

Deportations of ‘Illegal Aliens’ under a Neoliberal Security Agenda: Implications for Central America

by Linda Allegro

A deportation narrative

In 1997 Justo Garcia was seized by INS officials from his home in a latino barrio of Los Angeles, handcuffed and placed on a commercial airline and dropped off in the middle of the night at the Managua airport. He had originally crossed the US Mexican border in the early 1980s as he fled the turmoil and violence in Nicaragua as the Contra War intensified. Since he was undocumented, that is, he entered the US without inspection (the new language today), he was not permitted to travel back home, so his new “home” became Los Angeles where he lived for 13 years, formed community, worked, never got in trouble with the law, and sent for other family members to join him. Restricted by his undocumented status, his life was not transnational nor is it now that he is back in Nicaragua. As a deportee Justo is stigmatized by his compatriots because of the association with gangs. He is equally seen as a persona non grata by the US barring him from any legal reentry despite his periodic visits to the US Embassy in Managua to dispute his case. And yet all the while he was living in California he tried to adjust his status to become legal - to have an identity. He paid “notarios” (quasi immigration lawyers in immigrant communities who prey on the vulnerabilities of the undocumented), organized tax receipts and married a US citizen but was in the end denied “status” leading to his eventual forced removal. It is precisely because he went through all the proper legal channels to adjust his status, to “get papers”, to have a documented relationship to the state, that he was so easily apprehended by federal agents. In retrospect, he argues that had he not been so forthcoming in terms of supplying the former INS with his current address, employment history, etc., and had remained underground he might not have been deported.

The irony to my respondent’s story as I spoke to him in Nicaragua in December 2004 was that as he discussed his frustrations over being forced “home” without the possibility of emigrating back to his family and community in Los Angeles, the Central American nations were on the brink of passing CAFTA, the Central American equivalent of NAFTA, while Plan Puebla Panama with Mexico was already in the works as well as other neoliberal economic initiatives that invite and encourage foreign investment, tourism, and the setting up of free trade zones that evidence the unrestricted movement of capital, goods and commodities. So it was this awkward and ironic juxtaposition to hear him recount his inability to migrate while Texan retirees were buying up prime real estate in Granada, Italian and Dutch entrepreneurs were opening up internet cafes and bed and breakfasts, Canadian owned shops sold Nicaraguan souvenirs, eco-tours were being run by American college grads, and Chinese capital was running free trade zone industries as part of the tremendous neoliberal metamorphosis currently underway in the region. Like much of the politics of gentrification anywhere, this new capital was creating some limited new jobs but was also raising property values and catering to the consumption habits of more affluent classes – a world individuals like Justo, and other locals could never afford to join because a cup of coffee with a piece of cake at any of the new trendy cafes amounts to basically a full days work on Nicaraguan wages.

International migrants have moved across national boundaries and within international spaces in search of work opportunity and livelihood, straddling life in home and host nations, as long as national borders have existed. Far from an aberration, undocumented migration has increasingly become a mainstay and integral feature of post industrial economies resulting from changes in production under globalization in the latter quarter of the 20th century. Today, however, “illegal” immigration has unprecedented relevance under new national security considerations under the “war on terror”. In the aftermath of 9/11, new parameters of inclusion and exclusion are being drawn that deepen the divides between citizens and non-citizens. A leading strategy to emerge from the new national security emphasis has been to “intercept and obstruct terrorism” (from the Patriot Act insignia) where the parameters for deportation are being broadened resulting in an acceleration in forced removals.

Changes in US immigration policy that have resulted in increased deportations originates with the passage of a trilogy of anti-immigrant laws enacted in 1996. Among them was the *Illegal Immigration Reform and Immigrant Reconciliation Act (IIRAIRA)* where a range of crimes, including shoplifting once resulting in probationary measures, now became grounds for deportation. The congressional mood following 9/11 permitted the broadening of these anti-immigrant measures leading to a more systematic policy of border apprehensions and broad scale internal removals of “illegals”. At the writing of this paper, there is discussion in the Senate to make “illegality” a felony, that is to criminalize the very act of “illegal” entry, evidencing continual restrictionist support for handling undocumented labor. In this work we explore the way the post 9/11 new security regime has crafted new parameters of perceived “threats” to the nation in which the demarcations of terror have been extended to border crossers in a variety of mythological constructs about foreign menaces.

Building on insights from an interdisciplinary group of scholars, this work discusses the strategy of deportation in its real sense, and “deportability” in its abstract sense under the new security regime and to the consequences for Central American nations, which along with Mexico are among the top ten recipients of criminal and non criminal deportations from the US. While the majority of deportations result from the rapidly expanding policy of “catch and remove” (non criminal) aliens at the US/Mexico border, much of the media’s attention has focused on criminal deportees who account for approximately 7.3%, or 350,000 of the total 4.8 million deportations since 9/11/2001 (*US News and World Report* 11/28/05). Such emphasis has contributed to the criminalization of “illegals” in a general sense and to tainting of the broader immigrant community by association. In this work we intend to contextualize the current strategy of forced removals under the new security regime and to expose the effects deportations are having on Central American nations, especially El Salvador, Honduras and Guatemala where the sharp rise in crime and delinquency rates has been exacerbated by gang deportations. Through this perspective, this work intends to contribute to an emerging critical analysis of the way in which the state seeks to discipline migrant entry under a broader neoliberal economic agenda.

