

Immigrants as Symbolic Assailants: Crimmigration and Its Discontents

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Abstract

Despite little evidence of an immigration-crime nexus, many American jurisdictions have adopted a punitive approach to undocumented immigrants and an increasingly restrictive and exclusive system of immigration control. The extensive deployment of criminal justice measures to address the immigration “problem” led to the growth of a crimmigration apparatus—a mesh of immigration and criminal justice systems. Drawing on extant literature and applying the framework of the penal field, the article examines the social dynamics, processes, and consequences of crimmigration. It is argued that the portrayal of immigrants as “symbolic assailants” has facilitated the creation and operation of crimmigration under the guise of crime prevention rather than for addressing terrorism and national security—the presumed purpose of utilizing crimmigration practices. The current configuration of crimmigration across the United States is the interactive product of minority threat, partisan politics, and federalism of the American government system, which have jointly formed a “multilayered patchwork” of immigration control. The article first outlines the analytical framework; reviews the social construction of immigrant “criminality”; and describes the punitive and exclusive laws, policies, and enforcement practices established as responses to this “threat.” The dilemmas, contradictions, and contestations associated with crimmigration, including collateral impacts on immigrants, their families and communities, and the criminal justice system, are analyzed; and policy implications are drawn and discussed.

Keywords

crimmigration, criminal justice, immigration policy, immigrant communities, punishment

Influxes of migrants to the United States and other Western countries in recent decades have triggered public debates over the relationship between immigration and crime, with political rhetoric and public perceptions connecting them. These perceptions have also influenced U.S. government affairs, which tend to join criminality and immigration in law and practice.

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In regard to the law, the merger of criminal and immigration law—two systems of exclusion and inclusion that create insiders and outsiders and “distinguish between guilty versus innocent, admitted versus excluded, legal versus illegal” (Stumpf, 2006, p. 380)—has led to an increase in immigration-related offenses. In immigration law, the approach has moved from merely barring the entry of foreigners with criminal convictions to current practices of defining many immigration violations as criminal offenses and applying the penalty of deportation. The recent concern with terrorism has added reasons for regulations and exclusion or removal (Stumpf, 2006), leading to various restrictions on permits to enter the United States.

The second domain is evident in everyday criminal justice practices: The growing engagement of criminal justice in immigrant control ranges from enhanced border monitoring and the militarization of the U.S.-Mexico border, increased policing of immigrants at the state and local level through workplace audits, a harshening effect of immigrant status on sentencing outcomes (Light, 2014), and denial of rights and benefits for new immigrants, to detention and deportation (Nevins, 2010).

Notwithstanding prevailing rhetoric that links immigration to crime, research has demonstrated that immigration has *not* increased, and in some cases has *decreased*, crime (Ousey & Kubrin, in press). There is a consensus among researchers that “open doors don’t invite criminals” (R. J. Sampson, 2006), immigrants are less likely than natives to commit crime, and communities with large concentrations of immigrants are some of the safest places to live (Lee & Martinez, 2009).

Yet, the misconception of “immigrant criminality” has continued to be widely embraced, as evidenced in recent statements made in the 2016 election campaign,¹ with social energies and public resources being mobilized to address the perceived threat (Alba, Rumbaut, & Marotz, 2005). The resultant “governance of immigration through crime” (Dowling & Inda, 2013) or the emergence of a “crimmigration regime”—the convergence of immigration and criminal justice systems (Stumpf, 2006)—is currently practiced in cities and towns throughout the United States (M. Varsanyi, 2010).

The growing anti-immigration sentiments, fears, and rhetoric and the drawing of boundaries for the nation have solidified the “reality” of immigrants as “symbolic assailants.”² Immigrants are currently perceived and constructed as threats to the social order, employment options, and political organization, warranting a strict immigration control regime (Provine & Doty, 2011). The crimmigration regime has had adverse impacts on immigrants and their families and communities as well as law enforcement and other criminal justice practices. At the same time, resistance to the crimmigration apparatus by immigrants and their supporters has demonstrated that these symbolic boundaries are not clear-cut or immutable, but rather fluid and contested, placing unauthorized immigrants—semilegal, quasi-legal, or illegal citizens (Armenta, 2017)—in a state of “protracted vulnerability” (De Genova, 2002, p. 429).

The construction of immigrants as symbolic assailants, evidenced in the organization, operation, and contestation of crimmigration, reflects an interplay of demographic changes related to recent immigration and fears about their impact on American cultural identity, as expressed in political debates and legal dynamics (Wong, 2016). Tensions and contradictions in contemporary immigration governance are represented by the increasing economic liberalization along with growing punitive and restrictive immigration control (Calavita, 2010; T. M. Golash-Boza, 2015). As a socio-demographic transformative force, the large flow of recent (minority) immigrants into U.S. society has triggered a constellation of sensibilities, symbols, and meanings attached to those newcomers, which are largely shaped by economic conditions and racial/ethnic relations in the United States (Espenshade & Calhoun, 1993). New political alignments and policy initiatives have developed as adaptive responses to these contextual shifts. These lines of thinking and actions about recent immigration have worked their way in and through state and legal institutions, giving rise to new politics of immigration and policy strategies regarding immigration control. Images and rhetoric of “public security” and “national identity” have been harnessed and mobilized in a political process that resulted in laws, policies, and implementation practices. With both coercive force and symbolic

power at hand (Bourdieu & Farage, 1994), the state, through its institutions, actors, agencies, policies, discourses, and practices, has played a pivotal role in shaping the meaning of immigrant membership, creating ethnoracial or ethnonational divisions, and restructuring the relationship between immigrants and natives by demarcating boundaries of “legality” (Garland, 1991, pp. 122–123; Nevins, 2010). With historical precedents (see analysis of *the 1882 Chinese Exclusion Act*, Calavita, 2000), contemporary penal and exclusive measures taken to govern recent immigration have implications for American identity, citizenship, and democracy (Ngai, 2003).

