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Crimmigration, Deportability and the Social Exclusion of Noncitizen Immigrants

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2 **Crimmigration, Deportability and the** | Shirley P. Leyro[‡] 3 **Social Exclusion of Noncitizen Immigrants** | Daniel L. Stageman[¥]

4 **Abstract**

5 The spread of crimmigration policies, practices, and rhetoric represents an economically rational
6 strategy and has significant implications for the lived experience of noncitizen immigrants. This
7 study draws up in-depth interviews of immigrants with a range of legal statuses to describe the
8 mechanics through which immigrants internalize and respond to the fear of deportation, upon
9 which crimmigration strategies rely. The fear of deportation and its behavioral effects extend
10 beyond undocumented or criminally convicted immigrants, encompassing lawful permanent
11 residents and naturalized citizens alike. This fear causes immigrants to refuse to use public
12 services, endure labor exploitation, and avoid public spaces, resulting in social exclusion and
interrupted integration, which is detrimental to US society as a whole.

13 **Keywords:** Crimmigration; deportation; economic exploitation; integration; social exclusion;
14 labor exploitation.

15 **Introduction**

16 Positioning immigrants as criminally inclined has been a long-standing nativist
17 narrative. Terms such as *criminal alien*, *illegal alien*, and *illegal immigrant* are often
18 used interchangeably in popular discourse, leading to the blanket
19 criminalization of immigrant groups. Moreover, the 2016 presidential election
20 demonstrated that the tale of the criminal immigrant is a successful political and
21 electoral strategy. These narratives have led to what Juliet Stumpf (2006) terms
22 *crimmigration*: the intersection of criminal and civil laws in the immigration arena.
23 The result is that immigrants experience dehumanization across multiple life
24 domains, including: 1) the conditions under which they are forced to sell their
25 labor for fear of exposure of their deportability;¹ 2) the crimmigration processes
26 that reduce them to marginalized subjects, vulnerable to deportation and victim
27 to the erratic tendencies of immigration policies surrounding membership and
28 exclusion; and 3) via the limits (often internalized and self-imposed) to social
29 participation that result from the fear and risk-management behavior endemic
30 to their deportability. We argue that these dynamics are not just the symptoms

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¹ Anyone who is not a citizen, including legal residents, is vulnerable to deportation. We refer to this status as *deportability* and anyone who is not a citizen as *deportable*. This usage differs from that of De Genova (2002), who uses *deportability* only in connection to persons who are undocumented.



1 of an overreaching immigration control apparatus, but designed in part to
2 facilitate the economic exploitation of the US resident noncitizen population,
3 both through increasing labor compliance and reducing utilization of available
4 public services. The constant precarity that crimmigration policies produce in
5 the lives of noncitizen immigrants circumscribes their integration into public
6 life and severs the social contract.

7 This article will discuss data from Leyro's (2017) New York City-based study
8 of the impact that the vulnerability to deportation has on noncitizen
9 immigrants. New York City is relatively "immigrant friendly," with programs
10 aimed at easier integration and providing a sense of belonging, such as the
11 Municipal ID program, which gives every New York City resident a photo
12 identification, regardless of status (NYC Local Law 35). Yet national policy
13 combined with local enforcement efforts paint a very different portrait of New
14 York City. For example, in 2009, 23% of immigrants who exited New York
15 City did so via removal by the Department of Homeland Security (NYC
16 Department of City Planning, 2013). In addition, according to the Transactional
17 Records Access Clearinghouse (TRAC) compiled by Syracuse University
18 (2013), New York City ranked sixth highest in the nation in 2012 for the
19 number of persons entering ICE custody. Moreover, more than one hundred
20 confirmed arrests in early January of 2016 charged a powerful rumor mill over
21 the country, including in New York City where immigrants reported feeling
22 frantic and scared over the threat of imminent ICE raids (Garsd, 2016; Robbins,
23 2016). Thus, even though New York City has made significant efforts to
24 support the immigrant community, fear remains persistent among this
25 population.

