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Neoliberalism Confronts Latinos: Paradigmatic Shifts in Immigration Practices by Andrea Silva*

American immigration policy seems increasingly contradictory toward undocumented immigrants. Permissive immigration policies like Deferred Action for Childhood Arrivals contradict restrictive immigration policies emphasizing enforcement, detention, and deportation. This contradiction reflects conflicting political views relative to immigration policy and the fact that the U.S. Congress has failed to pass badly needed comprehensive immigration reform legislation. Absent from the public discourse is an emphasis on neoliberalism and how the proliferation of neoliberal ideas have altered how we understand and execute immigration policy. Three neoliberal principles—privatization, efficiency, and personal responsibility—have influenced the implementation of American immigration policy, increasing the detention, abuse, and death of undocumented immigrants.

The American immigration system has undergone a gestalt shift in the purpose of immigration policy and the treatment of immigrants through the incorporation of these principles. This essay examines the rise of a neoliberal immigration system that has replaced the principle of family reunification that was dominant prior to the 1980s. The immigration system has not always subcontracted its operations to private companies, nor fixated on detaining and deporting immigrants *en masse*. Immigration is no longer a cherished American experience. Instead, it has become a feature of society assessed in terms of economic costs and benefits.

Importance of Immigration Policy for the Latino Community

Latinos are especially concerned with American immigration policies and enforcement practices for three



reasons: cost bearing, representation, and proximity issues that disproportionately impact them. Latino households are more vulnerable to the material costs of restrictive immigration policies. In 2008, a survey estimated that fifty-nine percent of undocumented immigrants in the United States were from México, and eighteen percent were from Central and South America. Challenges for immigrants in accessing education, healthcare, and achieving economic mobility stem from restrictive, anti-immigrant policies and practices that limit or restrict access to federal or state benefits and privileges, such as a driver's license. Restrictive immigration policies, by virtue of the numbers of Latino immigrants, are more likely to negatively affect the economic security of Latino immigrant households.

Though immigration policy affects all immigrants, scholars argue immigration policy is racialized around Latinos. As political parties link images of Latinos crossing the border with immigration policy, even Latinos unaffected by immigration policy use it as a symbolic Latino issue. This issue becomes a device used by both Latinos

and political parties to measure political representation. The extent to which legislators support or oppose comprehensive immigration reform becomes a rough indicator of how legislators feel about Latinos.

As an ethnic group, Latinos are in closer proximity to the costs of immigration policy change relative to other immigrant groups. The concept of proximity is the degree to which the costs or benefits of legislation are concentrated on a group or locality. In 2010, approximately 5.5 million children in the United States had at least one undocumented parent. Among these children, eighty-seven percent were from Mexico or Latin America. Consequently, when immigration policy threatens the deportation of undocumented parents or acquaintances, Latinos are more likely than other groups to pay attention. For example, a 2013 PEW Hispanic Research national survey found that sixty percent of foreign-born Latinos and forty-six percent of Latinos worry that they, family members, or close friends might be deported. The same survey found that fifty-five percent of Latinos are more concerned about having legal status that allows them to live and work in this country without the threat of deportation than about having a pathway to citizenship. Latinos are more likely to be proximate to undocumented immigrants, and this increases the intensity of how they “feel” the impact of federal immigration policy.

Latinos are the largest group entering the country without proper documentation and are being detained and deported. Seventy-seven percent of the approximately 12 million undocumented immigrants in the United States are likely to have been in contact with the immigration system and live in fear of deportation. Thus, discussions of privatization, efficiency, and individual responsibility are most salient to Latino undocumented immigrants and their relatives. This group bears the consequences of this holistic shift in immigration policy. They brave life-threatening dangers crossing the Sonoran desert, and they face neglect and emotional and physical abuse in detention centers. Consequently, some die attempting to cross the border and others die in detention centers across the country.

Three Principles of Neoliberalism: Privatization, Efficiency, and Individual Responsibility

This section discusses three neoliberal principles that have influenced the gestalt shift in American immigration policy: privatization, efficiency, and individual responsibility.

