Menjívar 2006b). From the initial years of Salvadorans' and Guatemalans' massive migration to the United States in the early 1980s, they have been granted temporary permits, a barrage of applications, reapplications, long processing periods for their applications, and the threat of imminent deportation, while remaining ineligible for important forms of legal protection or social services. Although Hondurans are increasingly leaving contexts of heightened political violence, they, too, have been received in the United States with the same temporary treatment and legal uncertainty that characterizes the reception of Guatemalans and Salvadorans.

Despite commonalities with other national-origin groups that have been granted refugee status, throughout the 1980s fewer than 3% of Salvadoran and Guatemalan applicants were given political asylum. Immigrants' rights groups lobbied on their behalf, and eventually in 1991 Congress granted temporary protected status (TPS) from deportation to Salvadorans, which allowed them to live and work in the United States for a period of 18 months; it was extended multiple times and ended in September 1995. In 1990, as a result of the settlement of a class-action suit (*American Baptist Churches v. Thornburgh* [ABC] legislation) against the INS, Salvadorans and Guatemalans were allowed to resubmit asylum applications, thereby improving the success rate of these applications. Another pathway to legal status—legalization under the Immigration Reform and Control Act (IRCA) of 1986—was available to a relatively small percentage of Central Americans who arrived in the United States prior to the January 1, 1982, deadline. The thousands who arrived during and after the height of the political conflicts in their countries were ineligible for IRCA provisions. To add complexity to the Central Americans' legal story, benefits of the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA) were extended only to some Guatemalans and Salvadorans (and not to any Hondurans).

Although elite and middle-class Hondurans have been migrating in small numbers to the United States since the late 1800s, large-scale Honduran migration started in the 1980s. Recently, the working poor have fled en masse from the economic destabilization, growing instability, and the natural and economic devastation resulting from Hurricane Mitch in 1998 (Portillo 2008). They are joined by Guatemalans and Salvadorans who continue to migrate despite the official end of civil conflicts in those

countries in 1997 and 1992, respectively. The structures of inequality at the root of the civil conflicts—and of emigration—are still in place and are now exacerbated by high rates of unemployment and underemployment and high levels of violence associated with “common crime” in the three Central American countries.<sup>17</sup> And the social channels for Central American migration have expanded as more individuals have relatives and friends in the United States (PNUD 2005; Menjívar 2006a).

El Salvador suffered two earthquakes in early 2001 that worsened the social, political, and economic problems left by years of civil war. Salvadorans who arrived after the earthquakes were granted TPS for a period of nine months, a dispensation that has already been extended several times and at the time of this writing will expire on March 9, 2012. Similarly, Hondurans arriving after Hurricane Mitch in 1998 were granted TPS, which has been renewed multiple times; it is currently set to expire July 5, 2013. And while Guatemala also endured the destruction of Hurricane Stan in late 2005, Guatemalans have never been granted TPS.<sup>18</sup> For the Hondurans and Salvadorans on TPS, its inherent temporariness is made clear by multiple deadlines for application and reregistration and, importantly, by announcing extensions just a month or two prior to the current TPS expiration. Each group has different deadlines and registration procedures, including different applications for TPS and for employment authorization, and various application and renewal fees.

The legal context for Central American immigrants is further shaped by IIRIRA.<sup>19</sup> Among other things, IIRIRA reduced the threshold for crimes and offenses that may be considered grounds for deportation (Stumpf 2006).<sup>20</sup> In effect, IIRIRA has facilitated the removal of hundreds of thousands of immigrants for a wider range of criminal offenses (Rod-

<sup>17</sup> The United Nations Human Development report for El Salvador (2008) shows that only 20% of the population has “dignified” employment in that country; see <http://www.pnud.org.sv/2007/idh/content/view/28/100/> (accessed July 22, 2008).

<sup>18</sup> Although hundreds of rural villages were annihilated, almost a quarter of a million Guatemalans disappeared or were killed during the civil conflict, and natural disasters compounded the human-made destruction, the U.S. Department of State has never recognized Guatemalans as deserving of temporary protection.

<sup>19</sup> The IIRIRA expanded the range of crimes that make immigrants ineligible for permanent legal residence and permanent legal residents deportable, increased border control efforts, eliminated waivers through which undocumented immigrants in deportation procedures could petition to remain in the United States, and made it more difficult for them to obtain permanent legal residence.

<sup>20</sup> Since IIRIRA became law, among the deported were permanent residents and refugees who left behind at least 1.6 million spouses and children, many of whom are U.S. citizens (Human Rights Watch 2007; Menjívar and Rumbaut 2008). Although we do not have figures for deportation-induced family separations among Guatemalans, Hondurans, and Salvadorans, given their deportation rates and their temporary statuses, we expect that many have been affected.

riguez and Hagan 2004). The year before IIRIRA passed there were 69,680 deportations; this figure has increased every year, reaching a record of 392,000 in 2010 (U.S. DHS/ICE 2010) and surpassing it in fiscal year 2011 with 396,906 deportations (U.S. DHS/ICE 2011). Between 2000 and 2009, 149,833 Guatemalans, 159,265 Hondurans, and 105,397 Salvadorans were deported.<sup>21</sup> And whereas in 1998 these three Central American groups accounted for approximately 9% of total deportations, they made up 17% in 2005 and 21% in 2008, remaining in the top four groups (with Mexico) of deportees in the past few years.<sup>22</sup> This was done through the creation of two mechanisms of IIRIRA that (a) made it possible to deport legal immigrants who have been convicted of a felony at any time in the United States, even when they have already completed their sentences, and (b) created the 287(g) program, which allows local police to enter into agreements with ICE to target and detain “criminal illegal aliens.” With an emphasis on deporting even documented immigrants who have ever committed a felonious crime, thus expanding the categories of noncitizens subject to deportation and augmenting the list of offenses for which they can be deported (Hagan et al. 2011), IIRIRA has legitimated and normalized the perception of immigrants as criminals (and potential terrorists).

Although the 287(g) agreement was created in 1996, it was promoted and used after the attacks of September 11, 2001—a move that further ties terrorist activities with civil immigration matters and invokes concerns about national security in immigration matters. And though all law enforcement involves discretion, the implementation of 287(g) has been linked to racial profiling practices that criminalize immigrants. Indeed, concerns and complaints about the use and implementation of 287(g) have led the federal government to adopt other enforcement strategies. Thus, in 2008 it introduced “Secure Communities,” which along with 287(g), is part of ICE’s Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS). Secure Communities uses biometric information to “modernize and transform the criminal alien enforcement model through technology, integration, and information sharing . . . to improve public safety.”<sup>23</sup> This program is based on electronic data sharing (Kohli, Markowitz, and Chavez 2011), through which the fingerprints of

<sup>21</sup> DHS Statistical Yearbook 2009, table 38, “Aliens Removed by Criminal Status and Region and Country of Nationality: Fiscal Years 2000 to 2009,” and DHS Statistical Yearbook 2000, table 66, “Aliens Removed by Criminal Status and Region and Country of Nationality, Fiscal Years 1993–2000.”