The symbolic dimension of the crimmigration apparatus, through a heated political process, has been translated into field-level practices of immigration control.³ Faced with mounting economic and social pressures arising out of immigration and neoliberal globalization, the American government was quick to respond in an effort to reconcile a variety of interests and ideologies associated with immigration resulting in punitive and exclusive and/or protective and integrative measures. Politicians’ exploitation, for political gain, of the public (mainly White Americans’) hostility toward and fear of undocumented immigrants, along with increasing financial interests in incarcerating immigrants (e.g., the immigration industrial complex), has played an important role on the rise of crimmigration (T. Golash-Boza, 2009). Contemporaneously, emerging immigrant rights-based coalitions and activities have challenged these “get-tough” immigration policies and practices, seeking to dismantle the crimmigration apparatus as they resisted exclusion and fought for inclusion (Voss & Bloemraad, 2011). It is through interactive, often contested, processes of immigration politics that undocumented immigrants have been framed as “criminal and dangerous” and portrayed as a threat to public safety and/or the cultural integrity of American society, with prevailing anti-immigrant voices and perceptions being successfully translated into law and policy. The (temporary) dominance of anti-immigrant forces has thus legitimated policies that criminalize immigrants through “status degradation ceremonies” (Garfinkel, 1956; J. G. Longazel, 2012), as they justify penal measures and resource mobilization to control immigration (Gunkel & González Wahl, 2012).

Building on prior research and documentation about dramatic shifts in U.S. response to immigration over the past two decades, this article analyzes how the social construction of immigrants as symbolic assailants has transformed the social, political, and justice system approach to immigration resulting in adverse consequences for all parties involved. The article situates the burgeoning body of literature on the punitive turn in immigration control (e.g., Dowling & Inda, 2013; Kubrin, Zatz, & Martinez, 2012) in the theoretical framework of *the penal field*, systematically addressing the social, cultural, and political forces that have led to the institutionalization of the crimmigration apparatus (e.g., Aas, 2013; Alvarez & Butterfield, 2000; Calavita, 1996). It reviews the political process that mediates and translates various social and economic pressures to immigration policy outcomes (Garland, 2013) and provides an integrated analysis of the multifaceted adverse effects of crimmigration on American society. The analysis highlights the direct and indirect, anticipated and unanticipated, harmful consequences of deploying the criminal justice system to enforce immigration law.

Focusing on the dynamics and consequences of crimmigration in the United States, where the population of unauthorized immigrants is now estimated at 11.3 million (Donato & Massey, 2016), the article first outlines the theoretical framework—the penal field—and presents the sociopolitical processes through which immigration and undocumented immigrants in United States are constructed as criminogenic and concomitant punitive immigration measures are established to address “the problem.” It then reviews the impacts of the unauthorized immigrant status on everyday criminal justice practices and the social costs of crimmigration for immigrants, their families, and communities. The resistance of immigrants and their supporters to the crimmigration apparatus, as well as the challenges that ambiguous legality status of immigrants has raised, are then discussed. The article concludes with the implications of crimmigration as a problem-solving strategy for immigration policy, highlighting the need for reform that addresses the consolidation

of criminal justice and immigration enforcement. Taken together, the article argues that the dynamics of crimmigration are about a new round of politics surrounding the recent influx of newcomers in an age of neoliberal globalization. We also argue that the political context in which the immigration control debate is situated, especially the interest groups and ideological commitments, is of prime significance (Jacobson, 2008).

Analytical Framework: The Penal Field

Our analysis is grounded in Bourdieu's theoretical framework of the field (Bourdieu & Wacquant, 1992). Immigration control is conceived as a social field in which various social and political actors participate and struggle to influence policy matters, as they seek to advance their own goals.

Sociologist Pierre Bourdieu (1986) developed the concept of the field to understand social interactions and practices in various social domains including the law. Focusing on the shape and relational characteristics of a social universe, rather than its substance and content, he highlighted the significance of the structure and process of a field—a social arena that is configured by various actors, their positions and relations, and their interactions and activities. The field is understood both as an internal production process and as a general frame for demarcating and categorizing the social world (Martin, 2003). The practices of those actors are the product of both internal and external influences. Actors make conscious decisions, and act habitually, based on their positions in the field. While their agency and personal dispositions are recognized, actors' decision-making processes are also influenced by the field's structure. The underlying principle organizing actors' activities is their competition and struggle for dominance in the field, weakening their rivals, while striving to preserve the field's form, membership, orienting theme, and hierarchy of their own interests. In that sense, Bourdieu's (1988) social field concept is reminiscent of a battlefield, a place where competitors grapple to change the capital distribution and improve their position in the field.

Two important concepts were underscored in Bourdieu's field theory—*habitus* and *capital*. The result of socialization and social interactions, *habitus*, is the internalized “mental and cognitive structures” through which actors perceive, understand, appreciate, and evaluate the social world and conduct their affairs (Bourdieu, 1990). The multitude of *habitus* will impose various schemas on actors, shaping actors from within by affecting their dispositions. At the same time, the various kinds of capital (economic, cultural, social, and symbolic) that are allocated and distributed among players shape their positions in the field (Bourdieu & Farage, 1994), that is, the positions of various agents in the field are determined by the amount and the relative weight of the capital they possess, access, and utilize. Field players with more capital are more influential in configuring the field. Thus, the characteristics of their *habitus* and the amount of their capital largely shape of field players' orientations, actions, and locations in the social field (Bourdieu, 1990).

