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Crimmigration: A Feminist Analysis of the Incarceration of Undocumented Mexican Youth in the United States of America

Crimigración: un análisis feminista del encarcelamiento de jóvenes mexicanos indocumentados en Estados Unidos de América

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ABSTRACT

The largest system of incarceration for migrants in the world is located in the United States of America. This, coupled with the detention and deportation of undocumented immigrant populations, can be understood through the lens of "crimmigration," in which criminal and immigration laws are hybridized. The aim is to analyze, from feminist epistemology, the criminalization and incarceration of undocumented Mexican youth. Therefore, a documentary review and semi-structured interviews were conducted with formerly incarcerated Mexican youth. With this, it is argued that crimmigration and, consequently, the confinement of immigrants is organized in terms of gender, race, and class. Furthermore, the forms of resistance to incarceration, based on care and affection that the youth themselves developed to confront confinement, are presented. This research also identifies the connection between the rejection of the immigration control regime and the abolitionist movement against the Prison Industrial Complex.

Keywords: 1. crimmigration, 2. U.S. detention centers, 3. incarceration, 4. feminism, 5. prison abolitionism.

RESUMEN

El sistema de encarcelamiento para personas migrantes más grande del mundo se encuentra en Estados Unidos de América. Esto, aunado a la detención y deportación de la población migrante indocumentada, puede entenderse con un enfoque de crimigración, en el cual se hibridan las leyes penales con las migratorias. Con el objetivo de analizar desde epistemologías feministas la criminalización y el encarcelamiento de juventudes mexicanas indocumentadas, se efectuó una revisión documental y entrevistas semiestructuradas a jóvenes mexicanos que estuvieron encarcelados. De esta manera se argumenta que la crimigración, y en consecuencia el encierro de personas migrantes, se organiza en términos de género, raza y clase. Además, se presentan las resistencias al encarcelamiento, desde los cuidados y afectos que los mismos jóvenes desarrollaron para enfrentar el encierro. Así mismo, esta investigación identifica el vínculo entre el rechazo al régimen de control migratorio con el abolicionismo del complejo industrial carcelario.

Palabras clave: 1. crimigración, 2. centros de detención en EE. UU., 3. encarcelamiento, 4. feminismo, 5. abolicionismo carcelario.

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INTRODUCTION[2]

Over the last decades, criminalizing, detaining, imprisoning, and deporting migrants has been a constant in countries of the Global North, a practice that has also spread now to the Global South. Examples of this can be found in south-south migration studies in Latin America, wherein the cases of Argentina (Rosas & Gil Araujo, 2022) and Chile (Brandariz et al., 2018) have been analyzed. Specifically, and each in its own way, States have developed and refined norms, practices, and technologies to produce criminality among migrants. This has been studied from the perspective of crimmigration, where "immigration law exhibits numerous features of criminal law, blurring the distinction between the two" (Stumpf, 2006, p. 376). Yet, it remains relevant to analyze crimmigration from a feminist perspective.

This research analyzes, from feminist epistemologies, the criminalization and systematic incarceration of young brown-skinned people in the United States. Based on a review of documents and semi-structured interviews with young Mexicans who were incarcerated in the U.S., this study argues that migration, and consequently the incarceration of migrants, is structured according to gender and race, particularly affecting young people with darker skin tones. As such, it goes beyond the prerogatives of crimmigration, which merge immigration and criminal regulations, in order to also incorporate other social processes in the analysis, with an emphasis on gender and race. Furthermore, it reveals the resistance to incarceration that arose from the care and affection these young people cultivated to cope with confinement, and identifies the link between the aspiration to abolish the prison system for migrants and abolishing the Prison Industrial Complex.

In this regard, the production of criminality in terms of crimmigration is examined from the perspective of matrices of domination (Hill Collins, 2017), such as "migration status, nationality, gender, social class, age, and sexual orientation, among others" (Rosas & Gil Araujo, 2022, p. 21). By accounting for broader processes, the analysis becomes nuanced beyond criminology.

Furthermore, this study seeks to highlight the ways in which migrants respond to and resist crimmigration, from micro-level aspects such as mutual support during incarceration, to macro-level proposals such as the abolition of prisons, detention centers included. All of this with the purpose of studying crimmigration from the perspective of those who are or were in a migratory situation, to crack the framework of immigration and criminal laws, inviting academia to pay increasing attention to "the consequences for migrants and their families living in the United States [...] and how they experience this power within families and outside the home" (Abrego et al., 2017, p. 696).

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POSITIONALITY AND METHODOLOGY

Once established the context in which crimmigration arises, it is due to describe the methodology used. Based on the positionality and personal experience of migration of this author, as part of a migrant family, and being (until very recently) the only family member residing in Mexico, migration has been a constant for her since childhood, carrying within her many processes that stem from migration: the departures, returns, separations, joys, sadness, and anger generated by migration policies. Thus, the interest in studying migration, especially its impact on undocumented migrant youth and their struggles, arises from her own life story as a woman of color[3] who seeks to challenge the laws that criminalize those who, for different reasons, left their places of origin, as this is something that directly affects and impacts her.

As such, the methodology employed derives from situated knowledge and point of view theory. According to Harding (1992), the latter stems from the social position of subaltern people, particularly women of color. The purpose of this methodology is to map power practices, the ways in which dominant institutions and their conceptual frameworks create and maintain relations of oppression. It aims to understand how a hierarchical social structure functions before any disadvantage or form of material and political oppression. Furthermore, it focuses on the building of group consciousness through political struggle.