<sup>22</sup> Office of Immigration Statistics (U.S. Department of Homeland Security 2009).

<sup>23</sup> For information from Immigration and Customs Enforcement about Secure Communities, see [http://www.ice.gov/doclib/foia/secure\\_communities/securecommunities\\_presentations.pdf](http://www.ice.gov/doclib/foia/secure_communities/securecommunities_presentations.pdf).

anyone arrested or booked by local police are checked against the Department of Homeland Security databases and the FBI. This program operated in 14 jurisdictions in 2008, had expanded to 660 jurisdictions by 2010 (U.S. Department of Homeland Security 2010), and, at the time of this writing, it is expected that it will be in place in every jurisdiction in the nation by 2013 (Kohli et al. 2011). And whereas the 287(g) program is voluntary (it is up to the municipalities), the Secure Communities program is a national mandatory program for all municipalities. Thus, increasingly, strategies that associate immigrants with dangerous criminals (and terrorists) expand and make immigrants—documented and undocumented alike—vulnerable to the legal system.<sup>24</sup>

Although the legal context that Guatemalans, Hondurans, and Salvadorans face is primarily dictated at the federal level, through ordinances, laws, and agreements, such as Secure Communities and 287(g), the state and local levels have acted in conjunction to create a multilayered context that makes violent consequences possible.<sup>25</sup> Thus, in recent years, immigrants' legal uncertainty and risk have been aggravated by a barrage of local-level ordinances targeting the activities of undocumented immigrants. These ordinances range from penalties to city contractors and private businesses for hiring undocumented immigrants, to revoking licenses when businesses are found to hire them, to attempts to bar landlords from renting to them.<sup>26</sup> Significantly, the language used in local measures parallels the federal trend toward criminalizing immigrants. For instance, in Arizona, a law created to penalize human smuggling was reinterpreted to charge individual immigrants as coconspirators in their own smuggling, thereby making unauthorized entry a criminal rather than a civil offense. **And with a new tactic denominated "attrition through enforcement," these laws do not seek to apprehend everyone but to implement routine practices that tie immigrants to criminality and debates about national security.** Thus, while this multilevel, multipronged ap-

<sup>24</sup> Even though they constitute a relatively small percentage of the immigrant population, Guatemalans, Hondurans, and Salvadorans seem to feel the effects of stiffer laws more directly than other groups. This is evident in their proportionally large numbers among deportees. Also, one study in New Jersey found that among Latin American-origin immigrants, Guatemalans ranked at the bottom in a system of stratification based on legal status because ICE raids disproportionately target them (since Guatemalan Mayas are physically more easily identifiable), and, therefore, other Latinos sometimes avoid being associated with them (Adler 2006).

<sup>25</sup> Some scholars (see Varsanyi 2008) argue that there has been a devolution of select immigration powers to local and state governments. While states are now active enforcers, we see these actions as adding a layer to the federal government's laws, in additive fashion.

<sup>26</sup> Some of these ordinances are largely symbolic since they seek to bar undocumented immigrants from accessing services that were already unavailable to them.

proach to restrict immigration may not necessarily decrease levels of immigration, it does make the lives of immigrants particularly difficult by legitimizing more restrictions and normalizing and facilitating violence in immigrants' lives. Even as these laws, or specific policies, seem to change continually, the associated practices and the messages they send have short- and long-term consequences for immigrants' incorporation.

#### DATA AND METHODS

We did not start out searching for indications of violence in immigrants' lives; rather, in an inductive fashion, their stories and words led us to reflect on the violent effects that current immigration law has on their lives. Our study participants described their legally rooted circumstances in words that evoke the suffering we might associate with more obvious and direct forms of violence, such as those lived in situations of political violence or war (e.g., torture, pain, anguish, etc.).

The data on which this article is based come from several studies, which permit us to elucidate the broad reach and ramifications of the legal context. Menjívar draws on a series of studies of Latin American-origin immigrants in the Phoenix metropolitan area that she conducted between 1998 and 2010. This time span has allowed her to capture how immigrants have perceived and reacted to changes to federal and local laws (for further details, see Menjívar [2001, 2003, n.d.]; Menjívar and Bejarano [2004]). In addition, data for this article come from in-depth, semistructured interviews that Menjívar and McKenzie conducted with women in Honduras in December 2007 and January 2008 (for further details, see McKenzie and Menjívar [2011]). Abrego draws on two separate studies. Between June 2004 and September 2006, she conducted 130 in-depth interviews with Salvadoran families in the midst of long-term separation (for more details, see Abrego [2009]). And from 2001–6, she carried out a longitudinal study that focused on access to higher education for Guatemalan, Mexican, and Salvadoran undocumented high school and college students in Los Angeles (for a detailed description, see Abrego [2008*b*]).

Given the quick pace of change and ongoing developments in immigration law, we also draw on newspaper articles from around the country to supplement some of the empirical points we make. These articles detail similar incidents as those our study participants shared and provide further evidence of the generalized nature of contemporary legal violence. Although our main empirical focus is on three aspects of immigrants' lives—family, work, and school—in line with our argument that the laws of the powerful country have a “spillover” effect (see Coleman 2007), we begin by briefly contextualizing the immigrants' journey into the country

and the consequences of the current immigration regime that reaches beyond the confines of U.S. national borders.

#### LEGAL VIOLENCE AND THE JOURNEY NORTH

Perhaps reflecting the interconnectedness of immigrant origins and destinations, the effects of current U.S. immigration policies are not neatly contained within the U.S. territory or confined only to immigrant communities in the United States. This is especially visible among the growing numbers of immigrants traveling without a visa (and by land). Under new border enforcement policies in place since the early 1990s, smugglers have significantly changed strategies; rather than being individuals who assist in border crossing, they are now members of smuggling rings with state-of-the-art equipment akin to (and often being confused with) drug cartels (see Spener 2009).<sup>27</sup> Through new operations, they move people in ways that are indistinguishable from human trafficking, often exposing immigrants to shootings and kidnappings, as well as extortion at drop houses in the United States (Tobar 2009) and Mexico. In this process, the smugglers, who are themselves immigrants, injure their coethnics in ways that resemble terror techniques used by authoritarian regimes in Latin America (see Menjívar and Rodríguez 2005). The smugglers' actions incite physical violence that spills over to nonimmigrants who live in the migration corridor where the smuggling rings operate (Tobar 2009). These organized rings have emerged in tandem with border policies that seek to protect the border in the context of national security. And though the building of fences and increased militarization of the southern U.S. border does not necessarily reduce the number of immigrants crossing, it fuels a thriving business in smuggling that benefits both law enforcers and law evaders (Andreas 2001), while creating conditions for multiple forms of violence for immigrants and for nonmigrants along the migration corridor in Central America and Mexico.

