

**Decapitalization of the Immigrant Subject: The Case of Undocumented Mexican Women in Phoenix-Arizona**  
**La descapitalización de los sujetos migrantes: el caso de las mujeres mexicanas indocumentadas en Phoenix-Arizona**

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### ABSTRACT

This article explains how the economy of “illegality” produces not only a flexible and precarious labor force but in a continuous process of continuous decapitalization of immigrant subjects ranging from subtle practices, such as traffic ticket fines, to more violent ones, which include the indefinite confinement in a detention center. Through interviews with undocumented Mexican women living in Phoenix, Arizona, it is revealed how deportability and detainability produce economic decapitalization and dispossession of physical and psychological security that has gendered connotations.

*Keywords:* 1. economy of “illegality,” 2. gender, 3. deportability, 4. Phoenix, 5. Arizona.

### RESUMEN

Este artículo explica cómo la economía de la “ilegalidad” no solo produce mano de obra flexible y precarizada, sino que se sostiene en un proceso de descapitalización continuo de los sujetos migrantes, que incluye desde prácticas sutiles, como pagar multas por infracciones de tránsito, hasta otras más violentas, como el encierro indefinido en un centro de detención. A través de entrevistas realizadas a mujeres mexicanas indocumentadas que habitan en Phoenix, Arizona, se revela la forma en que la deportabilidad y la detenibilidad producen una descapitalización económica y una desposesión de seguridad física y psicológica que tiene particulares connotaciones de género.

*Palabras clave:* 1. economía de la “ilegalidad”, 2. género, 3. deportabilidad, 4. Phoenix, 5. Arizona.

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## INTRODUCTION

In recent research<sup>2</sup> on the individual and collective strategies developed by undocumented Mexican women in the Maryvale-Phoenix neighborhood, Arizona, in the face of the threat of deportation, stories oftentimes emerged on the continued indebtedness implied in both avoiding said threat and being immersed in it. That is, avoiding a possible detention, but also paying fines, implies trying not to attract attention, taking all possible precautions when driving, and even when walking, which also involves making yourself as invisible as possible in public space.

Although men are more likely to be deported and detained than women (Golash-Boza & Hondagneu-Sotelo, 2013), our interest in the personal experiences of undocumented Mexican women revolves around understanding how they are immersed in the process of feminization of survival (Sassen, 2003). If the inequality derived from their legal status and gender is also taken into account (Dreby, 2015), it can be seen that women face a multidimensional crisis resulting from social reproduction (Narotzky, 2004).

The research allowed us to verify how undocumented migrant women are exposed to processes of decapitalization and dispossession within the economy of “illegality,” not only as flexible, cheap, and precarious workforce, but also as objects of control in the economic apparatus that surrounds detention and deportation. What we are interested in elucidating here is that decapitalization processes are constant and an intrinsic part of that economy that generates around migratory “illegality.” This reflection arises from the need to expand theoretically on what the economy of deportation, detention, or clandestinity is (De Genova, 2016 & Calavita, 2004).

We set forth that the economy of “illegality” is sustained through *accumulation by dispossession* (Harvey, 2003) since this government regime has transformed migrants into merchandise to initiate new processes of capital accumulation. We start from a gender perspective, aiming to understand the feminized discourses immersed in the economy of “illegality” and the various processes of decapitalization. At the same time, we highlight the capacity for action, agency, and resistance of migrant women.

Based on the analytical framework of the “illegality” economy, we aim at contributing to the discussion presented in recent research on deportability, the consequences and effects of deportation, and how the latter disrupts family life, in turn resulting in medium- and long-term consequences (Golash-Boza, 2015, 2019; Boehm, 2016; Dreby, 2015). Furthermore, the production of migrant decapitalization has not been debated from a gender perspective.

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<sup>2</sup> This article is part of the master’s degree thesis titled “Living in limbo”: The ways of facing the deportation regime of undocumented Mexican migrants in Phoenix-Arizona, at the Facultad Latinoamericana de Ciencias Sociales (FLACSO), Ecuador. The fieldwork was carried out in February and March of 2018.

It is worth mentioning that, when referring to migrants, we are generally referring to the study subjects of this research: undocumented migrant women of Mexican nationality.

The local context of Phoenix, Arizona, when it comes to the application of immigration policy has shaped the daily lives of migrants. More precisely, there has been controversy regarding the application of laws and the actions of the police, focused on constant persecution and harassment against the migrant community, which only intensified with the approval of the Arizona Senate Bill 1070 (SB1070 hereafter).

This article is structured as follows: In the first section we carry out a brief theoretical discussion; in a second section we present the methodology and techniques applied; next, we present the context of immigration policy in Phoenix, Arizona; the fourth section addresses how decapitalization processes develop by means of one of the most common and subtle tactics, namely traffic stops; in the fifth section we examine what happens when migrants are immersed in deportation processes, as carrying out a gender analysis we explain how a process of capital accumulation is configured through the criminalization of migration, in which ways it produces a multidimensional crisis in the life of migrant women, in turn also providing evidence of their capacity for action. Finally, we present our closing remarks.

### THEORETICAL COORDINATES

Theorizing after Michael Foucault, various authors have studied the technologies of power and control that have been created to regulate migratory flows from the category of *governmentality* (Coutin, 2003; De Genova, 2002; De Genova & Peutz 2010; Martín, 2011). In migration studies, *governmentality* is understood as a way of governing in which various technologies of power and control, procedures, discourses, and surveillance strategies are configured, with the common goal of controlling and monitoring the lives of individuals and the general population (Martín, 2011). Thus, there are various technologies of power and control aimed at migratory flows, such as visas, raids at workplaces, the creation of detention centers, biometric technologies, and deportation.