Consequently, this study sought to listen to the voices and experiences of those who were incarcerated in their youth (ages 15 to 24). In accordance with the participants' own political stances, they were not asked about the reasons (crimes) for which they came into conflict with the law, thus appealing to an anti-punitive approach according to which there are no good or bad migrants, as this idea would legitimize exclusion (Andrews, 2018). In the early 2000s, it was undocumented young migrants seeking access to higher education who redefined their own values and beliefs. This was done with the intention of challenging the dichotomous narrative of *the good migrant vs the bad migrant*. This has allowed for the emergence of other narratives, without good or bad ones, in which other migrants, such as women and sexual minorities, are no longer seen as *bad migrants* (Luibhéid, 2008; Villalon, 2015).

In December 2024, in-depth interviews were conducted with five young adults who live in Tijuana after having been deported. The interviews analyzed may seem few, although there is no established minimum in academia (Hennink & Kaiser, 2022; Malterud et al., 2016; Squire et al., 2024). However, data saturation is a good indicator that new information is no longer being obtained. In this regard, Hennink and Kaiser (2022) mention that the sample size for saturation can vary between 5 and 24 interviews, depending on the study and the methodology used. Furthermore,

[3] The *women of color* category emerged with Chicana feminists in the 1970s; it is a political identification that aims to distance itself from the dominant culture of white feminism and pertains to "Asian, Latin American, Indigenous, and African American women" (Moraga & Castillo, 1988, p. 1).

Malterud et al. (2016) propose that the richer and more relevant the information in the sample, the fewer participants are needed to reach saturation.

It must be noted that the interviews were audio-recorded, and before recording began, the participants gave their verbal consent to participate in this research. To protect their privacy, names were changed to pseudonyms, and the ethical use of the shared information was ensured. This information has been stored on a drive accessible only to the researcher. The following are the interviewees: "Lulú," a 40-year-old trans woman, incarcerated for a month at the Otay Detention Center when she was 24 years old, she is the only person interviewed who does not speak English; "Valentina," 35, entered the prison system at age 20, spent 7 months in the Monterey County Jail and another 3 months in the Yuba County Jail; the latter had a contract with ICE to incarcerate migrants.

"Eric," 35, who first entered the prison system at age 16, was in and out of the system until deportation; he spent a total of 15 years incarcerated and, during that time, earned a degree in psychology with a specialization in clinical studies and aggressive mental disorders; he also spent 6 months at the Avalon Detention Center. Next is "Santos," 36, who entered prison at age 18, and remained in the system for 18 years, earning a college degree while serving his time. He subsequently spent three weeks at the Adelanto detention center and, at the time of the interview, had been deported to Tijuana a couple of months prior. "José," 45, was incarcerated at age 24 and spent a total of 17 years in the system; during that time, he was forced to work as a firefighter for three years; after serving his sentence, he was sent to a detention center.

CRIMMIGRATION AND ITS INTERSECTIONS WITH GENDER, RACE, AND ABOLITIONISM

In recent decades, analyses of the criminalization of migrants have focused on *crimmigration*, this term referring to the hybridization—or fusion—of immigration laws with criminal laws, with a consequent and growing blurring of the lines between migration and criminal law (Menjívar et al., 2018; Stumpf, 2006). The United States has been the country that has most successfully evolved this legal framework, as it leads and plays a fundamental role in the success of this public policy.

According to Stumpf (2006), the academic who coined the term, crimmigration occurs on three fronts: first, in the overlap of immigration law and criminal law, which manifests itself in the deportation of non-citizens who have committed offenses. This links criminal offenses to migration, thus creating a connection between migration and terrorism. Second, in the implementation of immigration law, which has begun to resemble the application of criminal law. Third, in the procedures related to the prosecution of immigration violations, which have adopted numerous characteristics of criminal proceedings.

It should be clearly stated that immigration laws are civil in nature; however, "many of these civil offenses are currently considered crimes; but 'offenders' of this kind have significantly fewer protections than those facing criminal charges" (Menjívar et al., 2018, p. 2). It is worth noting that crimmigration culminated in 1996 with the Illegal Immigration Reform and Immigration

Responsibility Act (IIRIRA), which increased the types of aggravated felonies for which a migrant could be imprisoned. Therefore, crimmigration "leads to the surveillance, apprehension, detention, and deportation of migrants" (Menjívar et al., 2018, p. 2).

Overall, crimmigration has certain characteristics that make it unique. Following Brandariz (2024), a series of elements that constitute crimmigration can be identified, including criminalizing immigration controls, the professionalization and expansion of immigration police, the criminalization of immigration violations, the detention and imprisonment of migrants, the expansion of immigration detention centers, and the increase in deportations, particularly those carried out for criminal reasons (Brandariz, 2024, pp. 148-149).

However, this production of criminality based on crimmigration "fails to sufficiently emphasize the specific (social, legal, and historical) contexts in which migrants are criminalized" (Menjívar et al., 2018, p. 2). Another aspect that has been consistently pointed out in academia is the lack of a linking between crimmigration and gender and race (Armenta, 2016; Esposito et al., 2024; Rosas & Gil Araujo, 2022), since male migrants, "brown and black people from all over the world, have been disproportionately affected" (Menjívar et al., 2018, p. 3) by surveillance, apprehension, immigration detention, and deportation.