In analyzing the punitive turn in immigration governance and the ascendancy of the crimmigration apparatus in the United States, crimmigration is conceptualized as a penal field (Page, 2012, pp. 152–166). The field of immigration control is a social space in which various people, groups, organizations, and institutions, with different capital, *habitus*, and social skills, engage in strategic actions and struggle for domination, exercising penal power over unauthorized immigrants and imposing exclusive measures on immigration. Their interactive dynamics are subject to the influences of neighboring fields (e.g., the political field) as well as the broader environment fields (e.g., demographic, social, and economic structures). Among the set of players in the field, the government, as a critical situated social actor, moderates various social and economic forces and pressures. In particular, racial and ethnic stratifying and degrading forces steer the government to invest

resources in building up its penal power for managing immigrant population and establishing the crimmigration apparatus.

Configuring the Penal Field of Crimmigration

The origin and development of immigrant criminality are embedded in precarious economic conditions, perceived risks to racial and ethnic hierarchy, cultural and national identity, and the post-9/11 anxieties about national security (Burns & Gimpel, 2000). Exploiting anti-immigrant sentiments resulting from global and local changes in social organization and economic conditions, the political rhetoric, media communication, and public discourse combined to raise public perception of “immigrant dangerousness” and instill the fear of undocumented immigrants (Sohoni & Sohoni, 2014). Despite evidence to the contrary, immigrants are believed to be criminogenic, and the cause of a host of social problems—from bringing with them inferior cultural values and lifestyles, taking away jobs from native unskilled workers, causing social disorder, exacerbating poverty, draining resources, and presenting a national security threat. Against the backdrop, with a rise of conservatism in the political system, punitive control is successfully framed and promoted as a legitimate means to tackle the immigration “problem” and the crimmigration apparatus is crystallized (J. M. Chavez & Provine, 2009).

Growing Perceptions of the Immigrant “Threat”

Negative views of newcomers and fears about their social impact have long accompanied the arrival of immigrants to the United States, albeit the content or central themes of nativism varied across periods of time (Alvarez & Butterfield, 2000). Driven by the undoing of barriers to the movement of capital, goods, and people in the name of more free exchange and communication in the wake of globalization, the massive immigration flow of the 1990s has particularly transformed popular perceptions of, and reactions to, immigrants (Abascal, 2015). The waves of new immigrants were followed with escalating levels of anti-immigration sentiments among the United States (Semyonov, Raijman, & Gorodzeisky, 2006). The research of public opinions concerning immigrants supports *minority threat theory* that posits that majority group members perceive the increase in the size of minority populations as threatening and take actions to reduce the perceived threat (Blalock, 1967). The rapid rise of anti-immigration sentiments and hostile attitudes, especially toward the undocumented, has been associated with the extensive adoption of economic neoliberalism in late modernity and rising public concern about economic destabilization and social insecurity (Espenshade & Hempstead, 1996). Individuals who were working in low-skilled and low-paid occupations in particular tended to fear the loss of their jobs and immigrants’ competition for social and economic resources more generally (Quillian, 1995).

The shift in racial and ethnic group makeup of the United States, particularly the expansion of the immigrant share of the population, has been consistently identified and invoked in political rhetoric as another major cause of negative attitudes toward immigrants (Short & Magana, 2002). The recent waves of Mexican immigrants to the United States, most of whom migrate to improve their economic situation, have made Hispanics the largest ethnic minority group and heightened anxiety about national cultural identity (whiteness). The notion of “Latino threat” (Huntington, 2004) and the perception that Mexican immigrants are menacing and crime prone are particularly pronounced in areas where the share of minority immigrants has sharply increased (Higgins, Gabbidon, & Martin, 2010). Research has confirmed the relationship between the perceived Latino criminal threat and the support for punitive control measures against Latino (undocumented) immigrants in the United States (Stewart, Martinez, Baumer, & Gertz, 2015; Wang, 2012). These attitudes prevail more often among White males compared to White females and non-White racial and ethnic groups;

and for low socioeconomic White males, the support for exclusion and punitive measures is even larger (Costelloe, Chiricos, & Gertz, 2009).

Building Up a Crimmigration Apparatus to Address the Problem

Widespread anti-immigration sentiments, discourses, and views of immigrants as “criminals” or threats to the social order and national identity have invoked “moral panic” (Erjavec, 2003) and debates about how to address the problem. Facilitated by political propagation and media communication, anxiety about and fear of immigration were translated into perceptions of immigrants as a *criminal* threat, especially in states with a large immigrant presence or urban areas with immigrant concentration (Chiricos, Welch, & Gertz, 2004). Demands for punitive control to resolve the “immigrant problem” followed (Calavita, 1984, pp. 64–65), appearing in both civil society and official state action.

In civil society, reactions commonly took the form of vigilantism. Defensive activities were particularly common in border states or areas that have witnessed a heavy influx of immigrants. Disenchanted citizens have turned to self-help or private justice using “crime as social control” (Black, 1983) to protest and prevent immigrant entry and presence. The elevated hostility toward immigrants has been associated with a significant increase in hate crimes targeting Hispanics (Stacey, Carbone-López, & Rosenfeld, 2011).

Concurrently, with the state’s perceived powerlessness to secure its borders and mistrust of the legal system to accommodate citizens’ grievances about the seemingly “invasion” of Mexicans into U.S. territory, militarized border control measures were taken. They included forming minutemen border control group, establishing vigilante groups comprised of residents of areas close to the U.S.-Mexico border, and building a fence demarcating the border to prevent Mexicans’ entry into the United States (Kil & Menjivar, 2006).

Responding to the rising public immigrant-related fear and anxiety and support for punitive immigration control (Stupi, Chiricos, & Gertz, 2016), governments of multiple levels have enacted a series of punitive and restrictive immigration laws and policies, creating a complex crimmigration network (Jung, 2015). Punitive immigration control measures were particularly intensified at the federal level of government. Since the 1990s, legislative infrastructures were built up and authorized the arrest, detention, and deportation of suspect immigrants, especially with the passage of the Antiterrorism and Effective Death Penalty Act, the Illegal Immigration Reform and Immigrant Responsibility Act (1996), the Personal Responsibility and Work Opportunity Reconciliation Act (1996), and Section 287 (g) agreements that grant local police officers authority to carry out enforcement of federal immigration law. Following the events of 9/11, and the ensuing concerns over domestic security, a specialized agency—the division of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS)—was founded and became responsible for enforcing immigration policies.