The technologies of power and control are built upon migration policies, and under the discourse of “illegality,” they aim to discipline the bodies of the migrant population. De Genova (2002) points out that nation-States intend to keep migrant populations in “illegality,” in order to produce cheap and flexible labor, stripped of all rights and excluded from political life, yet paradoxically “included” through exclusion. The legal production of “illegality” has turned migrants into the center of capital accumulation processes, turning them into docile, disposable workers, and in turn, these criminalized bodies are the ones enriching prisons and private detention centers (Lee, 2018). In this sense, De Genova (2016) proposes the category of the *economics of deportation and detention*, while Kitty Calavita

(2004) that of the *economics of otherness*. Both authors argue that the logic of these economies is based on the economics of power.

For De Genova (2016), the economics of deportation and detention are part of a deportation regime whose characteristics are deportability and detainability. That is, this government regime determines who is accepted or rejected in society. To understand what deportability and detainability are, we deem it essential to take into account the theoretical reflection of Kanstroom (2000), who explains how national States control migratory flows by applying a model of continuous social control and a border model. In the latter, the main mechanism of the States for border control is deportation. While in the model of continuous social control that is the role of deportability, as a strategy of biopolitics that functions as a security device imposing discipline upon bodies in face of the threat of deportation (De Genova & Peutz, 2010). As pointed out by Aquino (2015, p. 81), “deportability etches on the bodies of migrants the practical effects of border control.”

De Genova and Peutz (2010) point out that the effectiveness of the deportation regime lies in the deportation of a few and the constant daily mobility of others, which produces and maintains migrant “illegality” not only as an anomalous legal status, but as a practical way of being. Therefore, immigration “illegality” is experienced through the palpable sense of deportability, that is, through the constant possibility of being expelled from a State (De Genova, 2002).

Deportability is based on other devices that stress and concretize this condition, such as detainability. As we already mentioned, detention is a technology of power and control; under this global regime of deportation, control and security, an expansion of migrant detention has been strategically promoted (Martin, 2011). Detainability materializes in everyday life as a simple and unavoidable reality that derives from any form of law “violation,” evident or not. Migrants in detention are generally “guilty” of their “illegal” status and are penalized for being migrants (De Genova, 2016).

From this theoretical lens, we adopt the category of the economy of “illegality” in contrast to the other authors, since it is understood that the logic of capital accumulation of the workforce of migrants is directly determined by the “illegality” of the subjects produced by the State, but not by their condition as deportable subjects. This does not mean that deportability and detainability are excluded, since these are categories that reinforce the configuration of exploitable subjects exposed to a scenario of social inequality and constant economic dispossession. Thus, the economy of “illegality” is sustained through *accumulation by dispossession* (Harvey, 2003), since it transforms migrants into merchandise to trigger new processes of capital accumulation through private detention centers, in turn criminalizing their bodies and dispossessing them of physical, emotional, and psychological safety (Lee 2018). Dispossession can also be understood from the position of Butler and Athanasiou (2013) that, in ethical and political terms, is directly related to the

dispossession of basic rights and the dignity of human beings, which results in further vulnerability of migrants differentiated by gender.

The analytical framework on the economics of “illegality” is better understood in relation to other categories of analysis, such as gender. We take the definition of Pujal and Amigot (2010, p. 131) when theorizing gender as a power device, always highlighting its interaction with other devices such as race/ethnicity, legal status, nationality, and other control technologies such as deportability and detainability, which seek to regulate the bodies of migrants.

In this sense, the condition of subordination and vulnerability that “illegality,” deportability and detainability generate, is reflected as a stigma in the lives of migrant subjects, but in a differentiated way (Boehm, 2016; Dreby, 2015). Specifically in the case of undocumented migrant women, and considering social and gender inequalities, it is they who face various forms of exclusion brought about by the economy of “illegality.” Thus, the way in which these devices of power and control technologies operate also confronts us with the agency and capacity for action held by undocumented migrant women.

We stand ourselves on the grounds of social agency as defined by Mahmood (2008) by stating that although there are experiences of pain and suffering, and although in the migratory context migrant women have been labeled as vulnerable subjects, there are different ways of living within the norms, and to resist them. Therefore, social agency evokes that capacity for action that migrant women have in order to survive the imposed social order.

## ON THE METHODOLOGY

The methodological construction of this research starts from a qualitative approach. We made use of the ethnographic method from what Geertz (1987) proposes as a dense description. We are interested in paying special attention to the experiences that undocumented Mexican women go through when they become targets of deportation. We also aim at revealing how the threat of deportation and the application of the continuous social control model carry a gender connotation.

This research focuses on undocumented Mexican migrants residing in Phoenix, Arizona. We focus on women of this nationality since, at the time of fieldwork, the initial contact occurred through two pro-migrant organizations in Phoenix: the Center of Neighborhood Leadership (CNL hereafter) and the Puente Human Rights Movement (Puente hereafter), wherein most of the people who attended the weekly community empowerment meetings were of Mexican nationality. Being Mexican also means that the strategies to face deportation or the threat of it are different from those of other nationalities, since the historical, geographical, political and diplomatic scenario with Mexico is different from that with other Latin American countries. Women who migrated around the 1990s from rural

areas of Mexico, who are part of families with mixed legal status, were studied; most of them have at least one child, are inserted in the cleaning and care job market, and partake of a pro migrant organization ever since they underwent a deportation process directly or indirectly.<sup>3</sup> Table 1 summarizes the demographic characteristics of the study subject.

Table 1. Demographic Data

Age	Number of women
30 to 40 years	3
40 to 50 years	15
50 to 60 years	11
over 60 years	1
Marital status	
Married	19
Separated	5
Divorced	2
Single	3
Widowed	1
Number of children	
1 to 2	8
3 to 4	16
More than 4	6

Source: Own elaboration.