Privatization is the transfer of decisions formerly made in the public sphere into the control of the private sphere. Practically, it transfers public institutional functions and services to private actors. Efficiency values maximizing economic opportunities by minimizing transaction costs.



When transaction costs are low, actors pay closer to the true cost of an item, leading to increased transactions and economic stability. Lastly, the neoliberal concept of individual responsibility emphasizes personal choices over structural conditions in evaluating individual success. This principle blames social or economic failure on individual willingness to engage in the system.

The inclusion of these three neoliberal principles within the motivation of immigration policy redefines the purpose of immigration policy. These principles have been transformed from economic principles into cultural values and goals for policy makers. Understanding the relationship between these tenets and the U.S. immigration system help to explain increased privatization and repression.

Privatization

States and capitalists have historically had a cooperative relationship, evident in the collaboration between the government and private interests to repress workers. A scholar once noted that government self-interest, not weakness, drives the state to support and advance the accumulation of capital. Under neoliberalism, free-market-fundamentalist elected officials have passed and implemented policies that shift government functions to private companies, including enforcement functions in which companies assume control of enforcement operations inside the United States and at its border with México. The most visible changes are privatized detention centers and subcontracting the building of a security and surveillance infrastructure at the border. This next section discusses the shift toward privatization in greater detail.

Privatization of Detention

A state working in the interest of capital continually seeks to maintain cheap, politically docile labor forces, like undocumented workers, to meet the interests of capital to lower the costs of production. At the same time, the state

is also under pressure to address the immigration “crisis” arising from the human tragedy of a “broken immigration system” and the spread of anti-immigration sentiments across the dominant population. Reconciling what appears to be contradictory dynamics, the state has privatized the detention of immigrants, which has become more profitable than the old solution of deportation. The privatization of detention allows the state to show citizens it is addressing the immigration problem while allowing private companies access to new specialized markets.

Although the Federal Government has transferred the operation of the immigration detention system to the private sector, this transition was neither necessary nor well received among all population subgroups. This transition was fraught with apprehension among some legislators and segments of the electorate. In 1983, Immigration and Naturalization Services began outsourcing immigrant detention to the Corrections Corporation of America (CCA). Further, the GEO Group (formerly Wackenhut) began its business by imprisoning immigrants in the late 1980s. Today, business is booming.

Privatization of the immigration system gained momentum in 2003, when the Federal Government considered privatizing a division of federal workers within the Bureau of Citizenship and Immigration Services that provided services to foreign nationals seeking documents or information at immigration offices. In early 2004, this plan came to fruition with the announcement that the Federal Government would be accepting private bids to fill approximately 1,100 federal immigration information services jobs.

Federal legislators became skeptical of the bid for various reasons. Ranking members of the U.S. Senate Committee on Homeland Security & Governmental Affairs at the time sent a complaint to then Secretary of the Department of Homeland Security (DHS), Thomas Ridge. Four senators complained the competition to privatize these jobs had grown out of Department officials’ desire to meet the numerical goals for privatization imposed by the Bush Administration. Secondly, the senators complained about the hiring of private consulting firms Grant Thornton LLP and Booz Allen Hamilton to provide guidance in the privatization process. Grant Thornton LLP and Booz Allen Hamilton received the payment on their consultancy contract, but never produced a list of services rendered. Congressional representatives, like Lucille Roybal-Allard (CA-D) argued privatization undermined the capacity of the Department of Homeland Security to protect the nation from those who would do it harm.

GEO Corp, CCA, and KBR, a Halliburton subsidiary company, were heavily involved in the invasion of Iraq

and now operate, build, and maintain our immigration enforcement system. The government owns detention centers, but only provides about 30,000 beds. Hence, the Federal Government detains immigrants in privately owned detention centers or rented beds in jails and prisons. These private detention companies are now earning record profits through the increased demand from the government to create an infrastructure to detain and deport immigrants *en masse*. In 2006, financial analysts speculated that detention centers were earning profit margins of more than 20 percent.