It is crucial to observe the link between crimmigration and structural and systemic racism, since "the implementation of immigration laws can be understood as a 'racial project,' which manifests itself through a set of practices and institutional structures that generate conceptions about racial diversity, thus perpetuating racialized practices" (Armenta, 2016, p. 3).

Furthermore, research has reported that Latino men experience particularly severe punishments and greater scrutiny from legal authorities, both on the street and in prison (Armenta, 2016; Golash-Boza, 2016; Menjívar et al., 2018; Rosas & Gil Araujo, 2022). Along this line, the study by Abramitzky et al. (2024, p. 14) points out that "non-citizens tend to receive longer prison sentences than citizens for comparable crimes, and that the modern criminal justice system is biased against Hispanics."

Moreover, the link between crimmigration and gender has been described by Rosas and Gil Araujo (2022) as a *gendered* immigration control regime, meaning that men are constantly monitored and detained by the police more often than women. In that vein, the same authors mention that men are the most frequently deported (Fernández Bessa, 2019; Gil Araujo et al., 2023; Golash-Boza & Hondagneu-Sotelo, 2013). However, this also has implications for women, as they are the ones who then support their families. Once their partners are detained or deported, "they become solely responsible for the care and economic support of their households" (Gil Araujo et al., 2023, p. 26).

This means that crimmigration impacts also women, only in distinct ways. Although they do not experience the same deportation rates, they bear the burden of the family economy and caregiving, both for those living in their homes and for their deported relatives. According to the matrix of domination, established by African American scholar Hill Collins, this framework offers

different perspectives on domination: "these occur simultaneously and are interconnected" (Hill Collins, 2017, p. 24). It also reveals that power systems intersect, and that domination and resistance emerge simultaneously. In the case of crimmigration, this matrix of domination contains structural racism, country of origin, gender, and age, to name some of its elements.

According to Sawyer and Wagner, "nearly 2 million people" are incarcerated in the U.S. (2025, p. 1). Of the total incarcerated population, 3% are Amerindian, 20% Latino, 41% African American, and 36% White (Sawyer & Wagner, 2025). A similar situation exists for women, whose "incarceration rates have increased for decades faster than those of men, and who are often incarcerated due to an inability to pay bail" (Sawyer & Wagner, 2025, p. 32). Furthermore, "most people in prison are poor, and the poorest are women and people of color" (Sawyer & Wagner, 2025, p. 34).

In turn, widespread and racialized criminalization is closely linked to the Prison Industrial Complex (PIC), as Black and Latino men are disproportionately incarcerated in the U.S. (Alexander, 2011). Furthermore, detention centers are part of the PIC, since the mass incarceration of men of color is consolidated alongside the expansion of detention facilities (Davis et al., 2022; Golash-Boza, 2016). As such, "migrant detention centers, many of them owned and operated by private prison companies, further solidified the strategies of what is now known as 'mass incarceration'" (Davis et al., 2022, p. 43).

Mass incarceration is understood through the lens of the prison-industrial complex, which describes the "overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems" (Critical Resistance, 2025, p. 1). In this sense, Davis et al. (2022) notes that "the introduction of the concept of the Prison Industrial Complex allowed for an analysis of the prison construction boom of the 1980s and 1990s, and the resulting increase in the prison population" (Davis et al., 2022, p. 43). In this respect, it has been primarily Black American feminists who have denounced this system of racial control, and who have advocated for the abolition of all types of prisons, including those used for immigration detention.

Anti-punitive and abolitionist feminism starts from a very different idea of justice and punishment, arguing that

> the existing criminal justice system presupposes that justice is retributive, or that punishment is the very essence of justice, and normalizes the assumption that the only way to restore balance after harm is through proportionate punishment (Davis et al., 2022, pp. 46-47).

Consequently, we should focus on the experiences and analyses of incarcerated people, as well as on the links between State and interpersonal violence and systemic racism. Along these lines, it has been feminists and grassroots organizations formed by women of color who understand the aspiration to abolish the PIC as a "practical organizing tool and long-term goal [...] abolition is a political vision whose objective is to eliminate incarceration, surveillance, and policing, and to create lasting alternatives to punishment and incarceration" (Davis et al., 2022, p. 50). Their

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premise is that it is necessary to move beyond reformist solutions, since abolitionism is both "a practical organizing tool and a long-term goal, a broad strategy for building models today that can represent how we want to live in the future" (Critical Resistance, 2025, p. 4).

In this regard, Davis et al. mention that

> abolitionists have come to recognize that our advocacy must identify much more than the institution itself as the site of abolition. It is simply not possible to tear down prisons and leave everything else intact, including the structural racism that links prisons to society at large, or the heteropatriarchy and transphobia that fuel sexual and gender-based violence (Davis et al., 2022, p. 65).

Abolition goes beyond just "getting rid of buildings full of cages." It also consists of "undoing the society we live in because the PIC both feeds on and maintains oppression and inequalities through punishment, violence, and controls millions of people" (Critical Resistance, 2025). While the abolition of the Prison Industrial Complex seeks to build societies different from the current one, it also intersects with crimmigration. It should be mentioned that abolitionist proposals have resonated within organized migrant communities, especially those made up of young, undocumented Latina migrant women, such as Organized Communities Against Deportation (OCAD), the Immigrant Youth Justice League, and United We Dream.

In the case of OCAD, it is an organization made up of undocumented migrants. The core of its organization stems from envisioning "a future without displacement and borders, without incarceration and deportations" (OCAD, 2025a, para. 6). In addition, they constantly conduct campaigns to prevent deportations and confinement in detention centers in the city of Chicago (OCAD, 2025b).