We decided to focus on the Maryvale neighborhood in the city of Phoenix, Arizona, which has the highest percentage of Hispanic population in the city, 85% according to The Demographic Statistical Atlas of the United States (2017). With regard to spatiality, we took into account two scales. The first and most important is at the state and local level; the immigration policies that began to be developed in 2010 in terms of Law SB1070 were taken into account, and in turn the laws subsequent to that year that promoted its consolidation were also considered. On the other hand, it was essential to address the federal level based on the legislative modifications made by Donald Trump and aimed at deepening the deportation processes of undocumented migrants from January of 2017 to the beginning of September of 2017, with the attempt to terminate the DACA.

The information gathering techniques used were the documentary analysis of migration policies, three in-depth interviews with law experts on migration and two interviews with

<sup>3</sup> We understand deportation according to Boehm (2016), as a social process that not only affects migrants who are deported but also extends to family and community members.

the director of CNL and Puente, as well as 30 semi-structured interviews with women and five with men. Regarding the semi-structured interviews, we must point out that they lasted approximately two hours and most were conducted at their homes. On the other hand, the men interviewed are partners of these women and also are undocumented. The interviews with them lasted about twenty minutes as there was a lot of resistance to the conversation on their difficulties regarding their immigration status. Finally, participant observation was carried out, which consisted of attending the weekly meetings of the organizations, holding workshops and accompanying them to check in. Check in means accompanying those people who are going through deportation processes and who must report regularly to the U.S. Immigration and Customs Enforcement (ICE) offices to sign and prove that they are still in Phoenix while their case is still open.

As for the systematization of the information, case profiles were elaborated. The following variables were taken into account: if the women have been deported or are going through a deportation process, if a relative or loved one has been deported or is going through a deportation process. In this sense, 7 of the 30 women interviewed were in the process of deportation. On the other hand, 23 of the 30 women interviewed had a close relative who had been deported or was in the process of deportation. Table 2 sets out this information in detail.

Table 2. Deportation, Deportation Processes, and Causes

<i>1. Interviewed women</i>		<i>Causes of detention</i>	
Going through a deportation process	7	Detention at the border	2
With a relative or loved one who has been deported or is undergoing a deportation process	23	Driving detention under racial profiling, without a license	4
		Drunk driving detention	1
<i>2. Family members undergoing a deportation process</i>			
Child	1	Drunk driving detention	2
Partner	2	Detention while speeding	1
Best friend	1	Detention at the border	1
<i>2.1. Current situation</i>			
Detainees in immigration detention centers	2		
Released on bail	2		
<i>3. Deported relatives</i>			
Ex-partner	5	Driving detention under racial profiling, without a license	9
Brother/sister-in-law	3	Detention while speeding	1
Sibling	7	Raid at workplace	6
Child	2	Drug trafficking charges	3

Source: Own elaboration.

The testimonies presented hereby were selected to illustrate four situations related to decapitalization processes related to deportability and detainability. In this sense, we focus on everyday life situations, such as detentions due to racial profiling in public spaces, interrogations with immigration officers, experiences in local prisons and immigration detention centers. It is worth mentioning that all the names used in this document are pseudonyms meant to protect the identity of the interviewees.

### LOCAL MIGRATION POLICY

Migrants in the United States face a system of migration policies that includes an external component in the form of a militarized border, and an internal component in the form of multiple internal borders (Menjívar, 2014). Arizona has been, in this sense, one of the states that has tried to surpass federal immigration guidelines with the enactment of SB1070 in 2010. Along the same lines, the application of anti-immigrant policies in the city of Phoenix has been controversial due to the way in which local police interprets and applies them, in addition to the actions of one of the most controversial figures such as Sheriff Joe Arpaio. This section will focus on succinctly explaining these two points.

The approval of SB1070 comes from the issuance of more than forty anti-immigrant laws since 2004 (Torre, 2016; Montoya, Ochoa, & Woo, 2014). The main goal, drawn up in the first section of said law, is attrition through enforcement, which consists of “illegal” migrants being forced to give up and return to their country voluntarily or expel themselves (Cornelius, 2012). Also, various activists called SB1070 “the money-making machine.”

One of the characteristics of the deportation machinery is that it creates a prison infrastructure. Private companies have found a business in indefinitely detaining undocumented migrants and those seeking asylum. Corrections Corporations of America (CCA) and Geo Group are the largest companies that the Department of Homeland Security (DHS hereafter) and the U.S. Immigration and Customs Enforcement (ICE) contract to house, detain, monitor, and process migrants for deportation (Gilman & Romero, 2018; Gómez, Menjívar, & Staples, 2017). These companies have a direct link with the American Legislative Exchange Council (ALEC), a conservative institution that promotes, through political lobbying<sup>4</sup> the approval of anti-immigrant laws all over the country (Gómez et al., 2017).

There are two detention centers in Phoenix-Arizona, the Eloy Detention Center and the Florence Correctional Center, both of which are private prisons run by Corrections

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<sup>4</sup> Senator Russell Pearce, a member of the ALEC, proposed the SB1070. This law was drafted in conjunction with CCA (Immigrants for sale) (Brave New Films, 2015).

Corporations of America. They are located 40 miles from the city, where there is no public transportation, which makes it difficult to visit the detained migrant population. Eloy, created in 1994, is the third largest migrant detention center in the country and the one with the worst reputation nationally.<sup>5</sup>

When it comes to the enforcement of immigration laws in Phoenix, one of the main problems is the actions of the local police. Such is the case of Section 287g, signed by the County of Maricopa, which was in force from 2003 to 2012. This agreement empowered local police to question the immigration status of any person and, in turn, allowed the ICE into local prisons, facilitating the identification of undocumented migrants who had committed minor crimes such as driving without a license. The DHS canceled the agreement due to constant reports of migrant detentions under racial profiling (Meissner, Kerwin, Chishti, & Bergeron, 2013).