In 2008, CCA became the largest company involved in privatized detention, with plans to add 10,000 new beds that year. That same year, CCA was charging up to \$200 per day to hold detainees at the Don Hutto facility (designed to house entire families) in Taylor, Texas. This charge was more than four times the daily rate to hold convicted criminals (approximately \$54 per day). GEO Corp follows CCA as the second largest private detention company in the U.S., managing the day-to-day operations of detention facilities owned by federal and state governments. In 2010, CCA and GEO earned 1.69 billion and 1.17 billion dollars, respectively, from the detention of immigrants. Following the principle of privatization, control of the immigration detention system has been transferred to private companies, allowing them to oversee daily operations for a large profits with little competition from public funds.

Since 2010, the U.S. Government has paid for the detention of approximately 310,000 immigrants per year at a cost of 1.7 billion dollars annually. For fiscal year 2014, the White House and the Department of Homeland Security requested 1.84 billion dollars, or five million dollars per day of operation. In August of 2013, the House of Representatives decided to allocate more than the amount requested by the White House and DHS for FY 2014 by providing \$5.6 million per day, totaling about \$2 billion for the year.

Detention is not the only facet of the immigration system heavily influenced by the neoliberal tenet of privatization. Private companies have also influenced the militarization of the border.

Militarization of the Border

In addition to the privatization of immigrant detention centers, privatization also drives the construction of the border wall, initially between the United States and México, and more recently in the call for one between the United States and Canada. Corporations involved in the invasion of Iraq and operating detention centers here in the U.S. are key contractors in the militarization of the U.S. Border. They are the primary providers of both personnel and equipment

to United States Immigration and Customs Enforcement (ICE) and the United States Border Patrol.

Between 1998 and 2005, the Federal Government spent \$429 million on border surveillance. In 2005, federal officials outsourced the construction of the border wall and the installation of surveillance equipment to private companies. Between 2006 and 2009, United States Customs and Border Protection subcontracted \$2.4 billion to build 670 miles of the first “layer” of border fencing. The first layer of the border wall stops pedestrians and vehicles from crossing while the second “layer” creates openings for Border Patrol vehicles and personnel. This layering system allows companies to build and bill for thousands of miles of real and virtual fencing across the border. These companies have an economic stake in promoting anti-immigrant views and the need for “fences” at the border among segments of the electorate.

Using technological advancements at the border began with Operation Gatekeeper in 1998, which incorporated a mix of equipment, including nightscopes, seismic sensors that detect movement, portable radios, four-wheel drive vehicles, and more. In 2006, DHS awarded Boeing a contract to build the virtual border wall at both U.S. borders. DHS reasoned that subcontracting was the best approach to detect, identify, classify, respond to and address illegal entry attempts, and launched the Secure Border Initiative. Boeing led a consortium of subcontractors to build the wall, one of which was Elbit Systems, an Israeli defense contractor that assisted in the construction of Israeli security walls in Palestine. The contract required Boeing to make acceptable progress on the virtual border wall for three years. If this initial performance was acceptable, the contract, SBInet, offered an optional one-year continuation. The contract guaranteed Boeing 67 million dollars over three years, but experts speculated the final cost could be as high as 30 billion dollars. In 2009, in spite of numerous errors, concerns, and problems with construction, the Federal Government extended the SBInet contract.



In 2010, DHS Secretary Janet Napolitano announced that SBInet was plagued with cost overruns and missed deadlines and would end that year. Eager to transition their technologies from the battlefield to the border, other private companies stepped up to sell their surveillance technologies to the government. Companies like Northrop Grumman, Ericsson, and Raytheon regularly bid to provide new equipment to survey and capture undocumented immigrants crossing the border. Technological advancements include surveillance blimps and unmanned drones originally used by the military in Afghanistan and repurposed for border operations.

Each blimp costs between one and five million dollars, while each unmanned predator drone costs between 12 and 18.5 million dollars. Border Patrol has crashed two of these unmanned drones as recently as January of 2014. In 2006, an unmanned drone crashed when its’ remote pilot, working for General Atomics, a private manufacturer of reconnaissance drones, “turned off the engine by mistake,” missing a neighborhood by a mere one thousand feet. Nevertheless, the government recently awarded a contract to General Atomics worth up to 443 million dollars. For this trouble and cost, of the 327,577 undocumented migrants arrested on the border in 2011, unmanned drones were credited with capturing only 4,865.

