
Original Article

Neoliberalism confronts Latinos: Paradigmatic shifts in immigration practices

Andrea Silva

University of California, Riverside, Salinas

Abstract How has the proliferation of neoliberal ideas altered undocumented immigration policy? I argue three neoliberal principles – privatization, efficiency and personal responsibility – have impacted the implementation of American immigration policy, increasing the detention, abuse, and death of undocumented migrants. This change disproportionately affects Latinos, as they are more likely to either know an undocumented person, or be one themselves. Using an historical structural approach, this work problematizes the inevitability of privatization, discusses the influence of efficiency on the record number of deportations, and criticizes the principle of personal responsibility using the deaths of migrants at the border and in detention. This work is of special importance for Latinos as they disproportionately bear repression, abuse and death at the hands of a neoliberal immigration system.

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In the midst of the debates on federal immigration policy, the influence of neoliberal economic principles is often ignored. Immigration is no longer approached as an American experience, but as an economic cost and benefit. In this article, I explore how the proliferation of neoliberal ideas has altered immigration policy. I argue that the three neoliberal principles of privatization, efficiency and personal responsibility have influenced the implementation of American immigration policy. These three tenets have also led to an increase in the detention, abuse and death of undocumented immigrants.

To elaborate on this argument, I proceed as follows. I begin by explaining three important tenets of neoliberalism: privatization, efficiency and personal responsibility. Second, I use an historical structural analysis to explain the influence of these tenets in current immigration practices. A structural analysis of immigration policy identifies larger, more serious changes in the *principles* driving American immigration policy. Third, I use the case of the Agriprocessor raid of 2008 to trace the principles of efficiency and personal responsibility and how they resulted in civil and human rights violations. Fourth, I illustrate how this new neoliberal immigration policy context can have severe ramifications for Latinos in the United States. I conclude by discussing how neoliberal principles have decreased both transparency and economic efficiency – which is the opposite of what it promised.

Neoliberal Principles and American Immigration Policy

We rarely think of how neoliberal principles have become embedded in immigration policy, which is curious as undocumented immigrant labor advances neoliberal goals. Migration and deportation policies are thought to foment or cushion the expansions and contractions of the labor market (Burawoy 1976). Nevertheless, there is a discernable connection with the growth of neoliberal ideological tenets and the evolution of federal immigration policy. This change originated in the United States with President Ronald Reagan who first introduced neoliberal policies into government during the 1980s, emphasizing “individual choice, markets, private property ... and economic efficiency” (Kotz and McDonough 2010). Although initially more of an economic outlook, the goals of neoliberalism have expanded to become the goals of other policy areas, including immigration (Duggan 2012). Specifically, there are three key neoliberal principles that have influenced the approach to American immigration policy: privatization, efficiency and individual responsibility (Martinez and Garcia 1997).

Privatization is the transfer of decisions formerly made in the public sphere into the control of the private sphere. Practically, it transfers institutions and services, previously under state control, to private actors (Martinez and Garcia 1997). As I will illustrate later, the detention of undocumented immigrants has been a financial boon for private corrections companies. The United States has also privatized the deterrence of unauthorized migration, which has become a billion-dollar industry for companies formerly involved in the Iraq invasion.

The second tenet of neoliberalism, efficiency, prioritizes maximizing economic opportunities by minimizing transaction costs. When transaction costs are low, actors pay closer to the true cost of an item, which increases the frequency of transactions and promotes economic stability (Munck 2005). The fear created by an immigrant’s criminalized status generates a politically subdued and cost efficient labor force that is unprotected by labor laws (De Genova 2006; Sawyer 2008).



Employers of undocumented immigrants benefit from an increase in profits as business-related costs like safety, pensions and insurance are not required for these workers. In this regard, undocumented workers are a significant economic benefit to the sectors where they are concentrated: construction, service work and agriculture (Lowell and Suro 2002; Callimachi 2006; Carroll 2008). By employing an undocumented and politically marginalized workforce, American business owners follow the tenet of cost efficiency, minimizing transaction costs by decreasing the cost of labor.

The neoliberal concept of individual responsibility weighs personal choices over structural conditions when evaluating an individual's success (Duggan 2012). This principle blames social or economic failure on individual willingness to engage in the system. The United States uses the principle of personal responsibility to distance itself from the structural decisions that lead to unauthorized migration, instead blaming individuals for their actions that are bounded by those structures. Instead of recognizing structural problems that lead to poverty or economic and political marginalization, individuals are tasked with finding solutions to their own lack of education, social security and medical care. If unable to access these rights, the blame falls on the individual instead of the obstacles inhibiting their progress (Martinez and Garcia 1997).