At the beginning of 2009, the Department of Justice launched a federal investigation in order to analyze the control and detention practices of Sheriff Joe Arpaio. This investigation found that power abuse had taken place when the detention of individuals based on racial profiling (Meissner et al., 2013; Castañeda, 2015). Following the cancellation of Section 287g, a direct lawsuit was filed against the county sheriff in 2012. The lawsuit was based on three main points: discriminatory police actions, in which Latinos were detained on the basis of race, color or national origin; criminalization of migrant defense groups; discriminatory practices in prisons, such as Tent City, against inmates of Latino origin and with limited English skills (Meissner et al., 2013, p. 105).

Despite the above, the enactment of SB1070 furthered the detention measures based on racial profiling. The protocol pointed to the following characteristics: people of “color,” people who drive “*trokas*” (trucks), cars that have stickers in Spanish, if there were many people in the car that spoke in Spanish (V. Hernández, director of CNL, personal communication, March 13, 2018). Detentions generally took place in neighborhoods with a larger Latino population, such as Maryvale. In fact, as pointed out by Meissner et al. (2013), in this period a Latino driver in Maricopa County was four to nine times more likely to be stopped by the police than non-Latino drivers.

In November of 2016, Democrat Paul Penzone won the Sheriff’s election, defeating Arpaio, who held office for 24 years. One of his main campaign promises was to take ICE out of the 4th avenue jail in Phoenix. The presence of ICE in the local jail was due to the operation of the Criminal Alien Program (CAP), which allows immigration officer into local jails.

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<sup>5</sup> Between 2003 and 2015 there have been 165 deaths in federal detention centers, of which 15 took place in Eloy; these deaths are attributed to suicide or suffocation (AZ Central, 2016).

On February 17, 2017, Penzone terminated any agreements with ICE that would facilitate their entry into the local Phoenix jail. However, a week later he reactivated the agreements due to media and political pressure, which pointed at an increase in insecurity in Phoenix as due to the undocumented migrant population. The presence of ICE in the local Phoenix jail is problematic, as it speeds up deportation processes. In this sense, the outlook in Phoenix, Arizona, at the beginning of 2018 was discouraging for the migrant population, as the anti-immigration measures were very similar to those that existed during the Arpaio regime.

#### SUBTLE WAYS OF DECAPITALIZATION: TRAFFIC TICKETS

The decapitalization of migrants occurs on any scale; the largest and most obvious is when entering a deportation process, and the least visible, which goes almost unnoticed, are traffic tickets. We argue that migrants, regardless of their legal status, are exposed to direct and indirect decapitalization, in which migrant women turn out to be the most affected. This reflection arises from various testimonies from women who have been repeatedly detained and fined by police forces. These practices of persecution and harassment towards the migrant population have as their purpose, beyond promoting fear, to obtain economic gains able to sustain the model of continuous social control through indebtedness, which the regime of detention and deportation of migrants has also turned into.

The Maryvale neighborhood concentrates the largest Latino population in Phoenix, so the increase in surveillance and control is directed to these types of neighborhoods; various investigations show that in poor and working middle class neighborhoods it is common to find these practices, when compared to white population suburbs (Golash-Boza, 2019; Gilman & Romero, 2018; Zarrugh, 2019). During the first two years of the SB1070, the line between the jurisdiction of transit police and that of sheriffs was blurred. Generally, women, or their relatives, were stopped by transit police or sheriffs while driving or accompanying the drivers. Among the main causes of detention were minor traffic violations, such as speeding, driving without a license and driving damaged vehicles.

Racial profiling detentions related to road traffic issues became commonplace. As Sonia, a 40-year-old undocumented migrant from Maryvale, told us, one day, when she was returning home, a police officer detained her for no apparent reason, being the victim of racial profiling. The police officer asked for her driver's license and asked if she had drunk any alcohol and smoked marijuana, since her eyes were red. Sonia pointed out that she was just tired; however, the police proceeded with the arrest and sent her to the 4th avenue jail, to later hand her over to ICE. Sonia had no criminal record or immigration offenses, for which she was granted a bail of 1500 USD to be released and later appear before an immigration judge. However, she failed to appear before the immigration court, which meant having an automatic deportation order. In addition to the bail that she paid to stay in the country temporarily, she also had to pay the traffic fine for not having a driver's license.

Sonia's story represents a continuity in the practices under which the Maryvale police operate. Most of the women interviewed indicated that it was a matter of "luck," depending on the type of police who detained them. These detentions tended to be gender-biased, much more automatic for men than for women. The questions of the police officers, when they detained the women and found that they did not have a license, used to refer to the family composition of their house: number of sons or daughters, age of these, whether they are citizens or not. That is, non-detention commonly appeals to motherhood. However, while women were generally not detained, they were constantly forced to pay fines for traffic offenses. This was due to the fact that the license plates of the car were registered in the police system and, reported as belonging to undocumented people, fines to the same vehicles were recurring.

After eight years of SB1070 law and the change of local authorities, most of the testimonies point at the existence of a *continuum* in detention and racist practices towards the migrant population; it can be seen how race and gender are used as population control devices. Although detentions in the area are not as visible as in Arpaio's time (when intimidation took place in public spaces such as parks, shopping centers, leisure places), they do continue happening and the forms of control have intensified through minor traffic offenses.

One of the places where the racist practices of the local police are most visible is outside the Maryvale schools. Camila, a 38-year-old undocumented migrant, was detained in 2015 by a police officer when she dropped her children off at school. Although all the cars were parked in unauthorized places to drop off children at school, she was the only one detained.