26 A total of 80 immigrants participated in this study, and data were collected
27 through 6 focus groups and 33 in-depth individual interviews. Focus groups
28 were utilized in an effort to collect a wide range of information in a way that
29 fostered participation, but did not pressure anyone to engage in the activity, and
30 interviews were conducted to gather in-depth information from the participants
31 so as to provide a richer picture of their views and opinions (Krueger, 1988;
32 Saldaña, 2009). The 6 focus groups were composed of 10 members each, and
33 recruitment was done via an immigration-related event held at a local church.
34 Due to the sensitive nature of the topic, a church was selected as a setting, as
35 they are 'jumping-off' points for immigrants, especially those who lack political
36 incorporation and formal political participation (Winders, 2012, p. 141). Of the
37 60 individuals who joined in the focus groups, 13 agreed to in-depth, individual
38 interviews. Further recruitment of an additional 20 participants who agreed to
39 one-on-one interviews continued with referrals from community organizations
40 and using snowball sampling – a method commonly used when trying to gain
41 access to a population that is generally hidden (Trochim, 2000). Thus, a total of
42 33 individual interviews were conducted. Via this combination of data



1 collection Leyro found that the vulnerability to deportation has meaningful and
 2 intense negative behavioral and psychological effects on immigrants, including
 3 negative perceptions of reception into the United States, feelings of isolation
 4 and being unwanted, all of which create barriers to integration. Moreover, the
 5 study found support that the pervasive fear of deportation led noncitizen
 6 immigrants to endure labor exploitation and the commodification of their
 7 bodies, leading to their dehumanization and constrained life choices. This
 8 narrowing of safe or permissible life choices leads immigrants to evade any
 9 political participation, avoid public spaces, and refuse to utilize any support or
 10 services they are entitled to receive, leading to isolation, social exclusion, and
 11 interrupted integration.

12 **Dehumanizing the Deportable Immigrant**

13 The use of immigration enforcement to further the exploitation of immigrant
 14 labor is not in itself a new phenomenon. Raids associated with the infamous
 15 Operation Wetback (1954) targeted immigrant labor organizers, impeding
 16 immigrants' ability to organize collectively and disadvantaging them in
 17 negotiations with employers who encouraged the raids under the guise of the
 18 "Red Scare" (Astor, 2009; Kanstroom, 2007; Ngai, 2004). More recent research
 19 indicates that the nativist rhetoric and attitudes associated with increased
 20 enforcement may also have economic motivations and effects. Davidson and
 21 Burson (2017) found that nativist attitudes against immigrant access to public
 22 education *increase* with respondent income level, while Pedraza and Osorio
 23 (2017) found that noncitizen immigrants expressed a greater inclination to
 24 avoid utilizing public services (including public education, health care and
 25 police protection) when "cued" to consider immigration issues. These findings
 26 suggest the salience of Stageman's (2017) prior work developing the concept of
 27 a "punishment marketplace", in which immigration policies, practices, and
 28 rhetoric are deployed *entrepreneurially* in support of the political economic
 29 interests of the employers, consumers, and others in a position to benefit or
 30 profit from the exploitation of deportable noncitizen immigrants. The findings
 31 detailed below describe the mechanisms through which these strategies
 32 circumscribe the lives of these immigrants, resulting in fear, social exclusion
 33 and further economic exploitation.

34 *Deportability and Crimmigration*

35 Crimmigration strategies encompass a range of policies, practices, and rhetoric
 36 with deep implications for the lived experience of vulnerable immigrants, who
 37 include the undocumented and lawful permanent residents caught up in the
 38 criminal justice system, along with their families, friends, and neighbors; legal
 39 status and even naturalized citizenship are not enough to protect immigrants
 40 from their effects. In coining the term, Stumpf considered crimmigration's
 41 economic rationale more narrowly, observing that "those who have lost the

1 social status of a full citizen through a criminal conviction, or never gained
2 citizenship in the first place, must not deserve to share in the limited pie of
3 public benefits” (Stumpf, 2006: 406). Stumpf does not discuss the ways in
4 which this notion of “desert” might be internalized, or produce long-term
5 effects for immigrants regardless of status. Leyro (2017) found that feelings of
6 vulnerability to deportation drove respondents to avoid contact with the police.
7 When asked if she would call police in case of an emergency, Polly,² who at
8 time of the interview had been living in the U.S. for 14 years, responded as
9 follows:

10 [Translation:

11 Polly: Depending on the emergency.

12 SL: Depends on what?

13 Polly: If it is something I can resolve, maybe not. Because, the first,
14 almost always, the first thing they do is ask – I do not give my ID to
15 anyone.]