Although the passage through Mexico has always been risky for Central Americans (Menjívar 2000), new U.S. border policies in place since the mid-1990s have made this journey increasingly dangerous, a situation that has multiplicative effects on the lives of migrants and their families left behind. In fact, almost all respondents in our studies who traveled by land shared stories of perilous journeys north. Mauricio, a Salvadoran man who was deported from Mexico twice before making it to the United

<sup>27</sup> Border enforcement policies include Operation Gatekeeper in California, Operation Safeguard in Arizona, and Operation Hold-the-Line in Texas, among others.

States on his third attempt in 2003, recounted some of the experiences he endured and witnessed:

There were 87 of us and they packed us up into a trailer truck for 16 hours. And for all of us to fit, we had to be so close to each other, and I couldn't take it anymore, I needed to move. . . . And then we started to walk across the desert. All you desire is water and food. We used our shirts to drain some muddy rain water that remained in a plastic bag that was stuck to a tree. That's how thirsty we were! . . . And at one point, we all had to run in different directions, and once the [border patrolmen] were gone, we went back to look for the Guatemalan man who was with us. He was already really tired and we didn't find him. The smuggler wanted to keep going, and who knows what happened to that poor man because we still had to walk many hours and it was so cold that night. I don't know if he survived. He probably didn't.

Tales like these are not uncommon among Central American migrants crossing several international borders to arrive in the United States (see also Coutin 2007; Behrens 2009).

Notably, for unauthorized travelers the journey is not confined to physical injuries, and such harm does not end with their arrival in the United States. The increasingly difficult border crossing has promoted a significant increase in smugglers' fees (Spener 2009). The trip today requires that immigrants invest amounts of money and incur large debts; thus, often their first task upon arrival is to pay off the money they owe. As Gardner (2010) observed among Indian immigrants in Bahrain, this debt becomes a fulcrum for various forms of violence for the immigrants and their families back home. Many participants in our studies struggle to repay their debt, and most owe so much that it takes them years to repay. Suyapa, a mother of five in Honduras, described how payment of the debt has lengthened her husband's intended stay in the United States: "Manuel tells me he expects to be in the United States for six years . . . because right now it's been three years and he still owes half of the money he borrowed." Thus, during this extended time, much of the money immigrants earn goes to reduce their debt rather than to help their relatives, as they originally intended.

Although immigrants are responsible for earning the money to repay their loans, the nonmigrant relatives directly manage the everyday dealings with debt collectors and the looming threat of having their family's houses or land seized as collateral for failure to pay on time (McKenzie and Menjívar 2011). Examining this link to the relatives back home highlights how the threat of deportation in the United States effectively constrains the immigrants' options to provide for their families in their countries of origin. Also in Honduras, Rosa described an interaction in which a debt collector intimidated her: "The lady [who loaned us the money] always sends her husband to the house to ask, 'What's happening with

the money?’ Last year he came and asked me, ‘What do you think about your husband? Are you going to pressure him to pay the money, or are we going to have to take away your land?’” Several other study participants in the home countries described similar experiences—sometimes outright extortion—in dealing with debt collectors after their relatives attempted the trip north. These instances can be traced to the policies that have made border crossing increasingly dangerous and as such exacerbate various forms of violence among the immigrants’ and the non-migrants’ relatives alike.

Families back home are also affected by other aspects of their relatives’ journeys (Hammock et al. 2005). Family members described taxing periods when their loved ones are in transit to the United States, when information about them is scant. Norma, in Honduras and with two sons working in the United States, recounted her experiences during her sons’ travels, “I even got sick. My nerves were terrible, so that it was impossible to be calm. I just passed the time crying, crying. Because I listened to the news—of the murders, people falling from the train, the gang hold-ups . . . all of that.” Thus, this knowledge of the dangers of traveling to and entering the United States affects nonmigrant family members in multiple ways.

These examples demonstrate how U.S. immigration laws, along with the militarization of the Mexico-U.S. border, set up conditions conducive to an increase in the immigrants’ (and their families’) suffering beyond the territorial jurisdiction of U.S. immigration law. This is due to the powerful position of the United States as a “strong state” in this migration region. The higher costs and the consequent debts contribute to exacerbate immigrants’ vulnerability and facilitate exploitation among coethnics, here and there, highlighting how physical, structural, and symbolic forms of violence coalesce in the context of immigration legislation to affect lives beyond U.S. territorial boundaries.

### Family

Once they arrive in the United States, the effects of the current immigration regime are manifested in several ways in the lives of Central American immigrants, from lengthy and uncertain family separations as a result of raids and deportations, to children being cut off from basic services such as access to higher education and health care, to the insecurity of wages and worries about not having enough money to buy food or pay rent. Some of these situations may be more recognizable as “violent” because they evoke strong immediate emotions, such as the case of a Honduran mother who was taken into custody during an immigration raid at her home in Ohio. The mother is pictured in newspapers, dis-

traught and in tears, as she was separated from her 9-month-old daughter (Preston 2007). Other cases are more subtle but equally damaging (in the short and long term). We turn our attention to these cases, as they embody the various forms of violence to which we point here and are also instances with the potential to have consequential effects for long-term immigrant incorporation.

Study participants in Los Angeles and Phoenix shared experiences that, while not physically violent, are legally violent because immigration laws create the conditions in which they occur. They are members of a class of individuals whose experiences demonstrate the law's harmful and potentially long-lasting damaging effects. At a recent gathering in Los Angeles, Marta, a Salvadoran college student, shared with her peers:

I was in the waiting room at the clinic last week, sitting next to this girl who was like my age. We were talking about where our parents are from and how we haven't been back, when she gets a call on her cell phone. Somebody was calling to tell her that her mother had just been deported! . . . Now, every day, I leave the house and I don't know if me or my parents will be back. It could be any of us, any of these days, and it's so scary. . . . We started to talk about what will happen with my little sister because she's a U.S. citizen, but who is she going to stay with here if we get deported?