For about a year that policeman was taking cars away at the school, it was horrible, since he took my car I had to go by bus to drop my children off, he had me on file. Also, white people who did the same were never detained. One day I think he went after a person of "color" who did have documents and all hell broke loose [...] we never complained with the school about the policeman, I was afraid [...] I could not drive anymore because then I had to pay 650 dollars to get it out of the impound lot, it was not possible for me to always be paying that amount, so I decided not to risk it anymore (Camila, personal communication, February 12, 2018).

Today, police harassment continues to be a common practice in the Maryvale neighborhood. Fidela, a 46-year-old undocumented migrant woman, noted that in December 2017 she was fined twice by the same police officer in Maryvale in a short period of time. Her first detention was for not turning on the lights of her car while driving, and a week later for not turning on her license plate light. Having a driver's license issued in the 1990s and speaking fluent English prevented detention in both instances, but fines for traffic violations were anyway issued.

The testimonies clearly reflect the effects and social weight of the detention and deportation regime on migrant women. The different dimensions of power immersed within

these subtle detentions speak of a series of violent, discriminatory practices, and it also shows how motherhood is used as a filter to be detained or not. In this sense, police action is crossed by patriarchal practices, since the freedom of undocumented migrant women depends on the obligation of motherhood.

In this sense, whether one is fully immersed in the “chaos” of deportation or if one is only a candidate for it, deportability ends up configuring docile and disciplined bodies (Boehm, 2016) that try to live within the rules, without being detected, as their fear is not only expulsion but also the constant economic penalties of a context of harassment, fear and persecution.

### WAYS OF DECAPITALIZATION IN THE DEPORTATION PROCESSES

The economy of “illegality” is sustained through the implementation of various technologies of power, such as detention and deportation. In this section we will focus on explaining the different forms of decapitalization and dispossession that are generated when undocumented Mexican migrant women are immersed in deportation processes, and what implications it has both at the individual and family level. We start from one of the most repeated expressions when talking with the interviewees, regarding what their actions would be when entering a deportation process; they firmly stated that they were willing to “fight the case,” which is in direct relation to having strong economic capital and preparation in knowledge of their rights, to be able to face the confusing legal process that deportation is. Based on the above, we will explain what it means to “fight the case from the outside,” which refers to being part of the Alternatives to Detention Program (ATD hereafter), and what it means to “fight the case from the inside,” which refers to being detained in an immigration detention center. Thus we aim at explaining how the detention industry works by the criminalization of migrants, which has strong gender connotations.

#### *Fighting the Case “From the Outside”*

The deportation regime and the control model are constantly reinvented to improve the surveillance practices and control mechanisms that enable capital accumulation. Despite the harshness of the procedures, there are certain exceptions that make it possible to better fight cases, especially from outside the immigration detention centers.

However, to fight a case *from the outside*, most of the women state that they must resist the interrogations carried out by immigration officers while under detention. The goal of ICE is to find enough evidence upon questioning to be able to expedite deportation. Migrants have the right to remain silent and to request representation by a lawyer. Some of the women interviewed are aware of this right, but at the time of their detention they find themselves confused because of nervousness, stress and the discourse of ICE. The following testimony

by Gloria, a 46-year-old undocumented migrant, exemplifies the explicit violence to which they are exposed:

I got a very rude immigration officer; he yelled at me and insulted me for 40 minutes. He made a lot of questions, how I had entered, where from, and I would tell him: "I'm not answering you, I have the right to remain silent, I want my lawyer." He replied to me "you have no rights; you people have no rights!" He asked me how many children I have; then he said I had psychological issues, that I was insane if I thought I had rights. Then he searched the Internet on his phone and showed me a quote that said "respect for the rights of others is peace," he read it to me some 20 times and he would tell me "who said it?" and I would tell him "I will answer nothing to you!" and then he said "Benito Juárez said it, little Mexican" [...] They humiliate you there, they insult you. Then he said, "alright, you will not answer anything, then you will stay in jail some five years for what you just did, you realize you're breaking the law?" I told him "so be it, I will not answer to you." He got angrier [...] And I don't know, you get nervous, you laugh, you feel like crying. At that moment they work you up psychologically and make you think that you have no rights, and that what they say is true, and that maybe you should have rather replied to their questions, you get really confused, it is unnerving (Gloria, personal communication, February 14, 2018).

The way in which ICE operates directly violates human rights, since by perceiving migrants as disposable and without rights, they dehumanize their lives. In addition, it denotes the implementation of institutional racism and processes of racialization and discrimination towards migrants that are sustained under unequal power relations. What this testimony reflects is the way in which migrant and undocumented Mexican women are exposed to various types of discrimination and inequality: because of their gender, race, class, nationality and immigration status. Faced with this scenario of dispossession, insecurity and gender violence, these women state that "fighting the case" also means being aware that they have rights and, furthermore, they denote that their only weapon is resistance.

Now, ICE has implemented a series of exceptions to release people who do not pose a threat to the community, and who can also guarantee their presence in future hearings, and that are based on the gender device. In this sense, individuals can go out on bail, use an electronic shackle, and also, in some cases, will have to check in regularly at ICE. These programs are known as ATD. Most of the women interviewed who have been arrested by ICE have been released under these conditions. ATD programs also have a strong gender connotation, as immigration officers and judges decide, based on gender, which migrants qualify for them, since most men are taken to detention centers despite having no criminal record.