Established in 2008, the Secure Communities program fueled the expansion of immigration enforcement from the federal government to the local jurisdictions by establishing partnership among federal, state, and local law enforcement agencies and providing them with access to the DHS’s immigration database to cross-check fingerprints when an arrest is made. ICE has claimed this program aims primarily to identify, apprehend, and deport immigrants who pose serious threats to public safety. Despite a varying participation level of local law enforcement agencies, the Secure Communities program has promoted the emergence of “a multilayered jurisdictional patchwork” of immigration enforcement (M. W. Varsanyi, Lewis, Provine, & Decker, 2012).

At the state and local levels, citizens unsatisfied with federal immigration policies called for toughened local legislation of immigration control. Notably, in 2010, Arizona passed the SB 1070 anti-immigrant law, stipulating that the police may engage in checking the arrestee’s immigration

status if the police officer has “reasonable cause” to believe the arrestee entered United States illegally. Other states, including California, Texas, Alabama, and New Jersey, have enacted similar laws of enhanced enforcement, control, and surveillance of undocumented immigrants. In analyzing the legislative dynamics of Illegal Immigration Relief Act of the city of Hazleton, PA, in 2006, J. G. Longazel (2012) described Latino “degradation ceremonies” through which local policy makers mobilized entrenched racial anxieties and socially constructed linkages between immigrant minorities and criminality into action, passing legislation that endorses police discretion to check immigrant status of suspects believed to be Hispanic and detain those identified as undocumented. Those initiatives also represent a historic shift in the legal authority of making and enforcing immigration law from the originally exclusive federal government to the current state and local governments’ authority (M. W. Varsanyi et al., 2012).

Taken together, the bulk of crimmigration narratives indicates that immigrants have been demoralized and perceived as a criminal threat. By defining immigration as criminogenic and conflating notions of “undocumented immigrants” and “crime,” the criminal justice system has been mobilized to pursue strategies that emphasize crime control, stimulating the buildup of a crimmigration apparatus across the United States (Stumpf, 2006). These processes have resulted in the militarization of the border with Mexico, extensive partnerships with local police, and enhanced interior enforcement (Provine, Varsanyi, Lewis, & Decker, 2016). It has also transformed minor immigration law violations into criminal behavior, as criminal justice agents were deployed to enforce immigration control, with immigrants becoming subject to deportation for many inconsequential infractions. This punitive turn in immigration policies has criminalized undocumented immigrants and employed crime control strategies in response (Gunkel & González Wahl, 2012).

The Frontiers of Crimmigration Field: Contradictions in Criminal Justice Practices

Crimmigration is evident in all stages of the criminal justice process from arrest through court proceedings, punishment, and beyond. The crimmigration regime has posed particular challenges to police work, affected sentencing practices, and expanded the nation’s penal population.

Policing Immigrants: A Bilateral Dilemma

A noticeable feature of immigration enforcement is the unprecedented deployment of local police to detect, arrest, detain, and deport undocumented immigrants (Brown & Warner, 1992). With growing pressures to be “tough on terrorism,” local police agencies currently enforce immigration policy, once the exclusive domain of the federal government. The use of police discretion (e.g., making an arrest, giving a warning or citation) when disposing minor traffic-related violations or other regulations has resulted in increased deportations of immigrants who are unable to comply with the law (e.g., produce documentation, licenses, etc.) due to their ambiguous legal status (Armenta, 2017). Nevertheless, the transition of immigration enforcement from a mission primarily assumed by federal authorities around the U.S. borders to a coalition of federal and local law enforcement agencies—an “immigration federalism” (Spiro, 1997) which consists of a patchwork system of local law enforcement agencies that extends to the inner territory and takes place throughout the United States—has led to a bilateral dilemma⁴ for policing as well as contradictory results.

In recent decades, local police departments have increasingly adopted community-policing strategies that emphasize establishing and maintaining rapport with community residents. Relationships with the local community are important to reduce residents’ fear of crime, encourage victims to report their victimization, and cooperate with the police. At the same time, checking immigrants’ legal status has become routine for police officers, and increased police resources and efforts are

directed toward removing undocumented immigrants (Skogan, 2009). In immigration enforcement, a tension occurs between the organizational goal of maintaining good relations with the community and the need to identify and remove undocumented residents. Police officers face the dilemma of being tough with, versus accommodating to, immigrants. Research reveals that enhanced policing activities in immigrant communities have adversely affected partnerships between the police and immigrants. It also increased the risk of racial profiling and heightened immigrant fear of the police, contributing to immigrants' perceptions of the police as an outside oppressive force and reducing residents' trust in and willingness to cooperate with police officers (Davies & Fagan, 2012; Epp, Maynard-Moody, & Haider-Markel, 2014).

Tenuous relationships between the police and immigrant communities are further complicated when officers encounter communicative barriers in interacting with immigrants. Effective communication helps promote good relationships, enhancing immigrants' positive perceptions of the police and their willingness to engage with officers in solving community problems. Communication problems and language barriers increase the risk of inconsistent police treatment (M. A. Taylor, Decker, Provine, Lewis, & Varsanyi, 2014) and frustrate officers with the time delays that such hardships often cause (Culver, 2004).

Local police agencies may not understand concerns and needs of immigrant victims or be prepared to help them, making the criminal justice system inaccessible to immigrants (Davis, Erez, & Avitabile, 2001). This problem is particularly acute in new immigrant settlements that lack mature institutional infrastructure for immigrant services (Culver, 2004). Taken together, local police agencies are called to manage a tension between expediting immigration enforcement and establishing police–community partnerships, including rendering public services for immigrant communities. Their enforcement practices engender immigrants' anxiety and fear, reducing confidence in officers' public service function. The challenges of language, cultural barriers, lack of training, and immigrants' negative perceptions of the police in turn undermine officers' ability to enforce the law and serve the community.