On the other hand, in 2011, a group of mostly queer, undocumented youth from the National Immigration Youth Alliance decided to infiltrate detention centers to stop deportations from within, aided by a team on the outside. The action consisted of "showing undocumented migrants that organized undocumented activists could be arrested, even taken into ICE custody, and still win their own release" (Muñoz & Young, 2017, p. 107). Four infiltrations in different centers were carried out, all of which ended when detention center authorities realized they were undercover activists. With this action, they managed to stop the deportation of 40 people and helped 200 more with their immigration cases (Aguilar Román, 2021; Muñoz & Young, 2017).

For their part, We Dream launched a campaign called #AbolishICE in 2018, stemming from the fact that

> the deaths of Roxana Hernández at the hands of ICE and Claudia González at the hands of CBP sparked an anger that turned into action. We took to the streets and demanded the abolition of these agencies and the defunding of hate (United We Dream, 2021, para. 39).

PRODUCTION OF CRIMINALITY AMONG YOUNG MEXICAN MIGRANTS AND THEIR TRAJECTORY IN THE PRISON SYSTEM

According to Passel and Krogstad (2024), in 2021 the undocumented migrant population in the U.S. was 10.5 million, which increased to 11 million in 2022. The majority of these individuals come from Mexico, El Salvador, India, Guatemala, and Honduras, in that order. In order to understand how criminalization functions and is operationalized in the U.S., it is necessary to begin with the legal narrative that "has produced the current situation, the programs and enforcement practices at the border and inland, and the consequences for migrants and their families living in the United States" (Abrego et al., 2017, p. 96). Among the legal amendments that paved the way for criminalization is the Immigration Reform and Control Act (IRCA), enacted in 1986, which is also known for granting amnesty to undocumented immigrants. However, "IRCA introduced the criminalization of hiring undocumented workers and expanded the resources of the then Immigration and Naturalization Service" (INS) for border enforcement (Abrego et al., 2017, p. 697). Furthermore, "this legislation facilitated the rapid expulsion of non-citizens" (Menjívar et al., 2018, p. 5).

Thereafter, in 1988, the Anti-Drug Abuse Act "established the crime of aggravated felony, with the purpose of simplifying the deportation of drug trafficking leaders accused of murder, drug trafficking, and arms trafficking" (Abrego et al., 2017, p. 697). A couple of years later, in 1990, the Immigration Act, also known as the Migration Law, building upon the 1988 legislation, "further expanded the list of crimes that could result in deportation" (Abrego et al., 2017, p. 697). This law "defined an aggravated felony as any violent act carrying a minimum sentence of five years, regardless of the statute under which the foreigner was convicted" (Stumpf, 2006, p. 383).

In turn, the aforementioned legislation paved the way for the 1996 passing of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA); as such, 1996 can be seen as "a pivotal year for the criminalization of immigration" (Abrego et al., 2017, p. 696).

In this regard, Abrego et al. (2017) argue that the AEDPA, signed on April 24, 1996, along with the IIRIRA, passed months later, substantially altered the definition of aggravated felony. Furthermore, these "established the concept of 'criminal alienation,' which has slowly but intentionally redefined what it means to be undocumented in the United States" (Abrego et al., 2017, p. 695). These regulations sought the deportation of non-citizens, encompassing both undocumented immigrants and legal permanent residents convicted of aggravated felonies.

Specifically, the AEDPA continued to expand the list of crimes classified as aggravated felonies and "extended the types of crimes that warrant mandatory detention" (Wallace & Zepeda-Millán, 2020, p. 32). Meanwhile, the IIRRIRA is the most severe legislation in terms of criminalization. Among its many punitive provisions, it continued to increase the number of crimes considered aggravated felonies. This same law "made the deportation of migrants with criminal records retroactive, facilitated the possibility of indefinite detention, and allowed the use of 'secret

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evidence' as justification for detention" (Wallace & Zepeda-Millán, 2020, p. 32). Furthermore, it established penalties of 10 years or more for those who lived in the United States without documentation and that, upon leaving the U.S., they cannot legally re-enter the country.[4] Re-entry into the United States after having been deported is also considered a crime under the IIRRIRA.

The IIRIRA is a fundamental framework for understanding how "millions of undocumented migrants were reclassified as subject to deportation and/or inadmissible" (Abrego et al., 2017, p. 697). Although this law was not the first to criminalize migrants, it represented the culmination of a process based on laws that had been built up over decades, known as crimmigration. Furthermore, its section 287(g) established a program of the same name, through which local police can act as immigration agents. Subsequently, the Secure Communities program was created in 2008, under which the fingerprints of people detained by local police can be sent to ICE.

After the 9/11 terrorist attacks, U.S. immigration policy became a matter of national security, leading to the creation of the Department of Homeland Security (or U.S. Department of Homeland Security) in 2003. It was established that ICE's "primary mission is to promote national security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration" (Immigration and Customs Enforcement [ICE], 2025b).

The department's responsibilities were divided into three new agencies: Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement, better known as ICE. It is important to note that the latter "was granted a unique combination of civil and criminal authorities to better protect national security and strengthen public safety [...] becoming a powerful and sophisticated federal law enforcement agency" (Immigration and Customs Enforcement, 2025b).