Gomez et al. (2017) point out that the ATD is aimed mainly at women who are mothers, thus reinforcing the roles of Latina migrants as mothers, although at the same time they are denied the right to fulfill those roles. Paradoxically, these types of programs present themselves as supposedly more "humane," yet in reality they "reinforce the stereotypes that

Latina women are mothers, thus hiding their other social roles as immigrant workers and as holders of rights” (Salcido & Menjívar, 2012 cited in Gómez *et al.*, 2017, p. 6).

There are various ways in which individuals can be released while their deportation process is started. The most common is being released on bail so as not to go to a detention center. In this case, the immigration judge sets an amount in accordance with certain parameters centered on the figure of the “good migrant,” hence if the person represents a high risk of becoming a fugitive, the bail amount increases. According to various testimonies, there are bails ranging from 1,000 to 50,000 USD, and it is also a requirement that the person who pays it has a social security number.

It can be seen from the above that it is almost impossible for detained people to have that amount of money automatically. Given this, the commercialization of the detention and of “illegality” have caused several financial companies to grant loans to pay the bails, with the requirement of using an electronic shackle to guarantee that the money will be paid back. In this way, there is an outsourcing of the control of these companies that control and monitor individuals. Thus, if people move away from the area ruled by ICE, financial companies will fulfill the role of police and immediately inform ICE of the violation of the agreement. The symbolic burden of wearing an electronic shackle stigmatizes the lives of women, since they are often perceived as criminals by their families or the community in general.

Along the same lines, the ICE also places electronic shackles; the women who are in this program are those for whom the judge did not set bail but who need to be constantly monitored. In turn, there are people who, in addition to being released on bail, must check in; other people will only have to appear before immigration courts according to the ruling of immigration judges.

Therefore it can be seen how the body of these undocumented women is controlled by private companies that indirectly transfer prison to daily life, since they manage the time and space of the migrants. Large corporations continue to commodify vulnerable bodies, including that of women, and have found a niche of power and profit in the detention and monitoring of the migrant population. Undoubtedly, this flawed system is fraught with legal, symbolic, physical and structural violence (Menjívar & Abrego, 2012).

Now, “fighting the case” does not imply that these women will stay in the United States, it means being immersed in a legal and bureaucratic apparatus in which they must demonstrate why they want to stay. According to legal experts, this phrase becomes a way of “buying time,” since almost no person can fix their immigration status due to the strict and almost impossible requirements to achieve residency, and later, citizenship.

People who fight their case “from the outside” of detention centers stay in the United States for a period of about one to two years, maximum. Those who do not qualify for bail, or who do not have the money to pay it, are discarded from the money-making machinery, and are taken directly to a detention center. According to legal experts consulted during this

research, more than half of the people who are detained could be free if they could hire a lawyer.<sup>6</sup>

### *Fighting the Case “From the Inside”: Prison Dehumanization*

The institutionalization of detention produces a decapitalization and precariousness of undocumented Mexican migrant women, their families or loved ones. It is so that indefinite detention is one of the strongest weapons that the control and deportation regime possesses. In this case, those migrant subjects who do not for a bail, or who do not have the means to pay it, must be willing to stay in a detention center for an indefinite amount of time. This fact, altogether with the humiliating and dehumanizing treatment they receive in prison, explains the difficulty of “fighting the case” from the inside.

Immigration laws and the deportation regime have created a prison model in which large corporations benefit from the detention of undocumented migrants, residents or asylum seekers. Detention centers are characterized by being widespread forms of state power, social control and punishment in the neoliberal era (Bosworth, 2014; Fassin, 2005 cited in Gómez et al., 2017). They are usually located in remote places, making it difficult for detainees to communicate with their families.

Detention centers operate with the same control and surveillance practices that prisons employ to control inmates. They make use of disciplinary and control tactics on individuals through camera monitoring, strict visiting hours, implementation of punishments, isolation practices, inspections after meals or before sleeping. In other words, the migrant population is completely criminalized.

In addition to all the discipline in which the detainees are immersed, it must be emphasized that the infrastructure and its constant changes also recreate an atmosphere of total institutionalization. Currently, immigration detention centers are becoming federal prisons by also adopting their infrastructure. Several of the interviewees indicated that since February 2018 they had noticed renovations in the visiting room and new rules. This is the case of Margarita, a 49-year-old undocumented migrant who, together with her three daughters, ages eight, six and five, has been visiting her husband detained in the Eloy Detention Center every week for a year. Margarita recalls that visits were different prior to February 2018, since her contact with her partner was direct. The current infrastructure and rules are different, as they now placed a glass separation, so that the detainees cannot have physical contact with the visitors and, in addition, communication occurs through the use of fixed telephones at each sides.

Another way to discipline bodies is through isolation. Most of the detainees do not receive visits, as their families are afraid of also being detained due to their undocumented legal

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<sup>6</sup> The cost of legal services on migration cases ranges from 6,000 to 7,000 USD.

status. When men are detained, they are visited by their partners more regularly. The situation worsens when women are detained, since they do not receive visits from their partners. Unlike federal prisons, people visit detainees in immigration detention centers by presenting their passport. However, CCA has notified various people, through letters, of the change in visiting rules stating that they must present state-issued identifications, which has increased the fear of family members of exposing themselves to possible detention.

Isolation is not only physical but also technological, since those people who are in detention centers are also subjected to “indirect” forms of decapitalization, as is the case of the high cost of telephone calls within centers. Several testimonies indicate the payment of large sums of money (200 USD) for having received calls from relatives in the detention center.