The State and Extra Legals: Redefining the Parameters of “Illegality”

We begin with a theoretical discussion of “illegality” and “deportability” as a way to conceptualize the rights of individuals whose “legal” status remains invalid

despite residence and employment ties to the recipient nation. Through his extensive research on Mexican migrants in Chicago, De Genova (2002) uncovers the contradictory way the state has handled undocumented labor evidenced by its oscillating stance on labor recruitment and confinement. He argues that through its contradictory positions, the state reproduces patterns of “illegality” and “deportability” through the legal production of immigration law which perpetuates the possibility of “illegality” deemed necessary for the functionality of capitalism. In his analysis, by retheorizing the conventional parameters for conceptualizing undocumented migrations, De Genova elucidates how the very construct of “illegality” is tooled to authenticate the functionality of a steady, temporary, disposable labor force in late capitalism. The state corroborates these efforts through the institutionalization of a legal apparatus that legitimizes its existence. Through the very terminology that is officially employed to demarcate legal status, the notion of the “illegal” becomes naturalized. In a Gramscian sense, an understanding of what is considered legal/official and illegal/unworthy becomes the conventional standard, indeed, the benchmark of *sens commun* consensually appropriated by the public at large. Even well-intentioned policy makers and immigrant rights groups end up adopting the parameters of the hegemonic legal language to petition for immigrant rights by calling for “legalization” thereby only reinforcing standards of convention that presuppose legal authenticities. Similar to the Foucauldian view of the way prisons make the criminal, we draw parallels to the way statecrafting constructs the “illegal”.

Jonas (2004) postulates that the state has secured a continual process of “illegality” by allowing for undocumented migrants to enter national boundaries through *thin* boundaries only to then target them for being undocumented. In this way a “revolving door” of illegality becomes reproduced by “politicians and bureaucrats who manufacture the self serving myths that advance the interests of the border control industry” (Davis in Nevins, *Operation Gatekeeper* 2002). For these reasons our analysis of the “problems of illegality” begins with a disclosure of the state’s role in constructing official categories of membership and belonging rather than focusing on individual agents who bypass laws and legal boundaries. Our emphasis centers on state processes and regime mechanisms that institute the legal production of citizenship rights rather than on undocumented violators and the associated proverbial “illegal invasion”. The law itself produces its marginalized subjects by establishing categories of differentiation. “Illegality”, much like citizenship, is a juridical status that entails a social relation to the state confirming that migrant “illegality is a preeminently political identity” (De Genova 2002: 422). As labor migrants, the undocumented produce value for citizens. Citizens and non-citizens inhabit the same spaces evidencing how their lives are intertwined not only because of the intimate and direct relationships formed through cohabitation but through their economic engagements and encounters (De Genova 2002). As such, our first methodological task is to reframe the discussion on undocumented migrations by rethinking the conventional standards of the discourse. In the same way that Sassen (1988) has emphasized the inseparability of the informal economy from the functionality of the formal economy, there is an inseparability in place and space of undocumented migrants in relation to citizens.

On the ground level, these mixed messages of welcoming and restricting entry through the “back door”, and the intrinsic day to day life experiences that undocumented migrants and citizens share in the end encourages potential migrants to test their luck at

crossing the great divide hence a perpetual cycle of disposable “illegal” workers becomes convention through individual acts while mediated through the legal production of their very “illegality”. In the context of “illegality” and “deportability” counter logics are constructed from the margins further fueling the contestations between those who are inside and outside the parameters of access to opportunity, work, indeed livelihood in America. In the Gramscian response to hegemonic narratives, the subaltern, the marginal, indeed those outside the legal entitlements of due process and rights construct counter logics to circumvent that which restricts their “human security”. Undocumented migrants creatively craft alternative approaches to dealing with their very “illegality” through the construct of extra legal modes of operation. Far from abiding by the new restrictions to their mobility, migrants design alternative routes of entry and established new transnational allegiances to facilitate their border crossing. Sometimes this takes the form of migrant networks which become mediators, or (il)legal brokers of sorts, mediating and aiding travel trajectories for individuals who are outside the legal parameters of the state. The production of fraudulent documents, for example, evidences the alternative ways in which marginal communities handle their “illegality”, that is, further producing a world of “illegal” operation in order to function in an economy that seeks their labor. Note that this process is authenticated by employers who often knowingly accept such documentation further solidifying the intricate nature of the many boundaries of (il)legality. Beginning in 2000 the Mexican government began offering consular identification cards to undocumented Mexican nationals living in the United States. Many undocumented migrants chose to get their “identifications” from the Mexican authorities thereby completely bypassing US customs and immigration procedures. These id cards permit migrants to remit money back home, open bank accounts, pay electric bills and function in other public arenas evidencing an effort to have “an identity” despite their legal qualification as invisible or non-existent to the US state. Banks, cable companies, money transfer agencies, etc., accept these international identifications cards further authenticating their functionality in the receiving nation. Organized transnational crime syndicates, including gang affiliates and smuggling rings, have also reworked their operations to circumvent border authorities indicating how the militarized approach to dealing with extra legals has resulted in counter militarized operations at border checkpoints. Together these examples illustrate the applicability of abstract theoretical premises to concrete scenarios, in which we evidence how state constructed “illegality” further produces “illegal” actions under the logic, indeed the laws, which validate them as such.