Much like stories of living in a directly violent context such as war, Marta describes the fear that pervades her daily life any time she leaves her home. Her family members' experiences exemplify how deportability is lived: because several of them are in tenuous legal statuses, they may be detained and later deported at any moment. This vulnerability, made possible by immigration laws and their implementation practices, instills fear in immigrants (and their families) who live with the very real possibility of forced family separation (see Capps et al. 2007; Hagan, Eschbach, and Rodríguez 2008). Such feelings affect how immigrants perceive their current place in U.S. society and can affect long-term paths of incorporation.

With the exponential surge in ICE raids and deportations since the mid-2000s, there is increasing fear and insecurity among immigrants—those who are undocumented but also among the documented, particularly among those who have a relative with uncertain status. Clara, a Salvadoran woman in Phoenix, shared the strategies she and her husband have adopted in their daily lives to plan for “the worst,” as she put it. The couple works together cleaning model homes at night in a suburb of Phoenix; he is undocumented, and she has a temporary work permit but both feel equally insecure because TPS is technically not fully documented status. Deeply cognizant of the frailty of their legal situation, they never ride together in the same car.

Look, Cecilia, this situation is scary; it gives us fear. Yes, everyday, I don't

lie to you, it's constant. So no, we don't drive together. What if we are stopped and we get deported? We'll be taken to jail, and the kids, what? Who's going to take care of them? Who's going to stay with them? We worry; we live anguished. So he goes in one car, with our neighbor, and I go in another one, with my cousin. The same when we go to the market. He goes in one car and I go in another. So no, we try to never, no, we're never in the same car. Never. Who knows what can happen. . . . We must take precautions.

As Clara's words highlight, deportability is palpable in daily life, as even commuting between home and work or shopping for groceries involves "anguish" and careful deliberation to avoid the possibility of being separated from loved ones. Her words denote the "terror" that individuals living in Latino communities experience (Caspa 2008) or the "reign of terror," as former Phoenix mayor Phil Gordon called the daily intimidations that undocumented immigrants endure in Arizona's Maricopa County today (Finnegan 2009).

In another part of the interview, Clara (and her husband) identified the threat of raids as the source of their anxiety. In their experience, there is no comparison between how the "situation was before" and how "the situation is now." Since the mid-2000s, Clara has felt gradually more vulnerable and threatened, particularly by the actions of the MCSO, a vigorous advocate (and user) of the 287(g) agreement and the Secure Communities programs. Indeed, Clara has telephoned Menjívar on a few occasions to ask if she knows where a raid might take place next. Their deportability and the **ever-present threat of raids—that are unannounced and can happen anytime, anywhere—keep the immigrants on alert at all times, much like a constant state of emergency (see Taussig 1992). But for the general public these raids are normalized as a response to a perceived problem that law enforcement needs to address.**

For families who are separated due to migration, legal status plays a central role in determining parents' labor market experiences and therefore the amount of money they can send to their children back home (Abrego 2008a). This is another instance in which U.S. law spills over beyond the nation's borders. Many immigrants' families in the home countries do not receive sufficient remittances and cannot make ends meet because the remitting relative is in detention or local-level laws have reduced their employment opportunities and they are still repaying debts acquired to cover the costs of the trip. Without funds, children are unable to eat properly or attend school regularly, and their health and academic achievements are compromised (Abrego 2008a). For example, Ana, in El Salvador, is thin and likely malnourished even though she receives money from her father. His uncertain legal status in the United States kept him from applying for worker's compensation when he hurt himself at work. Since then, he has moved from job to job, being unemployed months at

a time and deported a couple of times. He sends between \$50 and \$100 per month, but this sum has to be divided among six siblings.<sup>28</sup> To survive, Ana spreads throughout the day food that would typically constitute one meal. She makes this sacrifice because, at the age of 24, she is still in high school and wants to graduate. Her schooling situation is the result of years of insufficient remittances to cover education-related expenses and of the general conditions of structural violence and unequal access to education in El Salvador. Ana's predicament highlights the intertwined nature of legal and structural violence that affects those here and their families there. The injuries of structural violence—poverty, malnutrition, unequal access to education—that the father sought to rectify with migrant remittances have not abated, and the legal violence he now experiences as an immigrant in the United States has contributed to exacerbate those conditions for his family back home.

Legal violence shapes the experiences of families living in the United States in multiple ways but, in particular, by hampering their links to institutions and thus affecting patterns of incorporation (Menjívar 2006a). Families report going to great lengths to avoid contact with social service providers, even when children in those families are eligible to receive social services by virtue of being U.S. citizens by birth (Capps et al. 2007). A Guatemalan mother in Phoenix said that although she needed aid for her two U.S.-born toddlers, she would not apply for food stamps. Due to the economic recession and to employers' fears of being sanctioned for hiring unauthorized immigrants, her family's income sources were very limited. Like this mother, parents with uncertain legality who are expected to ensure the welfare of children refrain from doing so when deportation and family separation are real possibilities. It is in this manner that contemporary laws negatively impact immigrants' immediate well being and future prospects.

Many study participants described feeling as if they were **under siege**. Within the family realm, legal violence frames everyday lives, from parents having to leave children behind in the home country for uncertain periods of time to leaving the house in fear every day for work or for grocery shopping—basic family functions for economic and physical survival. The accumulated pressure of persistent vulnerability and deportability makes basic family needs difficult to meet, with the potential to thwart these immigrants' paths to successful integration into U.S. society. Increasingly lengthy and uncertain family separations, normalized in the context of enforcement today, bring to light the underlying contradictions of legal violence in immigrant communities: while the law seeks to remove

<sup>28</sup> For context, in 2004 the estimated monthly expenses for most households in urban areas in El Salvador was \$129.50 (PNUD 2005, p. 481).

them from society, by pushing them outside the boundaries of jurisdiction, it simultaneously includes them by criminalizing their presence.

### Work

Aside from the laws' widespread effects on families, legal violence also shapes immigrants' work experiences. It is widely known that many immigrants earn low wages in jobs with no benefits (Milkman, González, and Narro 2010). However, the recent activities of the National Fugitive Operations Program, by targeting undocumented workers, facilitates various forms of immediate abuse in the workplace as well as long-term consequences for immigrant workers and their perceptions of their rights and civic participation. Workplace raids (or, as they are called in Arizona, employer sanctions investigations), made possible by the 287(g) agreement, Secure Communities, and IIRIRA in general, have increased scrutiny and suspicion of immigrant workers, especially Latinos.<sup>29</sup>

For instance, Josefina, an immigrant with legal permanent resident status in Phoenix, reflected on the "nervousness" she experiences. Although she is not undocumented, she feels vulnerable in public places, particularly on her way to work and while she is at work at the plastics factory where she is employed. She thinks these days it is "more secure" to be a U.S. citizen:

You have no idea how much I want to be a citizen, so that I don't have to carry my *mica* (green card) everywhere I go, so I don't have to think all the time that I will be stopped and deported because now they're deporting even people who are here legally, just because of how you look! So yes, I'm really desperate to be a citizen. I am already taking English classes and as soon as I become eligible, I'll apply.