Several people interviewed have indicated that CCA’s treatment at the Eloy Detention Center is inhumane and alarming, since the detainees are in constant isolation and unprotected because there is no instance in which a person can make a complaint for bad treatment or abuse. As it is a privatized center, the responsibility for the treatment of each detainee falls on a private company, and not with the ICE. Such is the case of Dulce, a 33-year-old undocumented migrant who is married to an undocumented migrant, has four citizen children aged 15, 14, 10 and 5 years old. In January of 2010, she made the decision of expelling herself from Phoenix, Arizona, and returning to her hometown of Guanajuato, in Mexico. However, in early 2012 they decided to return to Phoenix, due to the lack of access to basic services, education, and the unemployment they experienced. Dulce, upon returning through an irregular crossing, was detained by the border patrol and was later imprisoned in the Eloy Detention Center. Next she tells us about her experience in Eloy.

They gave used underwear, used sheets; there was no heating, it was freezing, horrible. When you are there you wake up at 4:30 a.m. You wake up for breakfast and you are not hungry, you don’t get hungry, I was not hungry as I kept thinking what am I doing here? How are my kids doing? Are they eating well or not? *Cries*. How could one eat at ease? You simply can’t. *Sigh*. It is hard. *Sigh*. You say, dear God I never did anything wrong and I still have to be locked up in here, away from my children. In that place you lose all your dignity, oh, it’s very ugly. Thinking about things is something painful, the hardest thing is perhaps putting up with all those things about how they talk to you, they tell you “fast” and check you, they checked me almost daily after meals. It is not only how they check you but also how they touch your body, and I would tell them “What could I be stealing?” I know there were people who did steal food, we saw them take food away secretly, but it was food, they didn’t feed us three times a day. I lived in fear, apart from knowing nothing about my case, every week “the deporter” would arrive, that’s what the ladies who were there the longest called him, he would ask you if you wanted to continue waiting for the hearing with a judge or if you wanted to just sign and leave already (Dulce, personal communication, March 14, 2018).

When speaking of the detention of women, we find that the imposition of discipline on their bodies in this institution also comes from practices of physical, mental and sexual

abuse. These forms of abuse are given under the justification that they are prison “checks” or “protocols.” Detained women have little control of their lives inside. Without a doubt, incarceration is a traumatic experience in which their bodies are judged, invaded and commodified. Furthermore, the inhumane and unsanitary conditions in detention centers create an environment of stress, despair, and disorientation. Faced with these vulnerability scenarios, safety and justice are not guaranteed for migrant women.

Through these coercive practices and the constant visit of “the deporter” it is tested how long a person can stand being detained in inhuman and precarious conditions, forcing them to sign their deportation. In this sense, and returning to Wacquant (2010), the penalization of poverty and “illegality” is made evident, based on a neoliberal project supported by large corporations who see the human being as merchandise. Deportability, detainment and “illegality” are forms of violence that are accentuated in detention centers, since they are spaces that further transgress the lives of migrants.

### FROM DECAPITALIZATION TO A MULTIDIMENSIONAL CRISIS

In this section, our interest is explaining how the majority of women are affected by being immersed themselves or their relatives in a deportation process. We maintain that deportability and decapitalization processes cause precarious living conditions. On the one hand, there is an economic decapitalization, and on the other, an emotional dispossession. However, various strategies emerge to cope with this process of despoiling.

Surviving a deportation process implies a decapitalization directly impacting family relationships. We have noticed that when a person is immersed in a deportation process or is detained, there is a restructuring of gender roles within the family. For example, whether in one-parent or two-parent families, generally children of working age, regardless of their legal status, must enter the labor market in order to cover the large debts involved in facing deportation.

In the case of the partners of these women who are facing deportation without incarceration, and who must appear regularly before court and check in, we have detected that this causes a multidimensional crisis affecting mainly women. First, because of the risk involved in working with a fraudulent social security number, their partners choose to seek work in the informal sector, while others simply do not seek employment. This causes family income to decrease and in this scenario, women must work double shifts, in addition to the domestic and care work they are in charge of.

Second, at the household level, various strategies are implemented for the provision of well-being and the social reproduction of life, the fundamental motivation for women to sustain life stems from the need to create a system for provisioning resources to survive. For this reason, they have adopted forms of survival similar to those they had in Mexico, for

example: they buy food in bulk and prepare meals at home, such as tortillas, to alleviate expenses.

Third, some women adopt the purchasing of a fraudulent social security number as a “strategy”; on the black market the cost of this may range from 400 to 600 USD, and this is done in order to get a better job that increases family income. Fourth, because their partners cannot risk a possible detention while driving, it is the women who transport them in most of the cases we recorded.

Fifth, deportability and detainability configure a culture of fear with a gender bias, as women are afraid of becoming single mothers (Dreby, 2015) due to the little economic autonomy they have. Sixth, women are also forced to reinforce the masculinity of their partner (Hochschild, 1990), as the deportation process produces processes of erosion of the hegemonic and patriarchal masculinity of their partner. In summary, all the aforementioned factors cause a crisis in the use of these women’s time, decreasing their quality of life and further making their lives precarious.

In cases where the couple had already been deported at the time of the interview, we realized that there was a constant process of impoverishment. That is, decapitalization processes are still ongoing after deportation; here we mean the loss of movable and immovable property that was in the name of the couple and that cannot be legally transferred. Despite being immersed in multidimensional crises, these women decided to remain in the United States and not return to Mexico. Their main argument is having greater independence, safety and opportunities in the United States than in their place of origin.

In the case of women who are undergoing deportation, it was evidenced how the use of the electronic shackle prevented them from entering the labor market due to the symbolic burden and stigma that the control device evokes. In turn, there was emotional and psychological dispossession due to the fact that their future became uncertain, in addition to the fear they felt when imagining themselves apart from their children.

In scenarios in which the deported person is a woman, the crisis of social reproduction derived from the deportation is even greater. In different testimonies we were able to identify that it is the daughters of these women, regardless of their age, who usually undertake domestic and care work in their homes. In the case of single mothers who had families in Phoenix, they in charge of care work.