16 Polly, a legal permanent resident at the time of interview, continued to express
17 a clear reluctance to interact with first-line law enforcement officers. Polly
18 describes a potentially agonizing calculus in assessing emergency situations:
19 dividing those she “can resolve” versus those she cannot, without the
20 professional expertise and crisis management experience that are the defining
21 skill set of modern emergency management personnel.

22 Polly’s approach to law enforcement interaction is not an irrational response to
23 an undefined fear of deportation, but a rational risk management strategy that
24 recognizes the real potential for arrest that accompanies the reporting of certain
25 categories of criminal victimization. “Dual arrest” in domestic violence
26 reporting remains a very real risk in some US States (Hirschel, Buzawa,
27 Pattavina, Faggiani, & Reuland, 2007), as can second party reporting of an
28 overdose (Davis, Webb, & Burris, 2013), and under the recent administration’s
29 new immigration control guidelines, lawful permanent residents who are
30 arrested are now a priority for deportation (Kelly, 2017).

31 *Deportability and Labor Exploitation*

32 The refusal to seek public services due to fear of deportation extends to a wide
33 range of circumstances and settings, encompassing the workplace, day-to-day
34 economic transactions, and crisis situations. A stark example is Emma, an
35 undocumented immigrant who had been living in the country for 22 years at
36 the time of the interview:

² To protect the identity of the participants, pseudonyms are being used.



1 Entrevistadora: Y entonces, ¿hay alguna cosa, por ejemplo...que usted
2 evita o otra cosa que usted no hace porque...no quiere ser más
3 vulnerable a la deportación?

4 Emma: Sí. Por ejemplo, a pedir una ayuda publica.

5 [Translation] Interviewer: Is there anything, for example...that you
6 avoid or anything you do not do because ...you are afraid of being
7 deported?

8 Emma: Well, for example, asking for public assistance.

9 Emma's discussed refusing public assistance in the context of a personal crisis,
10 financial insecurity that resulted from being forced to leave her employment
11 due to a high-risk pregnancy. Referring to her economic status as having to live
12 "day-by-day," she specifically names her deportable status and fear of being
13 discovered as the reason why she does not seek any public assistance for her
14 family, despite the fact that her child is a US citizen. The gravity of her fear and
15 how it impacts her family becomes even more apparent when considering that
16 her son has "special needs." Furthermore, fear of being deported also led to
17 avoiding perfectly legal and harmless behavior:

18 Por ejemplo, tengo miedo hasta de no pagar la luz, la renta porque te
19 mandan al bureau de crédito, te mandan tantas cosas."

20 [Translation]: For example, I have fear of even not paying the light bill,
21 the rent, because they contact the credit bureau, they send you so many
22 things.]

23 Moreover, fear of being deported and not seeking benefits or entitlements also
24 drives people to endure labor exploitation. Another participant, Polly explains
25 why she never applied for benefits from her employer:

26 Ex-jefas mías me han dicho, "No puedes exigir beneficios porque... tú
27 no has pagado nada"... pero sí en la realidad yo sabía yo no podía pedir
28 beneficios, yo no podía aplicar para una escuela, yo no podía.
29 [Translation]: Ex-bosses of mine have told me, "you cannot ask for
30 benefits because...you have not paid for anything"...in reality I knew I
31 could not request benefits, I could not apply to a school, I could not."

32 Labor exploitation, however, is not limited to those who are undocumented.
33 Amanda, a documented immigrant who had at the time of the interview been
34 in the United States for 11 years, also mentioned enduring oppressive practices
35 in the workplace. She discussed how she and her husband were forced to
36 tolerate treatment at work they would not have otherwise accepted due to their
37 "underclass status":

1 I failed to mention what another effect is, that...it forced us to accept, you
2 know, injustice and like defamation of person and to accept a lot of things on
3 our jobs that we wouldn't have accepted. Accept -- in my husband's case -
4 accept being underpaid for years and overworked because he just couldn't
5 afford to create trouble...So yeah, we accepted a lot of, you know, crap.

6 Clearly, participants are aware of their position in society, driving them to
7 endure exploitive labor practices and thus becoming marginalized participants
8 in the U.S. capitalist economy. Punitive immigration control policies – both
9 federal and local –cause vulnerable noncitizens to fear and thus avoid utilizing
10 services to which they have basic human and civil rights. Indeed, one of the
11 best ways to prevent noncitizens (and even their full citizen dependents) from
12 benefitting from these services may be to ensure that the most basic interactions
13 with government representatives induce a realistic fear of deportation.
14 Deportability also leads to an environment where the immigrant becomes
15 victim to the pendulum-like rhetoric regarding immigration reform versus
16 immigration control, making them constantly suspicious of their membership
17 in US society and leading to social exclusion.