Legitimizing Deportations under the New Security Regime

The new national security ideology under the “war on terror”, often coded as orange (cautiously safe) in its threat advisory on security and national safety, has produced a culture of fear evidenced by the many symbolic and real manifestations of security threats to the nation ranging from airport/travel guidelines to new rules for sending or receiving money internationally. In keeping with the De Genova analysis given above, the new security regime does not merely enforce security codes but constructs and shapes them. The notion of preemptive strikes against those who are perceived as potential threats, for example, is an ideological feature of the new regime. Under this assumption, its domestic and foreign policy revolves around the idea that

potential aggressors need to be caught *before* danger is to occur. Among its objectives has been to *thicken* its national borders as a way to safeguard Homeland interests in a preemptive way. In this respect, an effective way to implement border security is to increase deportations at the borders.

The institutionalization of law and order approaches to managing extralegal entries is contributing to a view of the undocumented not only as “illegal” but criminal. The broadening of powers of immigration enforcement has been accompanied by a war-like language in policy briefs and media coverage to reference undocumented migrants. Signaled as potential threats to homeland security, the corporate media collaborates these efforts with headlines like “Border Hawk Hunts Illegals” (*The Washington Post* 4/24/05) conjuring up notions of hunting down Osama Bin Laden. Similar language is used by immigration officials who warn “fugitives (immigration absconders) to beware” similarly fostering a war like “hunt”. In the words of a field officer of Immigration and Customs Enforcement quoted in the *Orlando Sentinel*: “We will find you and deport you as mandated by law”. Other news reports describing work site raids present images of undocumented workers scurry behind walls and boxes at work sites seeking cover as SWAT teams swarm down to apprehend them. These images tacitly construct references to Saddam Hussein cowering and hiding in a hole (see *Orlando Sentinel* 4/28-29/2005). Moreover, much of the media coverage on deportations is covering stories of criminal deportees and gang deportations tainting larger law abiding immigrant communities and shaping a broader view of the undocumented as gang-prone or criminal, indeed the enemy. Despite any substantiated evidence to prove it, there have also been attempts to connect Central American gangs to Al-Qaeda raising concerns about the terrorist-potential of marginalized migrant youth (Harman 2005). These rather far fetched assumptions serve to legitimize the need for *thickening* policing efforts which for migrant youth often also translates into incarceration and deportation.

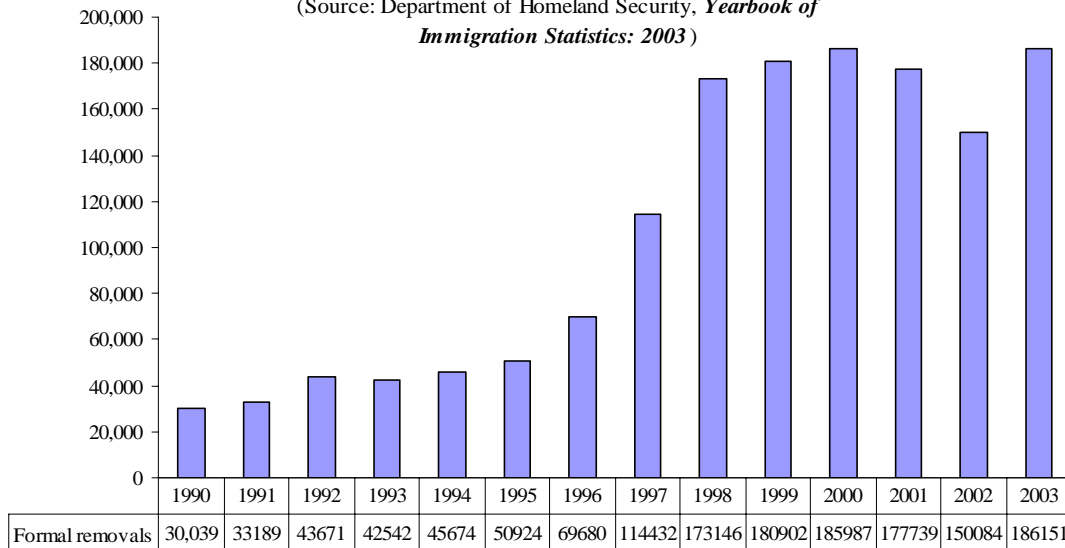
Deportations have been used periodically throughout border history as a mechanism to control low wage labor. After the creation of a Border Patrol in 1925 there have been various episodes of forced removals, particularly of Mexican migrants to their nation of origin. During the Great Depression over 415,000 Mexicans and Chicanos were forcibly deported as well as 85,000 “voluntary” repatriations under the alarmist and racialized claims of a Mexican invasion (De Genova 2002; also discussed in Miller and Stefanova 2006). Under Operation Wetback in 1954 the mass repatriation of Mexicans was also evidenced by *manu militari* enforcement (Miller and Stefanova 2006) many of whom were never paid for the work they had performed (Massey et al. 2002; De Genova 2002). There are also numerous examples of mass deportations of other “illegals” including Haitian rafters and West Indian sugar cane cutters in south Florida.