Even though Josefina has been living in the United States since 1993, in 2010 she was one year short of becoming eligible to apply for citizenship because her permanent legal resident application (through marriage) took more than a decade to be finalized. Her case demonstrates that legal violence and its associated stress can affect all immigrants—documented or undocumented.<sup>30</sup> Furthermore, by fueling immigrants' fear, their deportability, or the threat of being removed, the law creates situations ripe for mistreatment, as often employers either cooperate with law enforce-

<sup>29</sup> As of this writing, the Obama administration has suspended workplace raids but has expanded the Secure Communities program and implemented workplace audits, or "silent raids," which facilitate deportations.

<sup>30</sup> A recent report (Kohli et al. 2011) found that through Secure Communities the ICE has deported hundreds of U.S. citizens, which shows the effects of these strategies beyond their intended target—undocumented immigrants with criminal records.

ment or refuse overtime pay to their immigrant workers, deny them breaks, or fire them right before payday. These situations, in turn, shed light on how structural and symbolic violence coalesce in immigrants' lives through legal violence.

Contrary to common assumptions, immigrant workers are not undervalued (and underpaid) because of the work they do; rather, they are limited to labor sectors rampant with abuse precisely because they are undervalued. This is accomplished through the legal regime in place, media portrayals, and the public discourse that depict them as outside the law, as undeserving, and as law breakers, which together erase their contributions to society. This type of treatment, sanctioned by the law, sets the stage for further mistreatment. For instance, like his compatriots arrested with him, a Guatemalan worker in the 2008 Postville, Iowa, raid, where 400 mostly (Maya) Guatemalans were taken to detention centers, could not understand all the charges filed against him. However, his words provide a glimpse into how this act, where the workers were separated from family and community (many of whom had been living with tenuous statuses for a decade or longer),<sup>31</sup> reverberates to the individuals and contributes to their self-condemnation in a matter that evokes the symbolic violence embedded in these actions. According to the interpreter, "No matter how many times his attorney explained it, he kept saying, 'I'm illegal, I have no rights. I'm nobody in this country. Just do whatever you want with me'" (Preston 2008). Apparently, this man had internalized the devaluation that comes from the implementation of the law by accepting and confirming his own self-depreciation. Identifying himself entirely by his "illegal" status, he conformed to the notion that he had "no rights."

For the first time in his long career, the interpreter in the Iowa case felt compelled to share details of the Guatemalan workers' court hearing and public display of violence (Camayd-Freixas 2009). Prior to the implementation of current policies, these workers would have been apprehended and swiftly deported. But immigration policies today require that undocumented workers also be charged with aggravated identity theft when they use false documents to secure employment.<sup>32</sup>

Our study participants described similar incidents at their work sites.

<sup>31</sup> According to recent estimates (Passel and Cohn 2011), two-thirds of the undocumented immigrants in the United States today have been in the country for more than 10 years, with a full one-third having resided in the country for 15 years or longer.

<sup>32</sup> As of this writing, the U.S. Supreme Court ruled that using another person's documents to work does not constitute identity theft (<http://feetin2worlds.wordpress.com/2009/05/05/supreme-court-ruling-in-identity-theft-case-too-late-for-some-immigrants/>). However, some local law enforcement agencies, like Arizona's MCSO, through a state law, have continued to raid workplaces and mingle civil and criminal law, in spite of the Supreme Court's ruling.

In Phoenix, some local law enforcement agencies have taken a particularly strong stance and have collaborated with ICE on raids, regular traffic stops, and checkpoints, and volunteer posses have been deputized to patrol streets, perform sweeps, and conduct armed workplace raids. Marcos is a study participant who works as a day laborer in a small community of Latinos and Yaqui Native Americans that has a contract with the MCSO for police protection. MCSO deputies perform random patrols there, often demanding IDs from pedestrians. These crime-suppression operations, as they are officially called, occur in predominantly Latino neighborhoods throughout the Phoenix Metropolitan area over which the MCSO has jurisdiction. Marcos describes how members of his community deal with the threat of raids there:

For instance, someone sees the sheriff [MCSO officers], let's say there, on Baseline [Avenue], coming this way . . . with a huge trailer and sometimes horses and armed . . . yes, about 50 or 60 officers. That person then calls a friend and tells him, "look the sheriff is here, don't go out of the house" and this person calls a cousin or a friend and then these people call others and that's how everyone finds out and no one leaves the house, not even to go to the market. We look through the window, open the curtain a little, to see if they're still there, to see if it's safe to go out.

Marcos's description is reminiscent of scenes of direct political violence that some of these immigrants lived in Central America during the decades of civil war. And aside from the immediate fear, raids affect immigrants' ability to work. Marcos, like Clara and her husband above, commented that when they hear that MCSO officers will be in a particular area of the valley, they do not go to work there, and, in the case of Marcos, he does not even go to the corner to seek day work. Menjívar drove through the small town mentioned above on a day that a traffic suppression sweep was expected to take place and, except for sheriff patrol cars everywhere and two large commando units parked two blocks apart, found desolate streets and empty street corners where day laborers typically congregate to wait for potential employers.<sup>33</sup> The highly visible presence of law enforcement (or potential presence, as they can show up any time) affects the day laborers' experiences by facilitating a decrease in wages, creating safe spaces for dishonest employers, and generally making workers more vulnerable (Arriero 2009). Clara added that car washes have become "dangerous" places of work because they have been the target of raids.

<sup>33</sup> Due to concerns and complaints of abuse, the federal government terminated its agreement with the MCSO in 2009; thus, they can no longer conduct traffic suppression sweeps under the federal program, but the MCSO continues to conduct workplace raids under a 2008 state law to target businesses suspected of hiring undocumented workers described below.

Consequently, even before the economic recession began, employment options for immigrants with tenuous legal statuses had started to decrease.