These principles have been transformed from economic principles to cultural values and goals for policymakers (Duggan 2012). The importance of these three neoliberal principles is that they redefine the purpose of immigration policy, and understanding the relationship between these tenets and the US immigration system helps explain increased privatization and repression. The following sections trace the impact that these principles have had on immigration policy, immigrants and the Latino community.

Privatization of Detention and Deterrence

As Heilbroner (1986) argued, "Self-interest, not weakness, drives the state to support and advance the accumulation of capital." The government has allowed private companies to assume control of operations inside the United States and at its border with Mexico. The two visible examples of this privatization are privatized detention centers and subcontracting the building of a security and surveillance infrastructure.

A state working in the interest of capital continually seeks to create cheap, politically docile labor forces, like undocumented workers. At the same time, the state is also under pressure to address the immigration "crisis." Reconciling these seemingly contradictory goals, the state has privatized the detention of immigrants, which has become more profitable than the old solution of expulsion. The privatization of detention allows the state to show citizens it is addressing the "immigration problem" while allowing private companies access to new niche markets.

Although the federal government has transferred the operation of the immigration detention system to the private sector, this transition was neither eminent nor well received. In fact, this recent transition was fraught with legislative apprehension. In the early 1980s, Immigration and Naturalization Services (INS) began outsourcing the management of immigrant detention to companies like the Corrections Corporation of America (CCA) and the GEO Group (Barry 2009). At the time, it was a small percentage of their revenue, but today, business is booming.

Privatization of the immigration system began in earnest in 2003, when the Bush administration considered privatizing a division of federal workers who dealt with foreign nationals seeking information at immigration offices within the Bureau of Citizenship and Immigration Services (Gruber 2003b). In early 2004, this plan came to fruition with the announcement of an A-76 competition for approximately 1100 federal immigration information services jobs (Gruber 2003b).

Some legislators were skeptical of the bid. Ranking members of the US Senate Committee on Homeland Security and Governmental Affairs at the time complained to then secretary of the Department of Homeland Security, Thomas Ridge that the privatization of these jobs was intended to comply with numerical goals for privatization set by the [Bush] administration (Lieberman et al. 2004). Second, the senators were distrustful about hiring private consulting firms like Grant Thornton, LLP and Booz Allen Hamilton to conduct studies of immigration positions for future privatization (Gruber 2003a). Their distrust seemed well placed as Grant Thornton and Booz Allen received the payment for their consult, but never produced a list of services rendered (Lieberman et al. 2004). Congressional representatives, like California's Lucille Roybal-Allard, were worried about national security, arguing that privatization would endanger the realization of the country's goal of having a Department of Homeland Security capable of protecting the country (Roybal-Allard 2004).

GEO Corp, CCA and KBR (a Halliburton subsidiary) were all heavily involved in the Iraq invasion and now operate, build and maintain our immigrant enforcement system (Fernandes 2007). These companies are paid to manage government-owned detention centers, but most immigrants are detained in privately owned detention centers or rented beds in prisons (Detention Watch Network 2012a). These private detention companies are now earning record profits from detaining and deporting immigrants en masse for the federal government (Tifani 2014). In 2005, CCA's annual filings with the Securities and Exchange Commission identified the passage of the "Intelligence Reform Bill" as important for the growth of the private corrections industry (Corrections Corporation of America 2005). Congress authorized DHS to hire 2000 border patrol agents and increase the available detention beds by 40,000, every year for five years. Immigrant detention was a new market CCA was eager to corner. In 2006, financial analysts reported that detention centers produced

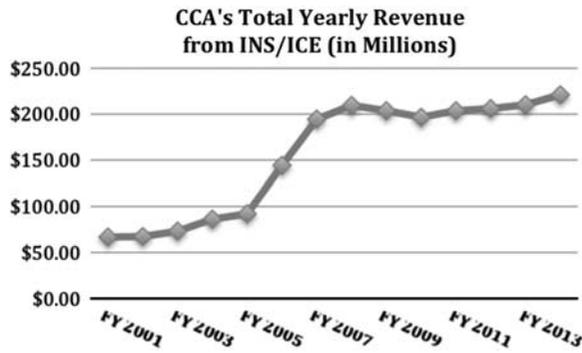


Figure 1: Corrections Corporation of America's total yearly revenue from INS/ICE (in millions) 2001–2013 (Corrections Corporation of America 2014).