Given how lengthy the legislative process that leads to criminalization is, the primary objective of U.S. administrations (regardless of whether they are Democratic or Republican) is the implementation of immigration control practices that seek to criminalize, detain, incarcerate, and deport migrants. The emphasis of these policies is on incarceration and deportation, which explains why the U.S. has the largest immigration detention system in the world (Detention Watch Network, 2025). The detention of migrants is understood as "the practice of incarcerating this population while awaiting a determination of their immigration status or possible deportation" (Detention Watch Network, 2025), which is indefinite, because there are no set deadlines; for example, if it were a matter of serving a sentence, the end of it would be unknown.

[4] The issue of penalties is of utmost importance to families with mixed immigration status, since those who entered the U.S. irregularly cannot adjust their status immediately upon marrying a citizen. They must leave the country and wait for the penalty to be served.

It should also be noted that "in ICE detention centers people are deprived of their liberty, denied access to lawyers,[5] separated from their families and loved ones, and subjected to severe medical neglect and abuse" (Detention Watch Network, 2025). According to data from ICE, as of August 1st, 2025, the number of people held in detention centers was 56 945. Of these, 71% (40 461 people) had no criminal record (ICE, 2025a). The average daily population in detention was 46 144, and 182 799 people were under ICE's Alternatives to Detention programs (ICE, 2025a). These alternatives include ankle and wrist monitors, voice recognition, and SmartLINK. Table 1 shows the impact of immigration detention in numbers.

Table 1. Immigration Detention in Numbers

Immigration detention in numbers	
Number of detainees	56 945
Number of detainees without criminal records	40 461
Average daily population in ICE detention	46 144
Population under Alternatives to Detention	182 799

Source: Detention Management (ICE, 2025a).

In this regard, it should be mentioned that immigration detention represents one of the manifestations of criminalization directed at racialized people in situations of mobility. According to ICE data, as of January 2025, detentions by country of origin were led by Mexico, with 209 410; Colombia, with 101 516; and Venezuela, with 95 925 people (ICE, 2025c).

This landscape of migrant incarceration makes it important to also note that detention centers have a history of their own, which is in turn anchored to the process of creating criminalizing laws and to the Prison Industrial Complex. One of the earliest configurations of detention centers originated in 1942, when the U.S. federal government, in the context of World War II, carried out "the mass internment of approximately 120 000 Japanese-Americans" (Silverman, 2010, p. 7), who were held until "1946, [...] at ten relocation camps situated in isolated areas of California, Arizona, Colorado, Idaho, Wyoming, and Arkansas" (Silverman, 2010, p. 7).

However, the mass incarceration of migrants began to manifest itself in 1980, making detention centers part of the Prison Industrial Complex. This led to an expansion in the number of prisons for migrants; As argued by Golash-Boza (2016), the apprehension of migrants constitutes a

[5] They are denied access to a public defender paid by the State; however, they can be represented by pro bono attorneys or hire a private lawyer.

structural manifestation of racism, given that it disproportionately affects low-income men of African and Latin American origin.

Since racism is a central issue, due to its implications in the United States, according to Omi and Winant, racial policies are conceptualized as "racial projects" (2013, p. 963). This incorporates essentialist representations of race (such as stereotypes and xenophobia); thus, racism establishes characteristics to justify a hierarchical order (Omi & Winant, 2013). This is, however, an unstable and contradictory, constantly challenged system; on the one hand, it has intensified racial inequality and, on the other, "highlights the anti-racist resilience of social movements that, despite the obstacles, achieve victories" (Omi & Winant, 2013, p. 971).

Young Undocumented Migrants and Their Institutionalization into the Prison Industrial Complex

The criminalization of young, undocumented, brown-skinned migrant men occurs within a highly complex context. This study focuses on those who arrived in the U.S. as minors, a group known in migration studies as Generation 1.5 (Abrego, 2011; Rumbaut, 2004; Seif, 2016). This generation differs from those who migrated as adults (first generation) and from the children of migrants (second generation). Specifically, this study focuses on those who came into conflict with the law in their early twenties.

Thus, in order to highlight the complexity of the criminalization process and the path that leads young migrants from living in marginalized communities to coming into conflict with the law, including their incarceration in prisons and detention centers, the situation is illustrated through specific examples. In the case of the 1.5 generation of Latin American origin living in the U.S., these people arrive in neighborhoods with a history of migration, lacking in services, with schools of low educational standards, and, in some cases, with gang presence. It is important to mention this analysis is based on the prerogative that there are no good or bad migrants, but rather people who have undergone different experiences. Those who come into conflict with the law do so because of certain personal choices they make, but also because there is a system that uses mass "imprisonment as solutions to economic, social and political problems" (Critical Resistance, 2025, para. 1).

Furthermore, it is also relevant to bear in mind that crimmigration is intimately linked to the racialization and gender of certain migrant groups, particularly Black and brown-skinned male bodies from the Global South (Menjívar et al., 2018). According to the crimmigration matrix of domination, this includes race, gender, country of origin, immigration status, age, language, and caregiving responsibilities, among others. It is in this context that undocumented Mexican migrant men who arrived as children face a series of structural oppressions that, coupled with their decision-making, lead them into conflict with the law.

For example, Eric entered the Prison Industrial Complex in his adolescence as he went to juvenile detention, then at 15 became emancipated from his mother:

> Because my mom always complained that she was 'going to lose a day of work, I won't get paid to come pick you up from court' [...] so, when I got out of juvenile detention, I had no home, they sent me to *placement.*[6] Then I started going to juvenile camps. Then to juvenile detention centers. (Eric, personal communication, December 7, 2024)

In most cases, these young men move in and out of the system, from one type of confinement to another. In this case, he recounts: "I was incarcerated for a little over half my life, I think. Yeah, like 15 years" (Eric, December 7, 2024). He was locked up in all kinds of facilities: juvenile detention, county jail, state and federal prison, private prisons, detention centers; they even sent him to a psychiatric prison.