In addition, in 2007 Arizona passed the Legal Arizona Workers Act, a law that went into effect on January 1, 2008, and allowed the state to suspend or revoke the licenses of businesses that intentionally or knowingly hire undocumented immigrants.<sup>34</sup> This law was the first in the country in which a state sought to gain control of a federal function, and it represents a national trend in local-level attempts to regulate immigrant workers. Although its purported objective was to reduce the number of undocumented immigrants in the state, the law mainly has exacerbated their already vulnerable living situations. Fearful employers began to fire workers who could not produce proof of work eligibility even before the law officially went into effect. Thus, many lost their jobs, and their economic insecurity increased, with repercussions in different spheres of their lives—both in the United States and in their origin countries. Those who have stayed in their jobs have been made more susceptible to unpaid hours, increased workloads, and dismissal without cause. This is the case of Floridalma, a Guatemalan who arrived in Phoenix in 2004 and initially worked at a furniture factory. She was fired soon after the 2008 law went into effect and since then has been earning a living mainly by cleaning houses. She had to start working as an assistant to a woman who “owns” the route of houses they clean, and even though the woman charges \$70 per house, Floridalma said she only gets \$15 per house. Although she said this is the direct result of the 2008 law, she also blamed her “boss” for not paying her enough. This is **how legal violence works: it creates conditions for the dominated to harm others in their same position, and it also contributes to the obstruction of traditional paths of incorporation by keeping immigrants in dead-end jobs with precarious working conditions for longer, uncertain periods of time.**

Legal violence also affects workers in more subtle but equally harmful ways. Manuel, a Salvadoran who has had temporary protected status on and off for 17 years, is meticulous about renewing his work permit even before the deadline. He always has been outspoken and “tells it like it is.” However, lately he has changed his views and now prefers not to complain at work. He was the victim of abuses by a foreman and asked Menjívar for help in writing a letter of complaint to the owner of the company but never sent the letter. A bit surprised, Menjívar asked him

<sup>34</sup> Under the Legal Arizona Workers Act, employers who hire unauthorized workers can have their business licenses suspended for up to 10 days and be put on probation. A second offense can lead to a revocation of the license. It also requires Arizona employers to use E-verify, the federal electronic system to validate Social Security numbers and employees' immigration status.

why. “Because these days you can’t say anything. [A] couple of years ago, in another time, I would have sent it in. But now I’m afraid, you know, with the times now, we all live afraid.” Even though Manuel realizes that it is “not OK” for his employer not to pay him overtime, to give him only one 15-minute break a day, to refer to him using ethnic slurs, and to regularly threaten to call the feared *migra*, Manuel is now afraid to speak up. Symbolic violence, through legal violence, exerts its influence on workers who live in fear and begin to think that they have no rights and accept “normal abuses,” as Manuel explained.

Similarly, Nelson, a Salvadoran immigrant in Los Angeles who earns less than the minimum wage as a warehouse worker, describes his predicament:

You see that without papers it is very difficult to be hired just anywhere. So my brother-in-law found me a job [in] a company where the trailer trucks come and you pack them and unpack them. That is hard work because they don’t care if one is tired, if one needs to rest, or if [the weather is] too hot or too cold. And so, since they didn’t even let us rest, I messed up my back and when I told them, they pretended not to hear me, they didn’t do anything. I kept complaining and in the end they told me that if I couldn’t do the work anymore, I should look for another job because they needed someone who could stay on schedule. And after that I still had to fight with them to get my last paycheck because they were saying that I worked too slowly. Up until now I still can’t carry anything too heavy, so I haven’t been able to find a steady job.

Due to his undocumented status, Nelson was afraid to apply for worker’s compensation or to denounce the employer who fired him when he complained of back pain. Since losing his steady job, he spends most of his time at a day labor site, trying to get temporary, short-term jobs. Unfortunately, as he said, “in this kind of work, you don’t earn enough.” The current legal regime makes it possible for employers to pay low wages and to withhold health benefits and other basic legally mandated provisions, such as bathroom breaks and protective gear, when these are necessary for the job (Holmes 2007); thus, the law creates conditions under which workers’ rights have diminished (see Walter et al. 2004).

The current legal system has direct, long-term effects as well, as it shapes how immigrants assess their futures. Nelson goes on to explain how the current system thwarts his American Dream:

One comes here thinking that life will be better . . . but without papers, one’s life is not worth much. Look at me; I have always been a hard worker . . . but I messed up my back working, carrying heavy things without any protection . . . and I can’t do anything about it. What doctor is going to help me if I can’t pay? And the worst part is, who’s going to hire me now? How will I support my family?

Reminding himself that he came to the United States in search of economic

opportunities, Nelson describes the sense of defeat that accompanies his legal status and now pervades him. Despite what he perceived to be his positive qualities—a hard worker who sought to improve his life—being “without papers” means being “without any protection” and being perceived as worthless. The violence that the current regime makes possible exacerbates the effects of structural violence when immigrants cannot support themselves and their families. Furthermore, it becomes entwined with symbolic violence when immigrants become participants in their own devaluation and accept this social order as normal and the consequences in their lives as expected. Unlike previous generations of immigrants, current immigrants in tenuous legal statuses are less likely to be upwardly mobile in their paths of incorporation in this country.

### School

Manifestations of legal violence are also evident among younger immigrants, particularly in school-related matters. Education is another key dimension in the path of immigrant assimilation and an area where the legal regime today leaves an indelible and long-lasting mark (Menjívar 2008). Schools are the main social institutions with which young immigrants interact, and education is especially influential in determining their day-to-day realities and their long-term incorporation experiences. The 1982 U.S. Supreme Court case, *Plyler v. Doe*, grants undocumented youths access to public schools in grades K–12, yet students speak of feeling unwelcome when their legal protections end after high school. Even students who have “played by the rules” and excelled in school are effectively blocked from college legally or financially, depending on the state in which they reside. In schools, legal violence manifests itself through blocked paths to mobility and intense stigmatization of the youth who otherwise feel a strong sense of belonging in U.S. society (Abrego and Gonzales 2010; Abrego 2011; Gonzales 2011).

Many undocumented and quasi-documented youth learn of their unauthorized status in high school when they have to fill out applications for internships, summer jobs, or college admission. Unable to provide a Social Security number for the applications, their parents are forced to explain the situation to them, often for the first time. By the time they learn that they are undocumented or that they are “waiting for the papers,” many have been mostly socialized in the United States where, having had legal access to schools, they have developed a strong sense of belonging (Abrego 2008b). From that moment on, however, their legal status becomes an effective obstacle in their incorporation in U.S. society. As Alex, a Salvadoran junior in high school described it, before he learned of his status: “I used to leave my house to go to school every day and I didn’t know

anything. I didn't know I was undocumented. . . . I just went to class, hung out with my friends, you know, whatever normal things." Since learning of his status, Alex tries to keep pursuing his goals, but he lives with constant reminders of his vulnerability. In his worldview, as well as that of other youth in a similar situation, an undocumented status is an anomaly because many have lived in the United States all their lives. As a result, they feel stigmatized in the very society that they previously considered home.