From the above it can be noticed that the custody and care of children is a sensitive, traumatic and controversial issue. There is fear on the part of women when imagining an abrupt separation from them (Golash-Boza, 2019; Dreby, 2015). However, this fear has prompted them to carry out legal procedures to delegate custody of their children. Various activists from pro-migrant organizations point out that they have in legal custody several sons and daughters of undocumented migrant women who have no family in the United States. In addition, collective strategies and chains of care emerge: the women who attend

these organizations, and who are undocumented, have offered themselves to be caregivers despite not having legal custody of the children. It should be stressed that despite being immersed in processes of dispossession, these women take the time to partake of pro-migrant organizations. The social reproduction of life must not only be seen from the economic side but also from its social and political aspects, and it is precisely these women who are weaving various community ties in order to cope with the fear and constant threat of deportation (Narotzky, 2004; Mahmood, 2008).

The effects of the decapitalization and multidimensional crisis that migrant women, their families and loved ones go through, are perceived after deportation and the decision to return. The consolidated industry of illegal border-crossing is also part of the economy of “illegality” and involves a series of violent and dehumanizing events that migrant subjects must go through (Lee, 2018; Gerard & Pickering, 2014). The change at the border is evident, and re-entry is dangerous, not only because it could result in new detentions and violence, but also because of the presence of drug traffickers at the border, in addition to the large sums of money required to hire a coyote. For this reason, several deported relatives of these women have made the decision to live in border cities, usually Puerto Peñasco, which is a five-hour drive from Phoenix, Arizona, in order to start businesses and receive visits from relatives able to travel into Mexico. Single women who have no family in Phoenix usually return to their place of origin.

In this sense, we see how the processes of capital accumulation affect the processes of reproduction of life. The economy of “illegality” sets in motion a vicious circle, since it subjects migrants to paying large debts, which leads those close to them to work in a more flexible and precarious way. The lives of these women transform into constant chaos whether it is them or their partners who are immersed in a deportation process. Gender intersects with other forms of domination and oppression, such as deportability, detainability, and “illegality,” to facilitate economic exploitation and the configuration of exploitable and vulnerable subjects. As Boehm (2016) points out, through deportation the State not only disciplines deported migrant subjects (generally men) but also their relatives, also subjecting them to processes of impoverishment due to constant decapitalization.

#### CLOSING REMARKS

The economy of “illegality” is sustained through the decapitalization of migrants, differentiated by gender. In other words, “illegality” not only offers cheap labor, but also contributes to the creation of a State, corporate and global enrichment system that benefits directly from migrants by means of fines, bails and detentions. The capitalist system has found a new way of accumulating global capital by obligatorily subjecting migrants, and specifically undocumented migrant women, to subtle and violent decapitalization processes. Likewise, this accumulation of capital produces irreparable damage in the life of the migrant population, depriving them of physical and psychological security. In this sense, these

docile, racialized and gendered bodies labeled “illegal” have become the center of accumulation of this deportation regime.

We also hold it that these decapitalization processes do not begin with the deportation process, but with the recurring traffic fines to which the migrant population is exposed, and that women are affected the most. From there we must reflect on where the money from the fines is going, who is getting rich; since it is possible that migrants, and specifically undocumented Mexican migrants, are indirectly sustaining the police surveillance that is evident in neighborhoods such as Maryvale. In addition, from a broader perspective we can understand that the decapitalization and dehumanization of migrants begins much earlier, from the beginning of the migratory project, since large sums of money and the hiring of coyotes are needed to carry out the journey, and it is also necessary to rethink a possible return after deportation. This connects with the idea of continuous, transnational decapitalization and indebtedness, established in an underground economy, but at the same time legitimized by the deportation regime.

On the other hand, when entering a deportation process and wanting to “fight the case,” the strategies that are deployed are in direct relation to the economic capital of each migrant individual differentiated by gender, of the family structure and negotiations, to be able to face all the requirements imposed by immigration laws.

Bails are large amounts of money that migrants must pay if they want to be released. The accumulation of global capital, together with the deportation regime, has generated alliances with financial institutions that provide loans to migrants, and in turn control their movements by means of electronic shackles. Thus it becomes evident that migrants are mortgaging their freedom.

The imposition of penalties on migration due to the legal production of “illegality” has caused migrants to be perceived as merchandise. It does not matter if they have committed a crime, what matters is to subtract the greatest amount of profit from detentions. The proliferation of policies that call for the indefinite detention of migrants is not surprising, turning detention centers into “concentration camps” whose internal practices further dehumanize the lives of migrants.

Decapitalization and dispossession mostly affect undocumented migrant women, causing a multidimensional crisis in their lives. Deportability and detainability make the lives of these women precarious and subject them to processes of impoverishment, constant emotional deprivation and a crisis in the use of time. Programs such as ATD concretize the social inequalities of migrant women, causing control of their bodies in the home, workspace, and public space. We must be critical of this type of programs that are presented as “humanist,” but deep down are ways of reinventing capitalism and the global detention market in order to profit from the bodies of women, generally alluding to motherhood. At the same time, it is these women who have developed various strategies to survive the threat

of deportation, and who despite their vulnerability are resistant, challenging power through their capacity for action and agency.

Conclusively, we consider that the economy of “illegality” is not only sustained by the cheap and flexible labor of migrants, but also by the decapitalization of them, which causes a vicious circle of exploitation differentiated by gender. This global regime of control and deportation, supported by the legal production of “illegality,” has found a niche of power and capital accumulation by criminalizing the bodies of undocumented migrant women. It is for this reason that is essential to reflect on how this regime is accumulating capital in the name of the institutionalization of immigration control.

Translation: Fernando Llanas.

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