There are a few distinguishing features, however, of the new policies on forced removals that require attention. One of the most striking aspects has been the increase in the volume of arrests and removals. In 2004, the Border Patrol reported 1.19 million arrests, compared with 932,000 in fiscal year 2003 (*US News and World Report*, 11/28/05). In my own assessment of the data from the Department of Homeland Security website, the average annual rate of formal removals has remained at approximately 170,000 since the late 1990s.

Table I: Aliens Expelled, 1991-2003

Aliens expelled by formal removal*, 1991-2003

(Source: Department of Homeland Security, *Yearbook of Immigration Statistics: 2003*)



The number of formal removals peaked at 186,151 in 2003 the last year for which the data has been made available as of this writing. But beyond the sheer number of removals, the most striking aspect of the current policy of getting “tough” on border security, is the linking of undocumented migrants to criminal activity and to their potentiality for terrorism especially among migrant youth. For example, the media has given considerable attention to the deportation of gang members, especially the Salvadoran gang, *Mara Salvatrucha*, also known as *MS 13*, and its rival *Mara 18*. Often media coverage of gang deportees entails a paragraph or short story coverage of individual or group criminal activity and resulting apprehensions and deportations. Lacking any larger context that would reveal the US connections, indeed the “made in the USA” nature of gang youth activity, these images tend to reproduce racialized images of black and brown bodies as criminal. In a contrasted light, some of the oppositional media in Central America explicitly spells out the US based-gang affiliations of the deportees suggesting that Central American populations have had to absorb what has fundamentally been a US-originating prison problem. A more complete scenario would reveal a more nuanced story about the contradictions of regional economic integration efforts that limit the free flow of people, as well as to the way the militarization of borders and its accompanying policies of incarceration and deportation, has contributed to the flourishing of gang activity since the 1990s.

The Strategy of Deportations

As stated above, most deportations result from apprehensions at the US/Mexico border. In the past, those seized at the border were entitled to make their case before an immigration judge resulting in what is know as “catch and release” in which individuals were released on bail as they awaited their immigration hearings to which most did not return. Today changes in apprehension regulations are underway to expedite removals with broader powers given to border patrol personnel to determine “legitimacy” of

immigrant claims. The goal is to eliminate the “catch and release” approach and to enforce a “catch and remove” strategy. Now unauthorized entrants are processed, fingerprinted and photographed by border patrol agents and deported often within days or weeks rather than months (Swarns 2004; Fields 2004; Department of Homeland Security Website, December 1, 2005). While the process for asylum seekers is lengthier, congressional initiatives are underway to bar asylum seekers from immigration hearings thereby giving border patrol agents sweeping new powers to process them as “illegals” as well (Swarns 2004). In the past, would be crossers were simply pushed back across the US/Mexico divide only to result in multiple entry attempts. This policy created a series of challenges for receiving towns and communities who faced more vagrancy and crime as a result of these “floating” migrants. Under the new strategy Mexican nations are being sent back to their hometowns under an “interior separation” policy and non-Mexican migrants are removed to their nations of origin. This is being facilitated by further collaboration between the nations that comprise the new security perimeter. El Salvador, for instance, now has no cap on the number of non-criminal removal flights it will accept bypassing the 70 flight cap of earlier years (Chertoff announcement, December 1, 2005, Department of Homeland Security website). But this new Secure Border Initiative has problematic consequences. While it intends to send a getting tough signal, it is not capable of eliminating unauthorized border crossings. Arguably, it has fostered more corrupt methods of entry. Following Andreas’ (2000) analysis of the consequences of the construction of walled barriers separating popular crossings at the US Mexican border, is that it has given rise to more sophisticated and more dangerous border crossings as well as more corruption as border officials demanded higher bribes to allow passage. It has also led to more deaths at the border of both would be crossers and patrol personnel who are up against armed smugglers.