Once these youth learn about their legal statuses, many develop an awareness of the negative connotations associated with their illegality. Astrid, a Salvadoran undocumented high school student recalled feeling uncomfortable at school when the classroom topic turned to immigration, "I hate how they call us 'illegal aliens.' I feel like telling them that I don't have antennae, I'm not a weirdo like they think." Concerned with the potential repercussions, however, she never shared these feelings with her peers. Similarly, Brenda, an undocumented Guatemalan high school student says, "they call us 'illegals' and they think we're committing crimes all the time and we're not." The undocumented label, created through immigration laws, weighs heavily on these youth who, like any other U.S. teenager, often want nothing more than to fit in. Importantly, during formative years in adolescence, even awareness of restrictive laws impacts the youngsters' identity development, with potential long-term repercussions. A survey conducted among middle school students in Phoenix found that awareness of SB 1070, the Arizona restrictive law passed in 2010 that is still on hold in federal court, was positively linked to perceptions of discrimination and negatively impacted the students' perceptions of being American: the more they were aware of this law, the more discrimination they perceived and the less American they felt (Santos, Menjivar, and Godfrey, in press). It would not be surprising to find a similar situation in states like Georgia and Alabama where equally or more severe immigration laws quickly followed the passing of the Arizona law.

The stigma these youth experience affects them in various ways. Youth in tenuous legal statuses must interact and share information about their status with gatekeepers and school officials to transition to higher education. Among other things, they have to request letters of recommendation and proof of school attendance to apply to college. Many students expressed the mental (and sometimes physical) distress they experienced whenever they disclosed their status to a new school official: unsure about teachers' and counselors' stances on immigration, they worried about being publicly ridiculed and targeted. Alisa, a Guatemalan high school student in Los Angeles, fidgeted with her fingers and looked away as she described this process, "I would get really nervous, but I had to tell them [teachers] because I just thought that they could help me. . . . It's stressful,

you don't know if they will treat you different." Moreover, even when they overcome the stigma of the legal label, those who excel academically are often unable to attend college or to claim scholarships awarded to them, **effectively being barred from traditional means to upward mobility.**

Some youths with uncertain legal statuses, particularly those whose parents are undocumented, learn early on that their status makes them different, vulnerable, and even suspect. This is especially driven home by **nervous parents who, when fearful of deportation,** may not take their children, including U.S.-born children, to school. Afraid of being apprehended and separated, these **families avoid interacting with officials in social service agencies, even when this means denying children the social, medical, and educational services they need.** In the process, children learn to be fearful of authorities who may, at any moment during a regular activity such as attending school, separate them from their families or send them to a country they do not remember or simply do not know. For example, Jorge, a Salvadoran college student in Los Angeles, recalls being scared in school: "There would be fights and the cops would come and I would stay away, but I would think, 'what if immigration [how immigrants often refer to immigration authorities] comes and tries to find those of us who don't have a Social Security [card]?' . . . **You try to go through your day like nothing, but in the back of your head, you're always scared.**"

The **cumulative stress paired with the knowledge that life will change radically after high school leads** to trumped aspirations and little motivation for many youth. Formerly high-achieving students explain their poor academic performance as a result of a lack of desirable opportunities (Abrego 2006). For instance, the daughter of a Guatemalan couple in Phoenix managed to keep a high grade point average for all four years of high school in spite of working alongside her parents cleaning houses and offices on weekends, but as graduation from high school approached, she confided in her mother: "**I don't want to leave school. I want to flunk. I want to stay in school. I know that after this [finishing school], I will have nothing; I feel like my life will be over. I want to stay back a grade so at least I'll continue going to school.**" With few or no opportunities to regularize their status, and knowing that there is "no future" for them in U.S. society, these students' situations exacerbate the effects of symbolic and structural violence in their lives. David, a Guatemalan high school student in Los Angeles, had this to share during an interview with Abrego:

*LA:* Do you find that it's common at your school that there are people who talk about this, about not having their papers?

*D:* Yeah. . . . A lot of people want to go to college.

*LA:* And they know that they can't?

*D:* Yeah.

*LA:* What do you think that does to people?

*D:* It makes them give up. Like, why try? . . . when they find out they can't go to college because they don't have papers.

*LA:* Do you know a lot of people who have gone through that?

*D:* Some of my friends . . . Yeah, they give up. . . . They say, "why bother if I can't continue?"

David is quick to make the connection between his legal status and his desire "to go to college." **In schools with large populations of students with various uncertain statuses, the knowledge that such statuses will keep them from attending college lowers their aspirations.** This is the case of a Salvadoran family in Phoenix, in which all five members have different legal statuses and four of them have been waiting to receive their "papers" "any time" for approximately nine years (as of this writing). The mother, who attended two years of law school in her country, explained that in each of her children's cases they had to quit their educational objectives due to their legal statuses, and in her case, "I was a very good student. I have taken 38 credits at the community college, but when will I finish? When will I transfer and get my degree? We're not even talking about law school anymore . . . that's gone. I don't aspire to that anymore." In this way, **the legal violence that keeps individuals in these situations is bound up with structural violence when it blocks their paths to upward mobility and keeps them on the margins of society, usually waiting for many years, often decades, to regularize their statuses.**

An estimated 65,000 undocumented or legally uncertain students graduate from high schools throughout the United States every year (Passell and Cohn 2009). Although college students in tenuous legal statuses are eligible to pay in-state tuition in 12 states throughout the country (as of this writing), they are barred from federal and state financial aid—including grants, loans, and work-study programs.<sup>35</sup> With little or no financial resources (because most rely on their undocumented or partially documented parents' low wages), these students are **often priced out of higher education, and their efforts toward upward mobility are trumped** (Abrego 2006; Gonzales 2011). Camilo, a high-achieving Guatemalan student in Los Angeles, shares his frustrations, "Teachers always tell you not to worry about where the school is or how much it costs. They tell us we have so many options. But we [undocumented students] don't have those decisions. Our decision is whether or not we can pay for college." And students who have TPS or who are in the process of obtaining legal permanent residence are also barred from receiving financial aid. Alex, a

<sup>35</sup> For more information about in-state tuition laws throughout the country, visit <http://www.nilc.org/basic-facts-instate.html>.

Salvadoran high school student in Los Angeles whose father qualified for legalization through NACARA, was in his senior year when he received his work permit—one of the first steps in the process of obtaining legal residency. As he explains, “I’m so happy, I cried, I cried when I saw the letter. . . . And most likely I’m not going to get my papers by the time I graduate next year. . . . But it means I can apply to college. I can’t apply for financial aid until I have the green card, but now at least I can work.”

