

Article history: Received 21 June 2017; Accepted 13 December 2017

Crimmigration, Deportability and the Social Exclusion of Noncitizen Immigrants

Shirley P. Leyro[‡]
Daniel L. Stageman[¥]

Abstract

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

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

Introduction

Positioning immigrants as criminally inclined has been a long-standing nativist narrative. Terms such as *criminal alien*, *illegal alien*, and *illegal immigrant* are often used interchangeably in popular discourse, leading to the blanket criminalization of immigrant groups. Moreover, the 2016 presidential election demonstrated that the tale of the criminal immigrant is a successful political and electoral strategy. These narratives have led to what Juliet Stumpf (2006) terms *crimmigration*: the intersection of criminal and civil laws in the immigration arena. The result is that immigrants experience dehumanization across multiple life domains, including: 1) the conditions under which they are forced to sell their labor for fear of exposure of their deportability;¹ 2) the crimmigration processes that reduce them to marginalized subjects, vulnerable to deportation and victim to the erratic tendencies of immigration policies surrounding membership and exclusion; and 3) via the limits (often internalized and self-imposed) to social participation that result from the fear and risk-management behavior endemic

[‡] Shirley Leyro, Ph.D., Assistant Professor of Criminal Justice at Borough of Manhattan Community College, CUNY, United States. E-mail: sleyro@bmcc.cuny.edu.

[¥] Daniel L. Stageman, Ph.D., Director of Research Operations, John Jay College of Criminal Justice, CUNY, United States. E-mail: dstageman@jjay.cuny.edu.

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



to their deportability. We argue that these dynamics are not just the symptoms of an overreaching immigration control apparatus, but designed in part to facilitate the economic exploitation of the US resident noncitizen population, both through increasing labor compliance and reducing utilization of available public services. The constant precarity that crimmigration policies produce in the lives of noncitizen immigrants circumscribes their integration into public life and severs the social contract.

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

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



33 individual interviews were conducted. Via this combination of data collection Leyro found that the vulnerability to deportation has meaningful and intense negative behavioral and psychological effects on immigrants, including negative perceptions of reception into the United States, feelings of isolation and being unwanted, all of which create barriers to integration. Moreover, the study found support that the pervasive fear of deportation led noncitizen immigrants to endure labor exploitation and the commodification of their bodies, leading to their dehumanization and constrained life choices. This narrowing of safe or permissible life choices leads immigrants to evade any political participation, avoid public spaces, and refuse to utilize any support or services they are entitled to receive, leading to isolation, social exclusion, and interrupted integration.

Dehumanizing the Deportable Immigrant

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

Deportability and Crimmigration

Crimmigration strategies encompass a range of policies, practices, and rhetoric with deep implications for the lived experience of vulnerable immigrants, who include the undocumented and lawful permanent residents caught up in the criminal justice system, along with their families, friends, and neighbors; legal status and even naturalized citizenship are not enough to protect immigrants from their effects. In coining the term, Stumpf considered crimmigration's

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

[Translation:

Polly: Depending on the emergency.

SL: Depends on what?

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

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

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

Deportability and Labor Exploitation

The refusal to seek public services due to fear of deportation extends to a wide range of circumstances and settings, encompassing the workplace, day-to-day economic transactions, and crisis situations. A stark example is Emma, an

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



undocumented immigrant who had been living in the country for 22 years at the time of the interview:

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

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

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

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

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

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

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

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

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

Labor exploitation, however, is not limited to those who are undocumented. Amanda, a documented immigrant who had at the time of the interview been in the United States for 11 years, also mentioned enduring oppressive practices in the workplace. She discussed how she and her husband were forced to

tolerate treatment at work they would not have otherwise accepted due to their “underclass status”:

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

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

Deportability and Social Exclusion

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

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

To Amanda, the political climate and shifting sentiments toward immigration appeared to create a sense of uncertainty even if she were to achieve citizenship. This uncertainty led her to feel that she does not belong, that her time here in the United States is provisional, and that the United States might never feel like home. Several other participants also shared how this lack of belonging can



become internalized to the point that they come to accept that they are not in a place they can call home. Stacey, a woman from an eastern European country who was living in the United States for 12 years at the time of the interview, expressed her sense of not belonging as a reality which she has come to accept:

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

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

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

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

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

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

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

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

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

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

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

Conclusion

Immigration policies give preferential entry to persons from certain countries or to persons with desirable skill-sets. However, the United States still limits these immigrants' opportunities for full inclusion, which can result in the person feeling as if they are not wanted or welcome. The perception that the individual characteristics of the high-demand immigrant are what will impact



the position they will occupy in the host country is not always accurate (Reitz, 1998). In this context, the immigrant becomes a “neoliberal subject,” a term used by Monica Varsanyi (2008) to refer to “an alternative, evolving institution of ‘membership’ for noncitizens living within the territorial boundaries of the nation-state” (p. 882).

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

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

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

It should be clear from the above that crimmigration policies and practices produce significant social costs. The fear of deportation drives noncitizen immigrants to avoid the social and political participation that facilitate integration. We believe these costs exceed by a large margin the narrowly accrued benefits sought by the neoliberal state and the political-economic elites who are its beneficiaries. The continued application – and recent expansion – of crimmigration policies and practices has much more to do with who bears

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

these costs, and how they are borne, than a rational cost-benefit analysis rooted in a collective definition of the public good. Establishing the value of a broadly inclusive society through sustained empirical analysis is increasingly important in the current policy environment.