Beyond the border, other undocumented migrants are detained following raids (known officially as immigration enforcement actions) conducted by Immigration and Customs Enforcement (ICE). Raids of apartment buildings can result in a “chilling effect” in the community at large forcing the undocumented to move further underground. The danger is that this leaves many undocumented migrants more vulnerable and open to exploitation by unscrupulous employers and vengeful neighbors who see them as ripe targets because of their fear of the police/authorities. The “chilling effect” also results in nobody going to work or sending their children to school in fear of further reprisals (*The New York Times*, 2/20/05). In April 2005 in Orlando, 66 “illegal aliens” were arrested following an Immigration and Customs Enforcement raid of a federally funded construction site. Interestingly contractors and subcontractors had cooperated with the investigation and were not likely to face fines or prosecution because they hired the workers with what appeared to be legitimate documents (*Orlando Sentinel* 4/29/05). Note that it is not uncommon for employers to receive warnings of upcoming raids days in advance giving them the opportunity to assemble documents (De Genova 2002). Lacking in much of the policy discussion on undocumented labor is the role and responsibility of employers. In a candid statement made by a Department of Homeland Security official interviewed for this study, he had never seen any more (in his 20 year experience) than 200 employers nationwide in any given year who may be under official scrutiny for hiring undocumented labor. One way employers get around any responsibility for their violation of labor laws is when questioned about their role, retort

that they require documents prior to hire. That is, they follow federal guidelines of requiring employees to fill out the standard I-9 employment form and since there is little enforcement to verify the authenticity of documents, a process that could be relatively easy given new biometric identifier technology that reads fingerprints, irises and signatures, they are largely left unaccountable for their violation of labor laws. The emphasis instead is on individual migrant violators. Employer sanctions first introduced into legislation with the Immigration Reform and Control Act (IRCA) of 1986 have continued to be notoriously weak, poorly designed and minimally enforced. Employer sanctions are problematic in other ways as well. For example, in Chinatown, New York City, there is a movement underway by labor activists and organizers to eliminate employer sanctions because they argue it gives employers further leverage to intimidate and exploit undocumented workers with the idea that they can turn them in to authorities. In the end what employer sanctions have done is authenticated a system of fraudulent documents evidenced by the lax way in which the state persecutes employer violators.

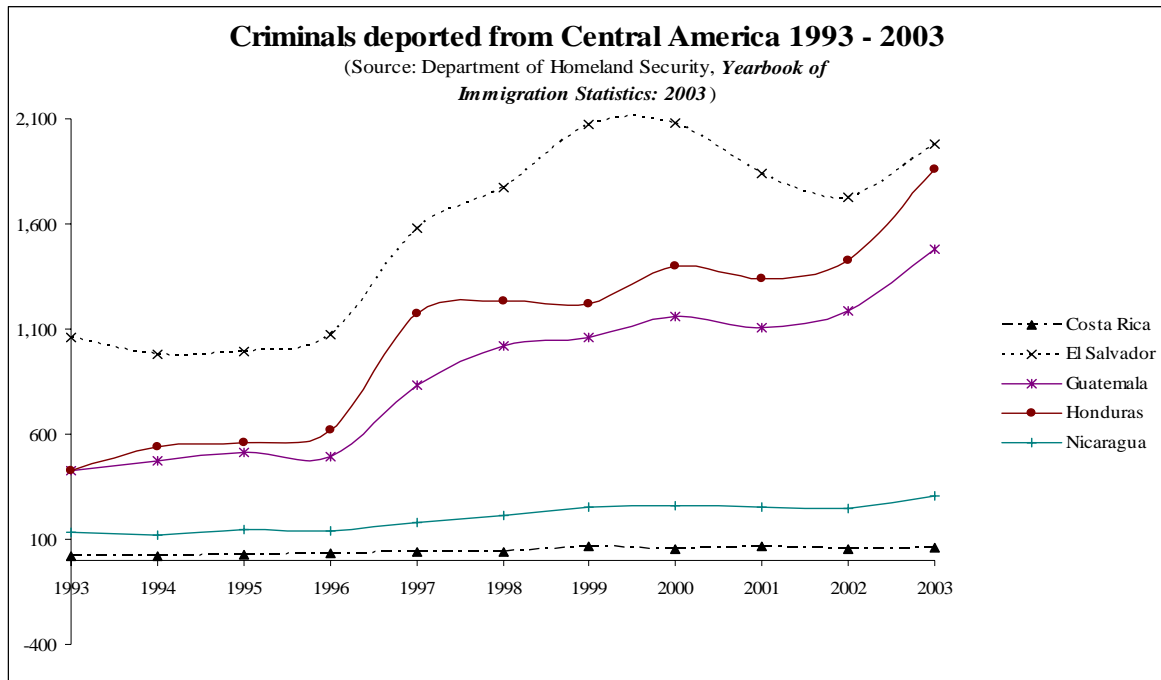
Despite heightened security measures there has *not* been a significant decline in uninspected border crossings (Massey 2002; Orlando Sentinel 3/22/05; Houston Chronicle 3/21/05; Miller and Stefanova 2006). By one account for every million individuals who are apprehended at the border, three million have made it through (Tobar 2005). A report by the Pew Hispanic Center estimates that the number of undocumented migrants in the US has grown from 8.4 million in 2000 to 11 million today (*US News and World Report*, 11/28/05). Ironically the laws and policies that have focused on keeping unauthorized entries out have given rise to new more creative smuggling methods (Andreas 2000). Massey (2002) explains that the steady flow of international migration from the global South, especially from Mexico and Central America, to the United States comes as a result of the elaborate international infrastructure including new commercial, rail and truck routes etc., that have facilitated cross border movement as a result of free trade policies. For example, provisions of NAFTA and now CAFTA, the Central American equivalent to NAFTA, have created new links of transportation, telecommunications and interpersonal acquaintance, making connections possible for the movement of goods and people. Literally thousands of buses, trains and cars traverse the borderlands on a daily basis as a result of these new economic integration initiatives. In this sense tangible conditions have been created to facilitate international migration. What is more, failed promises of economic prosperity accompanying privatization and neoliberal policies embraced by the Mexican and Central American governments since the 1990s have propelled migrant households to seek work opportunity beyond their national borders. After years of civil war in Central America, the New Right in Nicaragua, El Salvador, Honduras and Guatemala, has come to power eager to enter the global economy negotiating new economic integration initiatives. The dismantling of nationalized industries, the broadening of free trade zones, and overall expansion of agricultural exports have not substantially improved economic living standards for large segments of the population. Quite the contrary, persistently high unemployment and poverty rates remain at strikingly high levels (*El Nuevo Diario* 11/25/04; Robinson 2003; NACLA January/February 2003). The remarkable political and economic metamorphoses underway in the region is translating into a higher cost of living while wages remain miserably low thereby triggering migration streams similar to those from Mexico to the US resulting from NAFTA. Today the destiny is not the urban centers in the home