Sentencing Immigrant Offenders: The New Face of Legal Inequality

Immigration status has recently emerged as a factor in sentencing decision-making. Its negative influence on sentencing outcomes of immigrant offenders has become a new source of sentence disparity in criminal justice (Light, Massoglia, & King, 2014) and has been identified as a significant predictor of harsher sentences (Provine et al., 2016).

Immigrant defendants are believed to have higher levels of dangerousness, a greater risk for recidivism, and a lower likelihood of completing rehabilitation programs, thus deserving more severe sanctions. Light (2014) found that immigrant defendants receive harsher sentencing outcomes compared with similarly situated native-born offenders. He also interviewed judges about their decision processes and showed that judges explicitly list immigrant status an aggravating factor (Light, 2015). For some judges, foreigners' cultural differences are a hurdle for successfully completing rehabilitation, making immigrant offenders more likely to receive imprisonment. Judges viewed defendants who are immigrants as “ungrateful” to the new country, meting out harsher sentences as “double punishment”—for the crime and their immigrant status. Many of interviewed judges believe that immigrants should be law-abiding, and immigrants' criminal behavior is viewed as a violation of the host country's generosity (Light, 2015). The following quote by one of the interviewed judges captured this sentiment:

You are not a citizen of this country. This country was good enough to allow you to come in here to confer upon you . . . a number of the benefits of this society, form of government, and its opportunities

and you repay that kindness by committing a crime like this. We have got enough criminals in the United States without importing any. (Light, 2015, p. 33)

Perceptions of immigrant dangerousness, coupled with their “ungratefulness,” seem to influence judges’ sentencing outcomes, creating a new form of inequality for immigrants who commit crimes (Light et al., 2014).

Encaging Undocumented Immigrants: Swelling the Prison Population

One consequence of aggressive crimmigration practices is the fast growing number of non-citizens in the U.S. penal landscape, especially the rising proportion of Hispanics in the federal penal system. Employing U.S. federal sentencing data, Lopez and Light (2009) document that, in 2007, Hispanics accounted for around 40% of all federal convicted offenders, becoming the largest racial and ethnic group in federal prisons. Among the convicted Hispanics, more than 72% did not hold U.S. citizenship and approximately half of them were sentenced for immigration offenses, particularly entering, residing, or remaining in the United States without authorization (Lopez & Light, 2009).

A parallel increase in the number of undocumented immigrants occurred in the immigration detention centers, where the ICE “dumps” arrested immigrants (Welch, 2002, pp. 149–170). The immigration detention industry expands the correction business by absorbing the management and supervision of undocumented immigrants (Welch, 2002). Research shows that the construction of immigration detention facilities where undocumented immigrants become excluded as “undesirable outsiders” has become common, with governmental expanded use of immigration detention as important for its symbolic meaning, as well as its practical function of confining “dangerous” outsiders (R. Sampson & Mitchell, 2013). To relieve social anxiety and maintain social order, immigration detention centers, constructed through investment from both public and private sectors, send a message about government exercising its sovereign authority to deter undesirable people from entering the land (R. Sampson & Mitchell, 2013).

The Field’s Spillover: Immigrant Exclusion, Vulnerabilities, and Dilemmas

The emergence of crimmigration is a social experiment that is directed at controlling new waves of immigration vastly perceived as a threat to national security and a source of social problems in the wake of globalization and mass migration. Crimmigration with massive deportations has heavily affected various aspects of immigrants’ lives in the United States, where they immigrate primarily for better life opportunities. Crimmigration practices adversely affect both documented and undocumented immigrants, their families and communities, and the criminal justice system and the wider society.

The policies and practices of crimmigration have created sifting mechanisms that define who belongs and who should be excluded (Young, 1999). Further, the heavy reliance on deportation strategies have intimidated and stigmatized unauthorized immigrants, broken down or dissolved family ties, imposed fear and blocked upward mobility opportunities for their children, and disrupted the social organization of immigrant communities, thereby exacerbating their social and economic vulnerabilities and impeding immigrants’ successful assimilation into a new society (Hagan, Rodriguez, & Castro, 2011; Romero, 2008). In the words of Hernandez (2011, p. 55), “As U.S. citizens have slipped toward ‘alienation’ through the criminal justice system, the status of immigrants in the United States has tipped toward criminalization through the implosion of criminal law and immigration law.”

Carving Out an Identity of Otherness: Inside Immigration Detentions

Both federal and local authorities in the United States have detained growing numbers of non-citizens in jails, prisons, and detention centers. The detained population includes undocumented immigrants, asylum seekers, and other noncitizens violating immigration laws (Welch & Schuster, 2005) for whom the detention serves as “legal banishment” (Bosworth & Slade, 2014). Despite being an administrative agency, immigration detention radiates punitive treatment by the “shadow carceral state” (Beckett & Murakawa, 2012, pp. 225–226). Detained immigrants experience depression and isolation but are provided few services or assistance (Welch, 2002). Being warehoused, the detention reinforces immigrants’ otherness, their identity as “illegal aliens” who do not belong in this country, and ineligible to stay in its territory (Kaufman, 2015). Framing detention centers as a legal problem, Brané and Lundholm (2007) argue that the “unnecessary and arbitrary” use of detention, the lack of due process to detainees, and oppressive conditions of immigration detention centers raise concerns about human rights violations.

Through interviews with detainees, Dow (2004) documents how immigrant detainees feel “mentally tortured,” living in constant fear of deportation and with an unknown future. Detained or potentially deported immigrants, who are often bonded to family members in the new country and unwilling to return to their “home” country, experience intensified feelings of family deprivation and imminent separation. The sense of otherness is constructed and enhanced when the detention center staff repeatedly, both explicitly and implicitly, conveys to detainees who they are detained because they do not belong to this country (Dow, 2004).