In Saul's case, he was also incarcerated in different types of prisons within the Prison Industrial Complex. On this, he comments:

> I've been in county jails and then in prisons. Most of the time I was in prison. In California state prisons, in many of them. And I had the opportunity to experience a detention center this last time, when I was deported. So yeah, I've been in all three: county jails, prisons, and detention centers. (Santos, personal communication, December 2, 2024)

He also mentioned the differences between each type of prison, emphasizing that county jails are the worst: "The county jail is more inhumane; they really treat you very badly. I'm not exactly sure why, but the conditions are bad" (Santos, personal communication, December 2, 2024).

The story of entering and leaving the system, as well as passing through different facilities, is repeated in José's case. He recounts:

> I was incarcerated in different facilities. The first time I was arrested I was 24 years old. I went from county jail to state prison. After that, I was in for-profit private prisons. After that, I was sent to a fire camp where I was a wildland firefighter for three years, working for Cal Fire and the state of California. Once that was over, I was pretty much done serving my time in prison. (José, personal communication, December 6, 2024)

These cases demonstrate that the Prison Industrial Complex is designed to keep people institutionalized; prisons are a strategy of social and racial control, widely documented in the U.S. (Alexander, 2011; A. Davis, 1998; Davis et al., 2022). However, undocumented migrants, upon completing their criminal sentences, are incarcerated in detention centers to process their deportations.

DETENTION CENTERS IN THE KEY OF GENDER AND RACE

Detention centers are one of the various ways in which crimmigration manifests itself in the U.S. This country has the largest number of incarcerated individuals, mostly men. However, women's experiences in immigration detention are linked to different forms of gender-based violence, since

[6] He means to say that he was sent to a juvenile detention center of some kind.

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"immigrant incarceration for women presents itself as a continuum of violence" (Esposito et al., 2024).

Incarceration operates differently for women and men. While men are the majority of those incarcerated, they commonly have women—wives, mothers, or other close relatives—supporting them from the outside. Yet, women in prison lack the same kind of support. In the cases of Lulú and Valentina, they had no one from the outside with them during their incarceration; however, all the men interviewed had a woman supporting them from the outside. In this regard, Davis et al. (2022) state that:

> Although women are a minority among incarcerated people, they have clearly borne the burden of criminalization and incarceration: women have always been the primary advocates for prisoners, not only as organizers, but also as anchors of families and kinship networks deeply affected by incarceration. This is particularly true for women of color. (Davis et al., 2022, p. 45)

The ways in which punishment and confinement reproduce structures of domination operate differently for women. On the one hand, before the State and its laws, they are seen as subjects to be protected, and on the other, they sustain confinement. In addition to the economic and emotional contributions they make, they also end up bound to the prison's logic of control, as their bodies also become part of the correctional project (Ferreccio, 2018). The multiple activities that women carry out to support their families (mostly men) have made them fundamental agents within prison space.

In this sense, incarceration as an experience, in addition to distinguishing between inside and outside, allows for the identification of "the diversity of actors in the prison world, overcoming the typical binary that views prison as an interaction between detainees and prison staff, also overcoming the perception of these groups as homogeneous or quasi-uniform" (Ferreccio, 2018, p. 64). Furthermore, prisons must be thought of as extending beyond their walls, as women experience what could be seen as another, parallel type of confinement, one that is intertwined with practices of resistance that may be based on care and affection. They also face the violence created by prison logics, such as the control of their bodies upon entering a penitentiary.

Moreover, this violence operates in different ways for trans women. The migration of trans people has been a subject of academic study for decades (Luibhéid, 2008), from various perspectives. According to Ríos-Infante (2025), these studies can be identified from four axes: the conditions of violence that produce forced displacement (sexile); the relationship between borders and trans experiences; the intersectional analysis of trans migrations; and the structural violence and agency of trans migrants.

The criminalization of migrants manifests itself in different ways, as it intersects with multiple forms of oppression, ranging from transphobia, heteropatriarchal control, racism, gender-based persecution, attempts to masculinize them, incarcerating them in male-only facilities, and sexist,

racist, and classist legal frameworks. One of the main practices of criminalization is punishment based on the intersection of identity and immigration status.

For example, when Lulú was in immigration detention, there were no sections for this community. Her experience illustrates the particularities of transphobic violence:

> I was in the men's section. They even sent me to the men's section because I still had male genitalia [...] They claimed that if they sent me to the women's section, me having male genitalia, something else could happen. Which is illogical to me, because I am a trans woman, and being a woman or a man doesn't depend on my genitalia. (Lulú, personal communication, December 3, 2024)

Lulú experienced various forms of violence while in a men's detention center. She recounts:

> I already had long hair, and I was trying to groom it so it wouldn't be all over, and one of the correctional officers told me not to do that. He asked if I didn't know where I was. He said, 'If you keep doing that, they're going to take it the wrong way, like you're doing something wrong', like I was flirting with them or something. (Lulú, personal communication, December 3, 2024)

Later she learned that she could request hormones: "someone told me that I could also request hormones there because, well, I was on hormones before. Before being taken in. And that if I wanted, I could request hormones to continue my treatment. But I ended up never doing that" (Lulú, personal communication, December 3, 2024).