nations and global cities of the developed North but increasingly to rural and suburban communities of the US including Knoxville, Tennessee, Farmingville, Long Island, Kissimmee, Florida and New Orleans where undocumented populations are finding new economic niches in agriculture, construction, landscaping and restaurant work. Under conditions of the new global capitalism we are evidencing *more not less* unauthorized border movement putting in question the ability of the recently adopted hemispheric neoliberal economic initiatives to foster sustainable development and to the security state's ability to discipline migrant entry even with more violent and militarized strategies.

Youth/Gang Deportations

The Department of Homeland Security (DHS) data on forced removals distinguishes between criminal and noncriminal removals. However, as suggested above, the categories of criminality have become blurred beginning with the anti-immigrant laws of 1996 and further manifested under policies of the new security regime. According to DHS data, El Salvador, Honduras and Guatemala are the recipients of the vast number of criminal deportations to Central America and among the top 10 of all national origin groups. The Dominican Republic and Jamaica are other leading recipients of criminal deportations. Table 2 below illustrates that an average of 1500 criminal deportees (not including non criminal removals) have been sent to El Salvador on an annual basis since the late 1990s. For a nation the size of Massachusetts, this has been a formidable number sparking a serious controversy within El Salvador about what to do with the *maras* (gangs). Keep in mind that El Salvador has had a pro-US foreign policy stance since its regime transition following the Peace Accords of 1992. El Salvador is the only nation in Latin America that has troops in Iraq, and the current president of El Salvador, Antonio Saca has a friendly relationship with President Bush stating that Salvadoran troops have been sent to Iraq as a gesture of payback for US involvement in ousting the Marxist guerillas in the 1980s.

Table 2: Central American criminal deportees



Much of the references to criminal deportations of Central American nationals is linked to gang activity, notably the Mara Salvatrucha or MS 13. It is proposed in this work that a critical look at the rise in Central American gang activity at home and in the *diaspora*, requires a transnational framework that examines the political and economic fields in which Central American youth have navigated as a result of the civil wars that engulfed the region in the 1980s and to subsequent regime transition and neoliberal economic transformation. The home based origins of the most notorious Salvadoran gang, *Mara Salvatrucha*, roughly translated as the Wild Salvadorans, also known as MS-13, is named after the street from which the founding members originated in the barrio of Pico Union in Los Angeles. *Mara Salvatrucha* members grew among refugees from the US sponsored Central American wars of the 1980s in Los Angeles. Fleeing violence in their homelands, the refugees started gangs for safety and solidarity in places like Pico-Union immigrant community of downtown Los Angeles. The reality of America's inner city communities in the 1980s during the height of the crack epidemic and dismantling of many social services and institutions impelled youth to form protection groups against existing Hispanic and African American gangs in their new neighborhoods. Through a process Portes (1995) has called "segmented assimilation" many poor immigrant youth experienced downward trajectories as they assimilated into the inner city world of poor housing, crime ridden neighborhoods and drug trafficking. In time they turned to such illegal activities as burglaries, auto thefts, drug trafficking, weapons smuggling, extortion, rape and murder (Harman, 2005; *La Prensa* 12/26/04). Many MS13 members were first deported back to their "homes" in El Salvador following the Los Angeles riots after the Rodney King trial in 1992 in which "many Latino gang members were considered a key element of the violence which was put down with the support of the National Guard and active duty military" (Bruneau 2005). Despite their once localized nature, since 1992 thousands of MS 13 gang members have been convicted and deported

back to Central America, triggering a globalization of the gang phenomenon (Hayden 2004) as they set up branches in “home” nations and in many cases, return clandestinely back across the border only expanding their organizing efforts. Others chronicle how fellow gang members follow deported members back home (Sullivan 2005) evidencing their strong allegiances and mobile circular nature. In a sense what deportations have done is to transplant the US based gang problem originating in US inner cities and prisons, to other countries. Evidence shows that the MS 13 in El Salvador was largely formed by the *clicas* (cliques, cells, groups) deported from the US replacing earlier, less violent and less sophisticated gangs there (Bruneau 2005).