Diffusing Legal Violence: Collateral and Multilayered Consequences of Crimmigration

The crimmigration regime, with its emphasis on the deportation of unauthorized immigrants, has had unintended consequences on immigrants’ lives, their families, and communities. The cumulative effects of punitive immigration laws and policies, aggressive enforcement practices, and the stigmatizing and exclusionary effects of crimmigration enforcement add up to “legal violence” in immigrants’ everyday lives (Menjívar & Abrego, 2012). The fusion of immigration and criminal law especially affects three core elements of immigrants’ daily social life: the family, the workplace, and the school, translating into exclusion from responsible occupational, educational, and other meaningful civic participation (Menjívar & Abrego, 2012). In particular, Hispanic immigrants, who already experience sociocultural and economic disadvantages and face hardships in integrating into U.S. society, are further disadvantaged, and their vulnerabilities exacerbated by aggressive crimmigration practices.

Crimmigration enforcement can lead to the separation of family members (Slack, Martínez, Whiteford, & Peiffer, 2015). It has triggered an immense level of the fear and anxiety not only among undocumented immigrants but also documented immigrant family members and their communities, contributing to the “bumpy line” of immigrants’ adaptation to their receiving country. It is estimated that 16.6 million people in the United States are living in “mixed-status families,” within which both authorized and unauthorized immigrant members live together (P. Taylor, Lopez, Passel, & Motel, 2011). Targeting the unauthorized family member (often parents of children born in the United States or relatives of documented immigrants) may thus elicit fear among and burdens on authorized members (J. M. Chavez, Englebrecht, Lopez, Anguiano, & Reyes, 2013; Menjívar & Abrego, 2012). Immigrant family members’ everyday lives may become dominated by fear, making some unwilling to leave their homes to avoid possible encounters with, and identification by, crimmigration enforcement officers. Unauthorized members must be alert and careful in moving around to minimize the possibility of being detected, deported, and thus separated from their loved ones. They live in a state of uncertainty and distress, being vigilant and planning for the worst. With

cultural traditions of familialism in many immigrant communities—the centrality of family loyalty and obligations in everyday affairs—immigrant parents make efforts to protect their children from contact with immigration enforcement officers. Fear of being detected and deported has prevented mixed-status family members from seeking social services and participating in public institutions and communal life, enhancing their social isolation and impeding their integration into American society (J. M. Chavez et al., 2013).

Immigrant victims of domestic violence, apart from their cultural, linguistic, and social barriers in seeking help and escaping violence, avoid reporting their victimization out of fear of their own or their abusers' deportation (Erez & Globokar, 2007). Battered immigrant women believe, or are persuaded by their abusers, that their stay in the United States depends on remaining with the battering husband; they are afraid that reporting the violence to authorities will compromise the legal status of their abusive partners, affecting the whole family (Erez, Adelman, & Gregory, 2009). In addition, longitudinal research suggests that nonreporting of victimization to the police is associated with future victimization, whereas reporting crime to the police is associated with crime prevention (Ranapurwala, Berg, & Casteel, 2016). In the climate of harsh crimmigration practices, immigrants are particularly vulnerable to further victimization if immigrant victims do not report crime for the fear of identification by the police and punishment by the immigration authority.

Crimmigration practices also affect immigrants' work experiences, making them "shadow labor" (Flippen, 2016), vulnerable to exploitation and victimization. With diminished legal protections and precarious positions at the workplace, unauthorized immigrants often suffer disadvantages such as unsafe working conditions, lower wages, and absence of standard social benefits (Flippen, 2016). Despite its suspension during the Obama administration, workplace raids deter employers from hiring undocumented immigrants; employers' fear of having their business licenses suspended or revoked, and the mandate to check the immigration status of their employees, place immigrants at the risk of job loss or the need to work in the shadow economy (Menjívar & Abrego, 2012). Fear of deportation also inhibits undocumented immigrant employees from confronting employers and demanding suitable pay for their labor or relevant benefits (Gleeson, 2010). Female immigrant workers are particularly vulnerable to the impact of crimmigration. Perceived as "disposable domestics," they often work behind closed doors at their employers' homes as nannies, maids, or caregivers, making them vulnerable to employers' sexual and other forms of abuse (Chang, 2000).

Crimmigration practices have significant adverse effects on immigrant children's developmental process. Immigration raids at mixed-status families often lead to arresting, detaining, or deporting undocumented parents. Their children are then separated from their parents and commonly sent to foster care center (Dreby, 2012; Thronson, 2008). These "unaccompanied minors" encounter serious psychological and social difficulties in their transition to adulthood and their integration into the host society (Zatz & Rodriguez, 2015, pp. 77–156). In addition to the pain of separation from their detained or deported parents and loss of familial protection, children experience heightened levels of fear and insecurity, becoming anxious about "school raids" by crimmigration enforcers and imagining themselves experiencing the same fate as their parents. They also feel stigmatized and alienated in school. As they grow up, the children of undocumented immigrants may be deprived of the opportunity to enter college or receive college financial assistance (Capps, Castaneda, Chaudry, & Santos, 2007). Difficulties in attaining a college degree hamper the upward mobility of children of unauthorized immigrants through traditional means such as higher education. As one interviewee in Abrego's (2006) study described his predicament, "I can't go to college because I don't have papers."