On the other hand, when it comes to race, Latino men are the majority in detention centers and during deportations, a fact reflected in the interviews. Santos recounts:

> There were more Latinos, Latinx people, than people of other ethnicities. [...] Definitely, definitely, definitely, mostly Latinos. It was strange, but in all the dormitories I saw, there were barely one or two let's say Russians, Ukrainians, Asians. But mostly Hispanics or Latinos from all over definitely, you know, from Costa Rica, El Salvador, mainly Mexicans, but yes, also from all over. (Santos, personal communication, December 2, 2024)

Because they are mostly Latinos who in many cases do not speak English, they face challenges while in immigration detention. Eric recounts: "all the instructions in this center were in English. Everything in English. [...] so people translate it among themselves. We had to help them" (Eric, personal communication, December 7, 2024). Speaking a language other than English when in immigration detention presents challenges, from waiting for someone to translate to not understanding what happened during their hearings. For example, Valentina relates: "I never saw a translator there. I never saw a translator, not even when we went to court; I never saw a translator in court. Unbelievable" (Valentina, personal communication, December 4, 2024). For Santos, the language barrier also presented an advantage; he comments:

> People who speak English have an advantage there. And what I mean by advantage is that sometimes there's extra food, so the officer will say, 'Oh, who wants extra food?' Obviously,

> those who understand will get up quickly. (Santos, personal communication, December 2, 2024)

Resistance to Incarceration Through Care and Affection

The production of migrant criminality is sustained by a racist, sexist, and classist justice system, which by means of everyday regulations and procedures monitors, detains, incarcerates, and deports migrants. However, resistance to this machinery of criminalization exists through specific post-crimmigration practices rooted in the staying power and dignity of undocumented migrants (García Hernández, 2018).

In the specific case of our interviewees, an important finding of this study is that they had practices of resistance to incarceration rooted in care and affection, ranging from the individual to the collective. For example, those who had a partner found support in that person. In José's case, his wife was fundamental in helping him cope with his sentence: "I have a very strong relationship with my wife. And yes, we supported each other emotionally. When I wrote her letters, I told her how I felt, what was happening, and it was a way to express my feelings" (José, December 6, 2024). The same was true for Santos:

> The emotional support I had from my wife, from us having contact with each other. Yes, it helped a lot […] that emotional support of having contact and seeing her face from time to time meant a lot to us, to be able to cope with the situation. (Santos, personal communication, December 2, 2024)

Other forms of self-care were those they practiced individually, such as meditating, exercising, and reading. Although there were other, less obvious forms, Valentina found a way to take care of herself during her work at the detention center because she had an activity that allowed her to move around the place. She mentions:

> You could chat with other people for a while. It was quite an experience. Every time you went there, the kitchen girls already knew we did their laundry, so they always left something there for us. They had pastries and little treats. Going to work was always a pleasure. (Valentina, personal communication, December 4, 2024)

However, she also had other ways of taking care of herself during her time serving her sentence; her strategy was to fight:

> Fighting, that was my mechanism for dealing with my feelings. I was very angry, I didn't care, I didn't know what was going to happen to me. I didn't care, I really didn't care. I had so much anger inside that it was like therapy for me. (Valentina, personal communication, December 4, 2024)

In terms of collective affection, they developed many strategies. Lulú found support among her fellow inmates: "there [at the detention center] you find people who take care of you, and that, well, that is like emotional support. Because you have someone to count on" (Lulú, personal

communication, December 3, 2024). For Valentina, one way to show affection for her fellow inmates was through creating "makeup." She states always having been that girl who says, "I'll figure it out":

> No matter where I was, I'd keep using eyeshadow. I'm not like that anymore, but I was in the past because it was like my little escape. I helped the other girls do it too; it was like, 'Let me do your makeup, let me try this color. I found this new color, or, I made this new color, let me try it on you'. (Valentina, personal communication, December 4, 2024)

One of the most common ways they showed affection in confinement was by sharing food or toiletries:

> We also make what we call *spreads* for all the guys there; All the *homies* make one, the other *paisanos* make another. Black people don't have that much discipline. But among us Latinos, we do. So, we all had to donate an item, whether it was soup, cookies, a carrot, whatever, because there were people who had nothing. (Eric, personal communication, December 7, 2024)

The same thing happened with hygiene items:

> Everyone who was lucky enough to have products would put them there for the people who didn't have any. It was easier to help each other than to have faith or hope that the officers would bring us toothpaste or a toothbrush. (Eric, personal communication, December 7, 2024)

In Valentina's case, she remembers the "cakes" they made:

> We made cakes with all kinds of different candies, like Snickers, Twix, all those. Candy bars, like chocolate bars. We crushed them up and made a cake, sweet as hell. It was super sweet, but it was a treat. Also, it was special for the person who would receive it, because everyone would contribute a little something to make your birthday special. So, it was such a sweet thing. (Valentina, personal communication, December 4, 2024)

Translating for those who did not speak English was also a form of collective care. Santos recounts that each dormitory had a self-appointed translator:

> The instructions, the language, everything was in English, sure. And if you didn't speak English, no translator would come to help. They trusted the other inmates to do that. So, if there was a new rule or if they came with some service, they would shout it in English and then someone in the dormitory would repeat it in Spanish. But it wasn't an officer, it wasn't them. They trusted the translation, they trusted us. (Santos, personal communication, December 2, 2024)

For Valentina, the language issue left a lasting impression; she recounts her time at the detention center:

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> There was this Russian girl, I'll never forget her because I had never heard talk or met a Russian person. And I remember that when we arrived at the Yuba County Jail, at three in the morning, together, I was with her and the girl wouldn't stop crying. She cried and cried and cried. And I remember telling her as we were walking, 'No, smile. Everything is going to be alright. Everything is going to be alright'. She answered me, but I didn't understand what she was saying. But everything is going to be alright. 'Smile' (Valentina, personal communication, December 4, 2024).