The deportation of youth involved in gang and criminal activity generally elicits strong domestic support in the US for policies that favor forced repatriation. Equally supportive are hard line approaches adopted by receiving governments for dealing with *pandilleros or mareros* (Flores, 2004) evidenced by the reelection of right wing governments in the region who came to power on anti-gang platforms. In Honduras, now former President Ricardo Maduro (Presidential elections took place late November 2005), whose son was killed in a kidnapping attempt, ran his campaign largely around a getting tough on crime platform. Following his nomination he was quick to pass a penal code known as the Anti-gang bill that imprisoned youth for wearing tattoos or clothing “associated” with gangs (*La Prensa* 12/26/05). Similar laws exist in El Salvador and Guatemala (Bruneau 2005). Once deported to their “homes” the challenges are enormous for local authorities as well as for deportees many who are returning to a place which in their memory they have never been (Zilberg 2004). Among the challenges is the difficulty in rehabilitating offenders who face cultural and language obstacles (Hayden 2004, Taylor and Alienikoff 1998). The lack of family and social ties creates additional stressors which could compel them to return to a life of crime (Rohter 1997). Deportees may have no means of support once they are returned. Those who do not speak the language of their home country, such as the 1.5 generation, those who arrived to the US under the age of 14, are particularly disadvantaged. Youth often have no one else to turn to but to fellow gang members. Gangs members in El Salvador and Honduras have pointed to fears of being murdered as they experience constant paramilitary or *sombra negra* surveillance, leaving them with no other option but to fight local authorities or reattempt northern migration (Lopez, *Los Angeles Times*, October 30, 2005).

Handling Deportees: Responses by Mexican and Central American Governments

Beyond the US/Mexican border, an international policing mechanism, comprised of local, national and international agencies, has emerged throughout the Americas to contain “terrorism” and advance regional economic integration initiatives. Much of the same language on border security and the war of terror is being reproduced throughout Central America evidenced not only by regional deportation measures, i.e. from Mexico to Guatemala and Costa Rica to Nicaragua, but also through extended policies of zero tolerance that were first introduced by the Guiliani administration in New York City in the 1990s as a way to fight crime. More criminal information sharing among law enforcement agencies and regional task force entities are also being established. President Vicente Fox of Mexico has championed a hemispheric approach to immigration control under broader national security concerns. The creation of a North American Security Zone or a continental security perimeter promotes immigration control policies

between the US, Canada, and Mexico expanding migrant interception programs (Kerwin 2002). Equivalent to our Operation Gatekeeper, *Plan Sur* is an initiative to control the southern border of Mexico resulting in thousands of deportations to Guatemala and from Guatemala to Nicaragua, El Salvador and neighboring countries (*World Press Review*, September 2001). Human Rights advocates have expressed their concern over the militarization of the various border checkpoints. In nations that have histories of severe military abuse, the involvement of the military in immigrant identity checks remains of deep concern. Other problems arise from the hundreds of people who are deported or abandoned by *coyotes*, human smugglers, and do not have the resources to return to their home communities. This has led to increased vagrancy or the “floating” of migrants, thereby increasing vulnerability to abuse and crime (*World Press Review*, September 2001).

There is widespread sentiment that deportees are responsible for a disproportionate amount of crime “back home” and fledging democracies of the region are struggling to strengthen the civilian national police force as a way to manage rising crime levels. But there are many challenges. For example, the Salvadoran Civilian National Police which was rebuilt from scratch as part of the 1992 Peace Accords, simply does not have the training or equipment to stem the tide of violent crime there. As a result several Central American governments have responded with extreme hard line or *super mano dura* approaches to dealing with “the gang epidemic”. Seeking advice from the “successful” New York City model, Mexican and Central American governments have consulted with the conservative Manhattan Institute which was responsible for guiding the Giuliani team into a “zero tolerance” strategy. Since leaving office the former mayor of New York City has founded his own consulting firm along with former cabinet members exporting a “no tolerance” policy model for fighting crime to much of Latin America. The Giuliani law enforcement plan in New York City in the last decade began with programs that cracked down on “quality of life” violations, such as nuisance infractions like graffiti. However, critics look skeptically at the applicability of Giuliani’s “broken window” policy to societies where law enforcement is notoriously corrupt (Guthrie 2003). Policies promoted by the Giuliani Group to further beef up local police forces and implement tougher prison sentences is problematic in nations where the police are not adequately trained (Guthrie 2003) and the rule of law is notoriously weak. The Giuliani Group which had a 4.3 million dollar contract to bring law and order to neighboring Mexico has also consulted with the government of Honduras, former president of Argentina, the mayor of Caracas and a presidential candidate from Chile (DePalma 2002). These consultation efforts have further solidified the transnational and geopolitical nature of emerging transnational policing strategies in the region. Today, several Central American governments have adopted an extended and over the top version of “zero tolerance”. Human Rights and youth advocates argue that the New York City model is gaining a “new lease on life” in countries like Honduras and El Salvador with reports suggesting that the police were involved in instigating a series of prison fires as mass execution in a strategy to cleanse angry youth activity (Flores, 2004; Hayden 2004; Democracy Now 5/28/04).