After the surge in Iraq and Afghanistan, military contractors saw border militarization as an avenue to continue making similar profits. Recently Northrop Grumman began pitching its Vehicle Dismount and Exploitation Radar (VADAR) to DHS, offering to repurpose this plane, originally used to hunt insurgents in Afghanistan, for use on the border. Raytheon, Lockheed Martin, and General Dynamics recently bid on multi-billion dollar contracts to build and install radar and long-range camera systems along the border. As a result of this web of contracting, lack of accountability and oversight, the total cost of border militarization is uncertain, but likely to be higher than contract amounts. Already, the complexity and number of contractors and projects have cost American taxpayers tens of billions of dollars since 2005. This is the transfer of wealth from the public to the private sphere.

Despite questionable results, the privatization of immigration enforcement has expanded to unprecedented sectors. In the next section, I discuss the neoliberal tenet of efficiency and apply this concept to deportability and deportation issues.

Market and Government Efficiency

Efficiency, a tenet of neoliberalism, has become an important indicator of success for deportations and workplace raids. As a result, the act of deportation seeks

success in becoming more “efficient.” Under President Barack Obama, DHS has deported more immigrants than any other presidency in American history. At the same time, deportability increases the efficiency of undocumented immigrant labor costs in the United States. The tenet of efficiency also influences the unprecedented speeds at which the government tries and deports undocumented immigrants. The following discussion investigates the influence of efficiency in the deportability and deportation of undocumented immigrants.

Deportability and Deportation

The neoliberal immigration paradigm requires the exploitation of labor to increase profits during periods of economic expansion. Immigrant labor functions as a release valve during economic contractions, as deportation cushions the severity of an economic downturn. Exploitation is possible because immigrants are vulnerable to deportation and constitute a “flexible labor force” that mitigates the negative impact of economic downturns. This section discusses deportability: a status susceptible to the constant threat of deportation resulting in economic and legal vulnerability.

Deportability provides a situation where the government deports some immigrants while most undocumented immigrants remain in the country and continue to provide low-cost labor. Deportability turns undocumented immigrants into fugitives, whose legal vulnerability is indefinite and whose fear of deportation creates a politically subdued and cost effective labor force, unprotected by labor laws. As undocumented immigrants live outside U.S. labor regulations, profits among employers who hire them increase as business-related costs such as safety, pensions, and administration decrease, if they are not eliminated altogether. By employing an undocumented, politically marginalized workforce, American business owners follow a main tenet of cost efficiency, increasing profits by decreasing the cost of labor, and thereby the costs of production.

Public shows of immigration enforcement intensify the power of deportability, especially the increase in deportations under the Bush H., Bush W., and Obama administrations. Making large spectacles of immigration enforcement activities, like raids, police checkpoints, and detentions, the Federal Government addresses the “problem” of immigration and keeps undocumented immigrants deportable.

Between 1992 and 1997, the Federal Government deported approximately 2.1 million undocumented immigrants. In FY 2010, President Barack Obama deported about one fourth of that number (392,862). In FY 2013, his



Photo Courtesy of United States Immigration and Customs Enforcement (ICE)

administration deported 368,644, a ten percent decrease from 2012. At this rate, President Obama could reach two million deportations during his two terms as president. George W. Bush’s administration advertised raids as organized pursuits of dangerous criminals, but only nine percent of those detained in raids during 2007 were actually felons or criminals. Between 2003 and 2008, seventy-five percent of the 96,000 undocumented immigrants apprehended in immigration raids were not criminals. This cost 675 million dollars. Bush’s administration also oversaw large-scale workplace raids that captured and deported undocumented workers between 2007 and 2008, costing approximately ten million dollars. The Obama administration has detained approximately 130,000 undocumented immigrants in smaller raids at carwashes and convenience stores. Thirty thousand of these detainees had either committed misdemeanors or had no criminal history. The neoliberal principle of efficiency has increased the obscurity of immigration practices and the vulnerability of undocumented immigrants at the hands of the Federal Government.