Crimmigration enforcement by a coalition of federal and local agencies instills stress, shatters communities' social organization, and alters residents' perception of and reactions to the criminal justice system and immigration enforcement agencies. Studies suggest that expansive crimmigration practices have heightened fear of the police, weakened trust in officers, and reduced legitimacy of

the criminal justice system in immigrant communities (Lopez & Livingston, 2009). Latino communities in particular have adopted cynical attitudes toward the police, diminishing their willingness to cooperate with the police in solving community problems (Kirk, Papachristos, Fagan, & Tyler, 2012). Aggressive crimmigration practices, particularly the use of deportation, contribute to social disorganization of immigrant communities, especially those with concentrations of undocumented immigrants, resulting in higher crime rates (Leyro, 2013, pp. 133–148). Those practices have created an “enforcement paradox” in immigrant communities, where law enforcement aimed to enhance public security actually creates security problems and reduces safety (Kirk et al., 2012).

Lastly, public health research also demonstrates that enhanced enforcement of crimmigration has led to health problems in immigrant communities, such as heightened levels of stress, anxiety, and depression due to uncertainty about the future, fear of deportation, and concurrent avoidance of, or reduced access to, health services (Hacker et al., 2011).

Contesting Crimmigration Field: The Backlash Against Legal Violence

Crimmigration practices have evoked opposition and resistance. Immigrant communities and their alliances have challenged official references to immigrants as illegal aliens and contested the notion of immigrant criminality (Tichenor, 2015). Immigrant advocates, human rights groups, and other alliances became transformative agents as they mobilized to combat, negotiate, and ward off the expansion of immigration control (J. G. Longazel & Woude, 2014). Salvadoran immigrants, for instance, questioned the legitimacy of U.S. immigration policies that define them as deportable illegal aliens by claiming that “their long-term lives in U.S. warranted a grant of legal permanent residence” due to the “U.S. complicity in the conditions that drove them from their country of origin” (Coutin, 2005, pp. 22–24). Having escaped during the early 1980s the civil conflict in El Salvador, they claimed refugee status. Through joined efforts by multiple organizations working on the legalization of Salvadorans’ presence in the United States, Salvadoran immigrants achieved temporary approved stay in the United States as the Temporary Protected Status Program was established to grant them legal standing (Hallett, 2014). Such backlash activities against legal violence have destabilized the boundaries of immigrant “criminality” and “illegality,” supporting the humanitarian treatment of immigrants and the expansion of their authorization and legal standing, albeit to varying degrees.

Backlash against the punitive turn in immigration enforcement also results in a shift in immigration law and policy at state and local levels. In *Arizona v. United States*, (2012), the Supreme Court struck down some key provisions of Arizona’s “tough on immigrants” law, SB 1070, including requiring all immigrants to obtain or carry immigration registration papers, making it a state criminal offense for an undocumented immigrant to seek work or hold a job, and allowing police to arrest suspected undocumented immigrants without warrants. Nevertheless, this decision still upholds the Arizona’s law enforcement’s authority to check the suspect’s immigration status. Besides the legal change in Arizona, some cities have declared themselves to be sanctuary or immigrant-friendly cities, placing limitations on the use of local police or federal immigration enforcement measures, or providing protective services to immigrants or refugees. For example, in focusing on the policy making process of San Francisco’s City of Refuge Ordinance, Ridgley (2008) documents that local immigrant rights advocacy groups and organizations sought to challenge the criminalization of immigration by reframing immigrants or refugees as “those who are not criminal aliens and those who need protection and assistance.”

Despite increased humanitarian relief and reduced deportability, legal violence against undocumented immigrants remains. Immigrants with ambiguous legal status or contested membership still face everyday adversities and dilemmas, living in limbo (Gonzales, 2016). Granted temporary relief from deportation by an expanding multilayered immigration policy, immigrants can be legally

present in the United States but still lack the legal protections and rights necessary for successful integration (Abrego & Lakhani, 2015). While they may feel as though they are living in a relatively safe zone, temporarily escaping the risk of being removed, their “liminal legality”—a situation of physical existence but legal nonexistence (Menjívar, 2006)—prevents them from fully participating in civil society and enjoying liberties, privileges, and services legal subjects take for granted. With a limited legal status, many immigrants remain “vulnerable to blocked social mobility, persistent fear of deportation, and instability, confusion, and self-blame” (Abrego & Lakhani, 2015, pp. 286–288).

Summary, Discussion, and Conclusion: Putting Politics at the Center

Globalization and mass transnational migration have brought numerous immigrants into many Western countries, with the United States being a prime destination country. Since the 1960s, the United States has experienced a constant growth of its immigrant population, with Latinos becoming the largest minority ethnic group in the country. The recent influx of immigrants has evoked moral panic about these symbolic assailants; viewing immigrant population as a threat to the social, economic, and political order; and calling for more restrictive, punitive immigration control.

Despite research findings to the contrary, political and popular rhetoric portrays immigrants as criminogenic and considers them a source of various social ailments, precarious economic conditions, political instability, and a threat to cultural identity and national security. Heightened anti-immigrant sentiments, media-generated fear of undocumented immigrants, and support for tougher immigration policies, particularly in the post 9/11 era and the rise of the new conservative political culture, all became instrumental in harnessing the criminal justice system to assist in immigration enforcement, creating the crimmigration regime. As T. Golash-Boza (2009, p. 284) argues, the construction of the crimmigration apparatus can be understood as the outcome of a confluence of interests by at least three groups—“media pundits who make their careers railing against ‘illegal aliens,’ politicians who use undocumented immigrants as scapegoats, and contractors who profit from massive immigration enforcement expenditures.”

The aggressive enforcement of punitive immigration control policies has affected all involved: immigrants, their families and communities, the criminal justice system, and the wider society. Crimmigration, especially its reliance on deportation, has intimidated and stigmatized immigrants, dissolved families, increased resentment and hostility toward authorities, eroded immigrants’ trust in the police, reduced willingness to report crime and victimization, blocked upward mobility opportunities for the children of undocumented immigrants, disrupted communities’ social organization, and impeded successful integration into American society. The exclusionary and social control emphasis of the crimmigration apparatus had also deleterious impacts on the criminal justice system. It undermined its ability to combat crime, enforce the law, address victimization, and provide public service for immigrant communities. Although immigrants and their supporters have managed to contest and modify some crimmigration rules or practices, by and large, the harm resulting from the regime has not diminished.