References

- Abrego, L.J. & Menjívar, C. (2011). Immigrant Latina mothers as targets of legal violence. *International Journal of Sociology of the Family*, 37(1), 9-26.
- Alba, R. & Foner, N. (2015). *Strangers no more: Immigration and the challenges of integration in North America and Western Europe*. Princeton, New Jersey: Princeton University Press.
- Astor, A. (2009). Unauthorized immigration, securitization and the making of Operation Wetback. *Latino Studies*, 7: 5-29.
- Davidson, T. & Burson, K. (2017). Keep those Kids Out: Nativism and Attitudes Toward Access to Public Education for the Children of Undocumented Immigrants. *Journal of Latinos and Education*, 16(1): 41-50.
- Davis, C., Webb, D., & Burris, S. (2013). Changing Law from Barrier to Facilitator of Opioid Overdose Prevention. *The Journal of Law, Medicine & Ethics*, s1:33-36.
- De Genova, N. (2002). Migrant “illegality” and deportability in everyday life. *Annual Review of Anthropology*, 31, 419-47.
- Foner, N. (2000). *From Ellis Island to JFK: New York's two great waves of immigration*. New Haven, CT: Yale University Press.
- Garsd, J. (2016, January 17). Deportations, rumors stir fear among immigrants. *National Public Radio*. Retrieved from: <http://www.npr.org/2016/01/17/463400563/as-deportations-ramp-up-rumors-stir-fear-among-immigrants>.
- Gilens, M., & Page, B. I. (2014). Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens. *Perspectives on Politics*, 564-581.
- Hirschel, D., Buzawa, E., Pattavina, A., Faggiani, D., & Reuland, M. (2007). *Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases: Final Report*. Washington, DC: National Criminal Justice Reference Service.
- Kanström, D. (2007). *Deportation Nation: Outsiders in American History*. Cambridge: Harvard University Press.
- Kelly, J. (2017, February 20). *Enforcement of the Immigration Laws to Serve the National Interest*. Retrieved from Department of Homeland Security: https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf
- Krueger, R.A. (1988). *Focus groups: A practical guide for applied research*. Newbury Park, CA: Sage Publications
- Leyro, S. (2017). *The fear factor: Exploring the impact of the vulnerability to deportation on immigrants' lives*. Dissertation: New York.
- Mollenkopf, J.H. (1999). Urban political conflicts and alliances: New York and Los Angeles compared. In C. Hirshman, P. Kasinitz, & J. DeWind (Eds.), *Hand of immigration: The American experience* (pp. 390-412) New York, NY: Russell Sage Foundation.
- New York City Department of City Planning (2013). *The newest New Yorkers: Characteristics of the city's foreign born population*. New York, NY: City of NY.



- New York City Local Law 35. A local law to amend the administrative code of the City of New York, in relation to the creation of a New York City identity card program. (2014). Retrieved from: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1709715&GUID=96D7B94F-F24B-4308-8F29-6C559BF444EB>.
- Ngai, M. M. (2004). *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.
- Pedraza, F.I. and Osorio, M.A. (2017). Courted and Deported: The Salience of Immigration Issues and Avoidance of Police, Health Care, and Education Services among Latinos. *Aztlán: A Journal of Chicano Studies*, 42(2), 249-266.
- Reitz, J.G. (1998). *Warmth of the welcome: The social causes of economic success for immigrants in different nations and cities*. Boulder, CO: Westview Press.
- Robbins, L. (2016, January 6). Rumors of immigration raids stoke fear in New York. *The New York Times*. Retrieved from: http://www.nytimes.com/2016/01/07/nyregion/rumors-of-immigration-raids-stoke-fear-in-new-york.html?_r=0.
- Saldaña, J. (2009). *The coding manual for qualitative researchers*. Los Angeles, CA: Sage Publications
- Stageman, D. L. (2017). The punishment marketplace: Competing for capitalized power in locally controlled immigration enforcement. *Theoretical Criminology*, Online First: 1-21.
- Stumpf, JP (2006). "The Crimmigration crisis: Immigrants, crime, & sovereign", *American University Law Review*, Vol, 56, no. 2, pp. 367-419.
- Transactional Records Access Clearinghouse Syracuse University Copyright 2013. Where individuals enter ICE custody: State-by-state details (2013). Retrieved from: <http://trac.syr.edu/immigration/reports/319/include/table1.html>
- Trochim, W. (2000). *The research methods knowledge base* (2nd Ed.). Cincinnati, OH: Atomic Dog Publishing.
- Varsanyi, M.W. (2008). Rescaling the "alien," rescaling personhood: Neoliberalism, immigration, and the state. *Annals of the Association of American Geographers*, 98, 877-896.
- Winders, J. (2012). Seeing immigrants: Institutional visibility and immigrant incorporation on new immigrant destinations. *The ANNALS of the American Academy of Political and Social Science*, 641, 58-78
- Young, J., (2007). *The exclusive society: Social exclusion, crime and difference in late modernity*. London: Sage Publications.