Legal violence also manifests itself in these youths’ lives in ways similar to adults. Although *Plyler v. Doe* bars public schools from excluding undocumented children in grades K–12, these students are not protected from deportation outside of school grounds. Like their adult counterparts, undocumented youth may be targeted, detained, and deported for minor infractions, such as driving without a license (Jordan 2008). As more police departments nationwide work in conjunction with ICE through the 287(g) agreement or the Secure Communities program, students in tenuous legal statuses increasingly fear the possibility of being deported for minor offenses. Although they are protected in school, the fear of deportation extends into other extracurricular educational activities. Legal violence thus emerges outside school for these youth, as their legality exposes them to discriminatory treatment and stigmatization and leads them to fewer, if any, opportunities for advancement. This is evident when they try to get a job. Jovani, a Guatemalan high school student, describes his experiences as he becomes aware of his limitations to help his low-income family pay bills: “When I want to get a job, I can’t. I want to drive, but I can’t. . . . So yeah, it’s kind of hard for me. . . . I get mad because my parents brought me. I didn’t tell them to bring me, but I get punished for it, for not having the papers.” The legal violence that his parents experience on the margins of society limits their wages, stands in Jovani’s way of higher education, and blocks him from contributing through employment to improve his family’s living conditions. In his frustration, he overlooks the legitimated power of immigration laws and incorrectly identifies the source of his vulnerability in his parents’ decision to bring him to the United States. This is how structural violence and symbolic violence coalesce in legal violence to shape immediate experiences and long-term trajectories of incorporation.

## DISCUSSION/CONCLUSION

The question of immigrant incorporation has been an enduring concern for sociologists of U.S. immigration (Park 1950; Gordon 1964; Gans 1992; Thomas and Znaniecki 1996). Scholars have debated whether the process

is akin to a smooth, linear progression, a single bumpy line, or even multiple lines aimed in different directions. In recent years, individual- and community-level factors have been identified as shaping immigrant integration (Portes and Zhou 1993; Portes and Rumbaut 2001; Alba and Nee 2003). In this article, we build on theories that underscore the role of structural factors in immigrant assimilation and highlight especially the role of immigration laws in delimiting immigrants' short- and long-term integration experiences. We focus on Central American immigrants whose various legal statuses offer fruitful terrain to examine the potential effects of the law in the lives of immigrants.

The unprompted references to the immigration laws that govern the lives of our study participants in Los Angeles and Phoenix demonstrate the power of these laws. **Designed to modify migratory practices and behaviors, these laws potentially violate individuals' human rights, make them suspect in the eyes of others, lead them to accept their self-depreciation as normal, and create conditions for immigrants to impose categories of domination on one another. Significantly, such consequences are not contained solely within U.S. borders—the presumed jurisdiction of U.S. immigration laws—but spill over to the countries of origin in various, complex ways. This results not just from immigrants' own ties to their relatives and communities of origin but also, and just as importantly, through the U.S. ties with and position of power relative to the immigrants' countries of origin.**

Drawing on various conceptualizations of violence in a single framework, we have examined **the harmful consequences of implementing a restrictive body of law that criminalizes individuals, and we refer to this phenomenon as *legal violence*.** Following Jackman's (2002) call for refocusing the sociological optic to examine violence away from the willful intention to inflict pain between individuals, we shed light on **legally sanctioned social suffering**. **Legal violence is at once structural in that it is exerted without identifiable perpetrators, and it is symbolic in that it is so thoroughly imposed by the social order that it becomes normalized as part of the cognitive repertoire of those exposed. Importantly, this type of violence is legal, sanctioned, and legitimated through formal structures of power that are publicly accepted and respected.** The legal violence lens, with its ability to capture physical, structural, and symbolic violence as these are made possible through the law, exposes the intertwined nature of these forms of violence, as one form begets another, and allows the recognition of violent consequences of the law when they are present, particularly when these are perpetuated and embedded in structures of domination.

In the United States, as in other major receiving countries around the world, the symbolic violence embedded in constructions of immigrant

legality has tightened the association between immigration and crime. Starting in the mid-1990s and intensifying after the attacks of September 11, 2001, there has been a convergence of immigration law with criminal law. Using this convergence as a starting point, the legal violence lens allows us to unearth the social suffering that the implementation of a multipronged legal system has for immigrants (and their families) today.

In the case of immigrants in tenuous legal statuses, legal violence is rooted in the legal system that purports to protect the nation but, instead, produces spaces and the possibility for material, emotional, and psychological injurious actions that target an entire group of people with a particular set of shared social characteristics. For analytical purposes, we demonstrated Central American immigrants' deportability and vulnerability in three distinct areas—family, work, and school—that are often examined in the context of assimilation frameworks because they represent key spheres of life through which immigrant incorporation is gauged. Importantly, although we analyzed each sphere separately, immigrants experience legal violence simultaneously and cumulatively in these three areas. Legal violence magnifies immigrants' vulnerability in these key areas and in other facets of life.

The concept of legal violence, therefore, advances immigration scholarship by revealing immigration law's harmful consequences in immigrants' quotidian practices. Some may argue that our findings are unsurprising. Intuitively, it makes sense that immigrants would feel vulnerable living without authorization or that they will modify their behaviors in response to changes in the law. However, the legal violence lens allows us to recognize how the legal regime harms both documented and undocumented immigrants through the convergence of criminal and civil immigration laws, as well as through the repeated use of discourses that portray immigrants as criminals. The contemporary immigration regime makes mistreatment not only possible but uneventful, familiar, and legal as individuals come to understand it as "the law." Such legally sanctioned violence is likely to have far-reaching and persistent effects because immigrants spend increasingly lengthy periods of time in these legal locations. In this way, immigration laws that seek to criminalize immigrants and their behaviors thwart the immigrants' integration and can hinder upward mobility in multiple ways. As Jiménez and López-Sanders (2011) argue, current immigration policies are detrimental for immigrants' long-term social and economic incorporation across multiple generations and risk creating an "illegal class" (see also Menjívar 2006b; Massey 2007). Thus, our study suggests a need for a more systematic interrogation of the role of immigration law in the process of immigrant integration. Shifting the focus to legal processes and their effects also allows for critical examinations of immigration and integration from the perspective of ex-

clusion and human rights. And as people throughout the world continue to migrate to a handful of receiving countries, sociological analysis can help explain key processes at the root of questions about who belongs and why (Willen 2010).

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## Law and Central American Immigrants

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