New international task force initiatives have also been created between several federal agencies such as the FBI, Immigration and Customs Enforcement, Diplomatic Security, the US Marshals Service, the Bureau of Prisons, The Bureau of Alcohol,

Tobacco and Firearms, the Drug Enforcement Agency, the Justice Department and their local Central American counterparts (Harman 2005). High on the agenda for the new taskforce is greater information sharing with Mexico and Central America, especially El Salvador where an average of 250 individuals are deported back to San Salvador per month, a dozen of which are gang members. There is also discussion of stationing Salvadoran officers in the US to serve as advisers on gang activity and the US providing El Salvador with anti-gang equipment and training (Harman 2005). This initiative will include a 10 million dollar gang-intelligence center, to be established at FBI headquarters and serve as an intelligence repository on all gangs operating in the US (Harman 2005; *Orlando Sentinel* 3/4/05).

Just as we attempted to contextualize the place of undocumented labor in US in the introduction of this paper, we also need to theorize the place of gang youth in the Americas under the expansion of globalization. Whereas “illegal” immigration has become among the top domestic policy concerns of the US, “the *maras* are the greatest problem for national security at this time in Central America and part of Mexico” (quote by Anne Aguilera, the head of the Office for Central America at the International Narcotics and Law Enforcement Affairs, US Department of State, cited in Bruneau 2005). Beyond focusing on youth delinquency and crime as the source of the “problem” facing the project of democracy in Central America, there needs to be more emphasis on understanding the origins of displacement, poverty, and institutional injustice. The crafting of an image of poor youth as the new danger, that is the new face of “terror” orchestrated by new regimes who are eager to launch the “free trade agenda” needs to be analyzed with a more critical eye. It seems too easy to think that the expatriated youth are the cause of the broader more deep rooted economic and socio-political problems and inequalities facing the Central American nations which are experiencing their own challenges in regime building under rampant institutionalized corruption. It is our intention to explore more critically how the rise in deportations and the criminalization of poor youth that is constructed with it by extension, has served to authenticate the new security perimeter’s war on terror.

Addressing Undocumented Labor under the “war on terror”

The guest worker plan under the vision of a border free North America proposed by President Vicente Fox at the Ottawa Summit in early 2001, put on hold after 9/11, has again resurfaced. The proposed temporary legalization program is not an amnesty similar to the Immigration Reform and Control Act (IRCA) of 1986 where millions of people were able to adjust their status and become “legal” in the US. This Bracero style program with Mexico explicitly excludes the idea that Mexican workers could earn their way towards legalization by working in the US for three or six years (Jonas 2005). Yet despite its temporary status, many pro-immigrant groups are embracing the program under the idea that it would give undocumented workers time to further adjust their status and more importantly give them an opportunity to travel back home legally. But legalization is problematic because it doesn’t address the other hundreds of thousands, indeed millions of individuals, who do not qualify or who will revert back to undocumented status once the program expires. Anti-immigrant groups, on the other hand, are appalled by the proposed temporary legalization initiative arguing that it rewards those who violated the law by crossing “illegally” and as such stand vehemently opposed to any concessions to

“illegals” pushing instead for a stepped up “border sealing” plan including organizing extra-militarily to do so. On another front, progressive thinking on immigration policy has alluded to the possibility of open borders as a way to address trans territorial migration flows under a New North America. Massey et al. (2002) make a compelling argument in favor of open borders under the idea that freedom to move and travel will reduce “illegal” migration because people will be more likely to go back home if less restrictions are placed on them. But the open borders proposal even at a time of increased regional economic integration does not have any significant support in an era of homeland security. In fact it defies the very ideological premise of the new security state’s emphasis on border security and safety. The only realistic scenario we see before us is the continuation of the current policy of tighter border enforcement and deportations with the additional emphasis on border control throughout the various Latin American border checkpoints and Canada thereby making other governments more responsible for US border control. Rather than finding solutions that support sustainable economic growth within migrant sending communities and addressing more equitable approaches to capital distribution and redistribution of resources at home and abroad, a continual politics that favors militarization and the strengthening of policing mechanisms to enforce corporate privilege remains the order of the day. Until a counter narrative to the official discourse on “illegality” is embraced in which constructs of universal human rights and universal membership are promulgated, we can call the project of nations a failure. A new paradigm is needed that addresses human rights and *human security*. Mexican and Central American day laborers on Long Island, New York through the Work Place Project are an example of the organizing efforts of migrant communities seeking social and economic justice. There are numerous examples of other local groups through the Americas who are organizing initiatives along this similar thinking. It doesn’t really matter where those demands are being sought. It needs to be everywhere, especially on migrant/citizen home fronts and that is increasingly everywhere we all live.

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