18 *Deportability and Social Exclusion*

19 Participants' vulnerability to deportation and resulting fear led to perceptions
20 of being negatively received in the United States and the feeling of not
21 belonging. Participants expressed their feelings of not belonging in a variety of
22 ways and contexts. For example, Amanda, a documented immigrant who had
23 at the time of the interview been in the United States for 11 years, said:

24 For us, the fear of deportation manifests itself in the sense that this is
25 just not our country...we just don't view our presence here as
26 permanent... Because we're treated a little bit differently because we're
27 documented and we've always been documented. For us, the fear of
28 deportation manifests itself in the sense that this is just not our country,
29 we're not natural-born citizens... Even if we become citizens, we're still
30 naturalized, so we always think about it. It's a law that made you able to
31 have it and it's a law that can take it away. ...We're not full, full, full
32 citizens and so that's never gonna go.

33 To Amanda, the political climate and shifting sentiments toward immigration
34 appeared to create a sense of uncertainty even if she were to achieve citizenship.
35 This uncertainty led her to feel that she does not belong, that her time here in
36 the United States is provisional, and that the United States might never feel like
37 home. Several other participants also shared how this lack of belonging can
38 become internalized to the point that they come to accept that they are not in
39 a place they can call home. Stacey, a woman from an eastern European country
40 who was living in the United States for 12 years at the time of the interview,
41 expressed her sense of not belonging as a reality which she has come to accept:



1 “I mean, I clearly know that I’m not a citizen of this country, I’m grateful
2 to be here but I know that I don’t have the same rights. And that I’m to
3 some extent a guest in this country. And I recognize it. So it’s not my
4 country.”

5 Similar to what Amanda acknowledged, Stacey knew that not being able to view
6 oneself as a true permanent resident, but rather someone whose stay is
7 temporary, serves as an inhibitor to building a home. This sense of an inability
8 to make themselves at home in the United States was shared by a majority of
9 participants. Making a home is something that Maria, a woman from Western
10 Europe with a Ph.D. from an American Ivy League university, recognized as a
11 natural desire:

12 “You need to belong, and you need to have a home base especially if you
13 found a place where you wanna build something... Why would you stop
14 people from doing that? You're just disrupting their entire system and
15 their emotional health.”

16 Here, Maria expresses frustration over her vulnerability to deportation and the
17 barrier it presents for noncitizen immigrants to call the United States home.
18 The inability to build a foundational social system – and to access the practical
19 rights and privileges of social membership – was also expressed by Madison, a
20 documented young woman with a graduate degree from an American
21 university: “It just feels stressful. It just also feels like I can't actually build my
22 life, like everything is... like...for example, if I wanted to really put down roots
23 and, I don't know, like get a mortgage and a house, I can't do that.” An account
24 of the social effects of being vulnerable to deportation marks how access to
25 common components of building a life or a “home” is restricted.

26 Most of the participants expressed how being vulnerable to deportation gave
27 them the perception of being unwanted, unwelcome and not belonging.
28 Crucially, these feelings led participants to feel unmotivated to be civically
29 engaged, affecting their ability to build social capital and harming their social
30 relationships. Amanda expressed her reticence regarding political participation:

31 “Well, I mean, like being here to get involved in certain movements or
32 political activities or certain organizations about issues that affect us, you
33 know... we just don't get involved in those things because of this sense
34 that you're not here to stay.”

35 For Amanda, her vulnerability to deportation, and the resulting feeling of
36 detachment, led to feeling unmotivated for civic participation, leading her to
37 forfeit the potential benefits of these activities.

38 Similarly, Polly, explained why she no longer participates in a local community
39 organization:

1 [Translation: For now, I've stopped a lot...but now I don't want to get
2 involved...in nothing that is political, in nothing...because I am afraid
3 that, because I am not a citizen, they can deport me...I do not want to
4 work with organizations that work with immigrants because I am afraid
5 that they will deport me...but yes I am interested in working with
6 organizations once I have, once I have my citizenship].

7 Polly was politically active in her home country. She also had an affiliation when
8 she first came to this country with a local organization. However, Polly's feeling
9 that even being a resident would not protect her from deportation if she
10 participates in local – all legal – political activism has caused her to cease these
11 activities and refrain from even helping other immigrants. Polly's withdrawal
12 hindered her own integration and the political-economic development of her
13 community alike.