The Dark Side of Neoliberal Principles: Abuse, Detention, and Death

The systematic violation of human rights is the litmus test of the moral legitimacy of any state. The United States has a history of denouncing states that violate human rights while overlooking its’ own responsibility in securing the human rights of undocumented immigrants. The United States’ broken immigration system puts undocumented immigrants in danger by forcing them to cross a dangerous desert. Moreover, the United States cannot secure the safety of immigrants inside detention centers. It is a failure of United States immigration policy that forces undocumented immigrants to risk their lives in search of employment.

Death at the Border

The United States Border Patrol began stopping the passage of Chinese laborers from México into the U.S. in 1904. Since then, the Border Patrol has increased substantially in size, and in recent decades the crossing of immigrants from México through the desert has become increasingly fatal. In 1994, one of the main goals of Operation Gatekeeper was to decrease undocumented immigration by placing border checkpoints farther east of San Diego toward the deserts of Arizona and New Mexico. The government reasoned the increased danger of crossing a desert would discourage unauthorized migration. The danger indeed increased, but immigrants were no less discouraged. Immigrants are raped, robbed, and/or kidnapped along the border. Many also die in the process.

In Arizona alone, approximately two thousand people died crossing the border between 2001 and 2009. Deaths along the border increased 27 percent in 2012, totaling about 5,500, since 1998. The majority of these deaths occurred from exposure to the intense desert heat and cold. These deaths are justified by anti-immigrant advocates as due to personal irresponsibility. Aside from the obvious violations of immigrants' 4th and 14th amendment rights, the United States' actions willfully endanger immigrants, a direct violation of Article 1 of the 1948 Universal Declaration of Human Rights, of which the U.S. is a signatory. The United States violates the inalienable human rights of immigrants when it intentionally increases the danger of crossing a border to reduce migration.

Broken Promises of the Neoliberal Immigration Paradigm

The most popular argument in favor of neoliberalism is that it increases efficiency, transparency, and effectiveness by streamlining resource distribution. However, the immigration system has failed in these respects. The 18 billion dollars the Federal Government spent on border



enforcement in FY 2012 was more than the U.S. spent on other law enforcement agencies combined. Yet, the government estimates only 40 to 55 percent of all border crossers are actually apprehended and only about 34,000 detainees are in custody at any time. Each detainee costs between 95 and 200 dollars per day, at an annual cost to taxpayers of 1.7 to 2 billion dollars per year. Given the number of undocumented immigrants in the United States, these statistics show the very small returns on such a large investment in immigration enforcement. If we understand efficiency as cost effective changes leading to large returns, these detention and militarization costs are not an efficient use of government resources (public funds) or attention. It has become clearer over time that these measures have not deterred immigrants from crossing the border.

Second, the immigration system has become more opaque. Instead of streamlining the detention system, private detention companies have cornered this market, leading to less transparency and accountability. One example of this decreased transparency is the lack of official information and statistics on the exact number of facilities that detain immigrants. The Immigration and Customs Enforcement (ICE) website has a list of 84 possible detention facilities. In addition, DHS rents beds from prisons and jails. In 2007, a Freedom of Information Act (FOIA) request uncovered an updated list of 340 facilities where immigrants could be detained, but it excludes criminal and minor detention facilities from its list.

Third, the immigration system has become less effective. In 2013, the U.S. immigration system detained 400,000 immigrants, many in solitary confinement. A 2014 Human Rights Watch Report showed many detainees had minor or no criminal histories and substantial personal ties to the United States. Moreover, eight years after the Secure Fence Act of 2006, Mexican drug cartels build transport tunnels across the border, demonstrating that the fence cannot stop those determined to circumvent it. Further, the problem has intensified as 125 federal employees have been convicted of participating in drug smuggling and human trafficking activities between 2005 and 2011.