They also displayed care by helping others, for example, to use the phone or tablets to make video calls with their families. Santos recounts: "I myself explained to a couple of inmates how to use the tablet, a couple of guys who didn't speak English. That kind of thing, the explanations, falls to the inmates. There's no special staff doing that" (Santos, personal communication, December 2, 2024). Valentina explains her resistance in the form of care as follows: "I think it's necessary to have that collective care, that sisterhood we must have, you know, taking care of each other because, I mean, no one else is going to take care of us" (Valentina, personal communication, December 4, 2024).

This care, considered as resistance in the form of affection, was varied: talking to their partners on the outside, support from their fellow inmates, teaching fellow inmates how to use phones and tablets, translating for them, and sharing food, soap, and sanitary napkins. On the individual level, their resistance included meditating, exercising, reading, and engaging in routine activities, such as working.

ABOLITIONISM OF THE PRISON INDUSTRIAL COMPLEX IN THE KEY OF MIGRATION

Abolitionism urges a focus on "broader concerns that reveal greater threats to security and liberty than would be evident if considered in isolation" (Davis et al., 2022, p. 47); that is to say, a broader understanding of contexts is required. Therefore, situating the criminalization of migration as part of the Prison Industrial Complex helps to further question this system. An example of this is the abolitionist stance taken by the Detention Watch Network (2022):

> A growing consensus has emerged among advocates that the [migration] system is irreparable, unnecessary, cruel, and racist by design. The only solution is to abolish it […] Detention Watch Network believes that efforts to end detention must be rooted in abolitionist values. (Detention Watch Network, 2022, para. 1)

Some of the steps toward abolishing the migration system would include reducing funding for ICE and CBP arrests and detentions, with the long-term goal of eliminating them, as well as closing detention centers immediately, ending ICE's collaboration with local police, and creating support services for the migrant community (Detention Watch Network, 2022).

Another point to consider is feminist abolitionist analysis, such as that of Esposito et al. (2024), which highlights the interdependence and mutually constitutive nature of violence in the private/interpersonal sphere and violence perpetrated by institutions/the State. These analyses

demonstrate how the government and its business partners establish incarceration systems that perpetuate normalized abuse, and highlight that "challenging border prison regimes must be an integral part of any feminist struggle to eradicate gender-based violence for all people" (Esposito et al., 2024, p. 405).

In line with the proposal to abolish detention centers made by Esposito et al. (2024), Valentina mentioned the following in the interview:

> I don't think that depriving someone of their liberty is the solution to the problem that society believes that person has [...] I think people should have a different approach to incarceration. That shouldn't be the solution. I think that if you really delve into the case of the person who has committed a crime and get to the bottom of it, for example, why they made that decision, you will discover exactly where it comes from. (Valentina, personal communication, December 4, 2024)

From the righteous rage the Zapatistas taught us, we must begin from anger; as Valentina says: "Fuck immigration detention centers. Fuck ICE. Fuck the police. Fuck white supremacists" (December 4, 2024). Because after this fury comes the hard work, which is dismantling the Prison Industrial Complex from an abolitionist perspective. This indignation resonates with the invitation made by Davis et al.: "*now* is the time to show righteous anger and take a stand, to transform the reality that prisons, surveillance, detention, and all forced confinement have created for us" (2022, p. 168).

CLOSING REFLECTIONS

The challenge, framed as an invitation, made by Davis et al. (2022) regarding abolitionism, as they rightly point out, must stem from constant questioning, from problematizing the analysis, from creating alternative strategies, and from prioritizing self-care and mutual support. They say the time is now, that there is no clarity on what a world without incarceration would look like, but we must nonetheless continue working collectively to build societies without prisons; furthermore, to dismantle structural racism, heteropatriarchy, transphobia, xenophobia, and other forms of oppression.

For their part, migrant organizations in the U.S. have already shifted toward abolitionism, leaving behind their initial reformist stances, in which they sought immigration protection only for young migrants of the 1.5 generation. Over time, these organizations distanced themselves from fighting for legislative changes; now they question the immigration control regime, surveillance, detention, and deportation of members of their communities. For some years now, they have created campaigns to stop deportations, help people get out of immigration detention, and eradicate the idea that there are good migrants, deserving to remain in the U.S., versus bad migrants, who should be expelled.

Through everyday actions in detention, migrants build relationships of mutual support, care, and affection. Actions as simple as translating for those who do not speak English, explaining how

to use phones, sharing food and hygiene items, and keeping ties with people on the outside. All of this, taken together, constitutes resistance to incarceration, to the criminalization of migrants, and to the immigration control regime.

The legal framework that has created crimmigration through the set of laws and practices of police forces, judges, correctional officers, and so on, remains in place. However, for those in academia and working with communities, the challenge is to conduct analyses that transcend crimmigration, because for every space occupied by the merging of criminal and immigration laws, it is necessary to identify the strategies that emerge from communities to confront them.

Translation: Fernando Llanas.

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