14 These vignettes demonstrate how deportability made participants feel they were
15 unable to gain access to the same services and benefits as non-immigrants,
16 forced them to accept exploitive labor practices, and exacerbated feelings of
17 not belonging. These feelings in turn led to their inability to set up roots and
18 make themselves at home, resulting in social exclusion and serving as a barrier
19 to integration. These results suggest that the economic exploitation of
20 immigrants is not only effected through labor market dynamics, but through a
21 broader political economic process that complements these dynamics with
22 social exclusion – especially from public services and public space. Participant
23 responses demonstrate that deportability dehumanizes noncitizen immigrants
24 via the punitive workings of crimmigration policies and the fear they generate
25 in the targeted communities. Fear of deportation, as well as other kinds of
26 entanglements with the intertwined criminal justice/immigration control
27 systems, is closely associated with the avoidance of public services and spaces
28 regardless of immigrants' legal status. The result is a broad disruption of
29 immigrant integration.

30 **Conclusion**

31 Immigration policies give preferential entry to persons from certain countries
32 or to persons with desirable skill-sets. However, the United States still limits
33 these immigrants' opportunities for full inclusion, which can result in the
34 person feeling as if they are not wanted or welcome. The perception that the
35 individual characteristics of the high-demand immigrant are what will impact
36 the position they will occupy in the host country is not always accurate (Reitz,
37 1998). In this context, the immigrant becomes a “neoliberal subject,” a term
38 used by Monica Varsanyi (2008) to refer to “an alternative, evolving institution
39 of ‘membership’ for noncitizens living within the territorial boundaries of the
40 nation-state” (p. 882).



1 This neoliberal commodification of immigrants relies on deportation to create
2 a socially bulimic society, where the United States uses the immigrant as a
3 resource, then uses immigration policy as a pretext for the regurgitation of their
4 bodies once they are no longer exploitable (Young, 2007). The resulting social
5 exclusion and dehumanization disrupt any process of integration. Abrego and
6 Menjivar state,

7 “when everyone living in the United States is able to fully integrate, our
8 communities are better off. A more thorough process of immigrant
9 integration will result in... a stronger sense of belonging, greater
10 investment in the collective future of the country, and a more cohesive
11 society” (2011, p. 2).

12 Regardless of the means, genuine incorporation gives rise to feelings that the
13 immigrant is included, and that inclusion rests on perceptions of belonging
14 (Alba & Foner, 2015). Participant responses indicate that the fear of
15 deportation has stripped away part of their humanity. This dehumanizing
16 dynamic is internalized by noncitizens as a reaction to the relentless effects of
17 crimmigration policies, practices and rhetoric. We argue that dehumanization is
18 a predictable – and, indeed, intentional – effect of these policies, as it is the
19 mechanism through which they condition the behavior of vulnerable, resident
20 noncitizen immigrants to provide tangible benefits through the provision of an
21 easily exploitable, easily commodified, and socially excluded low-wage labor
22 force³.

23 It should be clear from the above that crimmigration policies and practices
24 produce significant social costs. The fear of deportation drives noncitizen
25 immigrants to avoid the social and political participation that facilitate
26 integration. We believe these costs exceed by a large margin the narrowly
27 accrued benefits sought by the neoliberal state and the political-economic elites
28 who are its beneficiaries. The continued application – and recent expansion –
29 of crimmigration policies and practices has much more to do with who bears
30 these costs, and how they are borne, than a rational cost-benefit analysis rooted
31 in a collective definition of the public good. Establishing the value of a broadly
32 inclusive society through sustained empirical analysis is increasingly important
33 in the current policy environment.

³ Anecdotal evidence suggests that crimmigration policies may in fact be intended to instrumentalize vulnerable noncitizens – to maximally increase their utility as labor and reduce the costs associated with their human needs and wants – to the benefit of nativist white voters and the political economic elites who most meaningfully influence the relevant policies (see Gilens and Page, 2014). While we acknowledge the inherent difficulty of providing evidence for the level of intentionality this assertion implies, we believe it is clear that the dehumanizing effect of crimmigration policies condition behaviors that, in turn, tangibly enhance the benefits that vulnerable noncitizen immigrants provide to employers, consumers, and taxpayers in the localities where they live and work.

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