Finally, neoliberalism's ultimate inefficiency in the area of immigration is the alarming number of American citizens mistakenly detained and deported. The government insists each case is isolated, but the Associated Press has documented fifty-five cases of citizens detained by ICE and scholars have found at least 160 citizens who were deported. In 2007, Pedro Guzman, a developmentally disabled man was deported to Tijuana with three dollars in his pocket. After three months of surviving by eating from garbage cans and bathing in canals, Gomez was found. ICE claims this is the only case of a citizen having been

deported, but it also mistakenly deported citizens Mark Lyttle in 2009, Antonio Montejano in 2011, and Jakadrien Turner in 2012. The Federal Government deported American citizens George Ibarra and Blanca Maria Alfaro two times, each. Sigifredo Saldana Iracheta, a 49-year-old laborer from South Texas, was deported four separate times over the span of two decades. Neoliberal principles have not decreased the efficiency, transparency, and effectiveness of the immigration system. Instead, it has made the federal immigration system more expensive and less effective.

Neoliberal Influence of Obama's Immigration Reform Policy

President Barack Obama's second administration began with an announcement that it would be pushing forward with the White House's "Blueprint For Immigration Reform." However, the President's immigration reform pillars only exemplify how neoliberal principles have become infused in immigration policies, practices, and goals.

In its May 2011 report "Building a 21st Century Immigration System," the Obama administration touted its use of unprecedented resources to secure the border, while stressing the need to increase the efficiency and effectiveness of "interior and worksite enforcement," and improve the "legal immigration system." The reform, however, continues the privatization of immigration services and increases the personal responsibility costs to undocumented immigrants. The neoliberal paradigm has shifted the justification of immigration reform from a moral duty to an economic benefit. Immigration reform is now a means to achieve this goal. Lastly, this paradigm affects the discussions and debates about immigration reform.

The administration's report also shows the extent to which immigration control has become an economic benefit rather than a normative requirement. The report justifies the acceptance of immigrants to the United States as "imperative" for economic success, with immigrants creating jobs, increasing economic competitiveness, and contributing to the country through taxes. These justifications are always qualified and couched within a reassurance that immigrants will be held personally responsible for their actions as undocumented workers and "illegal" residents. To adjust their status undocumented immigrants will be required to register with the government, submit to rigorous security checks and verification of eligibility, pay registration fees, fines, and back taxes, wait eight years, and wait behind applicants waiting outside of the country to receive their visas. Undocumented immigrants would also face more penalties for using fraudulent Social Security cards, and be subject to biometric security provisions in the future.

Businesses employing undocumented workers are

also to be held responsible, but their penalties consist of fines and employers are given help to strengthen their businesses. The plan requires large businesses, those with more than 1,000 employees, to enroll in E-Verify. E-Verify is an internet-based program for employers to verify worker employment eligibility after hiring. The plan also provides a "safe harbor" for employers who employ undocumented workers inaccurately confirmed by E-Verify as authorized to work.

This blueprint also exemplifies how the neoliberal immigration paradigm dictates immigration policy. The goal of immigration policy, according to President Obama, is to assist in business growth and an immigrant's purpose is to help the United States economy. Second, the government castigates undocumented immigrants for their transgressions, but gives leniency and assistance to businesses.

The principles of privatization, efficiency, and personal responsibility fundamentally changed the Federal Government's approach in its operation of our immigration system. The recent privatization of detention and border militarization have increased the cost of the immigration system as well as its inoperability and unreliability. Increasing the efficiency of the immigration system has led to the highest number of deportations by any president and keeps millions of undocumented immigrants vulnerable to deportability and abuse. The neoliberal principle of personal responsibility justifies the raids, abuses, and deaths of undocumented immigrants.

Latinos are especially concerned about these outcomes as they are more likely to bear the costs of immigration policy change. Further, Latinos use immigration policy as a tool to measure political representation while comprising the largest number of undocumented immigrants, detainees, and deportees. The discourse of neoliberalism and its principles have hindered the progress of humane comprehensive immigration reform. A humanitarian discourse provides a better framework for necessary changes, but the entrenchment of neoliberal discourse will make this difficult. Thus, it is imperative that we make its failures transparent and public. 🇺🇸

Endnotes.

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