Further, despite the “color-blind” process of immigration policy making and implementation, the salient discourse of Latino threat (L. Chavez, 2013) in public and political rhetoric; the growing representation of Muslim immigrants in the post 9/11 “war on terror” (Jamal & Naber, 2007); and the disproportionate number of Hispanics arrested, detained, and deported (Flores, 2014) suggest that crimmigration has become a racialized and ethnicized project (Provine & Doty, 2011; Valdez, 2016). Thus, with the overrepresentation of racial and ethnic (especially Mexican) minority groups in the construction of the crimmigration apparatus, the symbolic connections between immigration, undocumented immigrants, minority groups, and crime have jointly produced “tough-on-immigration” legislation and enforcement of the past two decades (J. G. Longazel, 2012).

The challenges that crimmigration poses for immigrant integration are 2-fold: First, as a restructuring force that shapes the social and political position of immigrants in the United States, crimmigration reflects and reinforces the perception of immigrants as symbolic assailants, reaffirming the social boundaries dividing immigrants and nonimmigrants. Such division undermines immigrant access to public services, employment, and civic or political participation. Second, fears, anxieties, and insecurities among immigrants and their communities resulting from crimmigration practices impair immigrants' ability to integrate into the broader U.S. society while increasing their vulnerability to violence and victimization. Living in the shadows with unauthorized status, immigrants' ability to meaningfully participate in the host society's social, economic, and cultural institutions is substantially curtailed.

The complex processes of constructing and contesting crimmigration in the United States are primarily related to an emerging mode of racial and ethnic politics in a changing socioeconomic structure of American society. Through these dynamics, immigrants—especially Latinos—are subordinated, degraded, and controlled (J. Longazel, 2013). The politics of crimmigration suggest that the government is faced with tensions between the economic demands for cheaper immigrant labor *and* social pressures to restrict the massive influx of minority populations (Calavita, 1989). The recent rallying efforts to dismantle the crimmigration apparatus and reform immigration law and policy, as well as the growing number of “sanctuary cities” (e.g., San Francisco, Austin), indicate that the penal field of immigration control is in flux, continuously changing in “an agonistic perspective,” with a tendency to tilt toward the side of the powerful (Goodman, Page, & Phelps, 2015; Kovic, 2014). Reconfiguration and reorientation are influenced by power structures (e.g., which political party dominates and how it is ideologically framed⁵; Hopkins, 2010), resources and capacities of players involved (e.g., whether there is a network of anti-immigrant or pro-immigrant coalitions), and economic conditions (e.g., whether economic recession or recovery and the level of economic inequality; J. M. Chavez & Provine, 2009; Cornfield, 2013).

The dynamics and effects of crimmigration, as reviewed in this article, have implications for immigration and criminal justice policy. Immigration reform has been a contentious topic of past and present political debates and election campaigns. Given that agreement on pathways to citizenship for unauthorized immigrants is not likely to be reached in the near future, attention should focus on how to alleviate the paradoxical impact and unanticipated consequences of crimmigration. More importantly, efforts to reform should be directed at demolishing the embedded interests in and political and ideological commitments to the punitive immigration control. Efforts to demystify the construction of immigrants as symbolic assailants should be coupled with schemes to decouple federal and local enforcement activities concerning undocumented immigrants, separating the policing of crime and victim protection from immigration control. With predictions that illegal migration is likely to increase into the foreseeable future (Donato & Massey, 2016), attention to the problems underlying crimmigration and its discontents is urgently needed.

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Notes

1. For instance, in the presidential announcement speech, Trump (2015) publicly condemned “When Mexico sends its people, they’re not sending their best . . . They’re sending people that have lots of problems, and they’re bringing those problems with us . . . They’re bringing drugs. They’re bringing crime. They’re rapists . . . It’s coming from more than Mexico. It’s coming from all over south and Latin America, and it’s coming probably—probably—from the Middle East . . . And it’s got to stop and it’s got to stop fast.”
2. We borrow the term “symbolic assailant” from Skolnick (1966) who coined it to describe how police develop perceptual shorthand to denote the dangerous “other” for whom police constantly watch for as they conduct their work. The police learn to identify certain persons, appearances, or circumstances as threats regardless of whether they pose risk at a specific instance. This perceptual shorthand symbolizes potential threat through a constellation of behaviors, appearances, or circumstances that the police have come to recognize as a prelude to crime or violence. We suggest that immigrants have become such symbolic assailants as U.S. authorities, and the public have come to perceive immigrants as the others who, despite evidence to the contrary, are likely to pose a burden on U.S. economy, engage in law violations, create unfair competition for American workers, and cause unfavorable changes in the social structure of the country. This symbolic function in the politics of restrictive and punitive immigration control can also be affirmed in an earlier work of Calavita (1996) that analyzed how the Proposition 187 of California was passed in 1994.
3. We note that the social construction of immigrants as “criminals” undergoes a complex political process through which anti-immigrant forces, which dominate the field of immigration control, put their mark on laws and policies. The hybridized character of immigration control is due to the contentious nature of crimmigration politics. Moreover, social forces should be viewed as the background that provides opportunities and constraints for crimmigration, and criminalization (or legalization) policies and practices depends largely on political mobilization, orientation, and determination in certain contexts (Beckett, 1999). Thus, we underscore the primacy of politics in the criminalization of immigrants.
4. By “bilateral dilemma,” we mean the immigration enforcement creates predicament for both local law enforcement officers and those who are policed such as the disruption of police officers’ routine activities, on the one hand, and immigrants’ fear of encountering police officers and immigrant victims’ reluctance to access to use police services, on the other, as discussed *infra*.
5. It should be noted that that restrictive and punitive immigration policies could become a bipartisan issue.

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