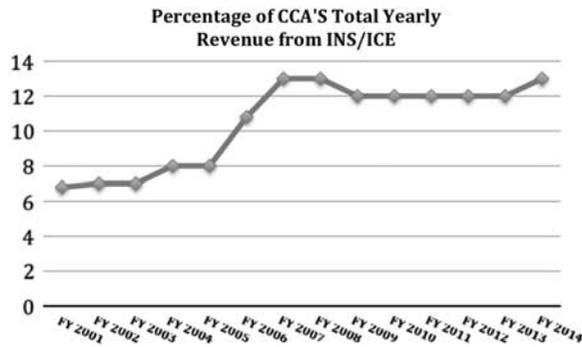


Figure 2: Corrections Corporation of America's percentage of total revenue from INS/ICE 2001–2014 (Corrections Corporation of America 2014).

profit margins greater than 20 per cent (Kolodner 2006). In 2008, CCA became the biggest company involved in privatized detention, with plans to add 10,000 new beds that year (Feltz and Bakash 2008). At the time, CCA charged up to US\$200 per day to house immigrants at the Don Hutto facility in Taylor, Texas – almost four times more than the daily rate to hold convicted criminals (approximately \$54 per day) (Detention Watch 2012b). CCA (2014) was well aware of the importance of immigrant detention for its bottom line as its annual SEC filings from 2005 to 2014 mentions that the potential loss in business from the various state agencies could seriously harm its financial condition. As the graphs show, the percentage of CCA's total revenue from the detention of immigrants has almost doubled in fourteen years. CCA has also almost doubled the number of facilities it owns and/or manages as well as the number of beds it owns or manages for the federal government (figures 1 and 2).

Following the principle of privatization, control of the immigration detention system has been transferred to private companies for a large profit and with little competition. Detention is not the only facet of the immigration system heavily influenced by the neoliberal tenet of privatization. Private companies have also influenced and led the militarization of the border.

Privatization and Militarization of the Border

In addition to the privatization of immigrant detention centers, privatization also drove the construction of the border wall, initially between the United States and Mexico, and more recently between the United States and Canada. Corporations operating detention centers in the United States are also key contractors in the militarization of the US border. As I show in the following section, they are the primary providers of both personnel and equipment to United States Immigration and Customs Enforcement (USICE) and the United States Border Patrol.

Between 1998 and 2005, the federal government spent upwards of \$429 million on border surveillance and between 2008 and 2013, the government spent \$106 billion (Trevizo 2013; Ortega 2014). Use of technological advancements at the border began with Operation Gatekeeper in 1998, which incorporated new equipment, such as nightscopes, seismic sensors, portable radios and four-wheel drive vehicles (USDOJ 1998). In 2005, the construction of the border wall and the installation of surveillance equipment were outsourced to private companies. From 2006 to 2009, United States Customs and Border Protection (USCBP) sub-contracted \$2.4 billion to build 670 miles of the first “layer” of border fencing (Gambler 2013). 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 (Gambler 2013). This layering system allows companies to build and bill for thousands of miles of real and virtual fencing along the border.

In 2006, DHS awarded Boeing a contract to build the virtual border wall at both US borders. DHS reasoned that subcontracting was the best approach to enforce the border and resolve illegal entry attempts. This became the Secure Border Initiative (USDHS 2012). 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 (Norrell 2007). The contract required Boeing to make acceptable progress on the virtual border wall for three years. If this initial performance was acceptable, the contract offered an optional one-year continuation (USDHS 2012). The contract guaranteed Boeing \$67 million over three years, but experts speculated the final cost could be as high as \$30 billion dollars (McIntire Peters et al. 2007).

In 2009, the SBInet contract extension was implemented in spite of numerous errors, concerns, and problems with construction (Stana 2007; Senate Homeland



Security and Governmental Affairs Committee 2008). In 2010, DHS Secretary Janet Napolitano would end SBInet because of cost overruns and missed deadlines (Hsu 2010).

After the surge in Iraq and Afghanistan, military contractors saw border militarization as an avenue to continue making similar profits. Eager to transition their technologies from the battlefield to the border, private companies began pitching their surveillance technologies to the government (Command and Control Technology Corporation 2009). Companies like Northrop Grumman, Ericsson and Raytheon regularly bid to provide new equipment to survey and capture undocumented migrants crossing the border (Richey 2006). Technological advancements include items like surveillance blimps, each with a cost between 1 and 5 million dollars (Lavandera 2010; Becker 2012). At a cost of \$12–\$18.5 million each, unmanned drones originally used by the military in Afghanistan have been repurposed for border operations (Richey 2006; Fox News Latino 2013). The Border Patrol has crashed two of these unmanned drones as recently as January of 2014 (Becker 2012; Carroll 2012). The first reported crash was in 2006, when the remote pilot, an employee of the manufacturer of reconnaissance drones General Atomics mistakenly turned off the engine and missed a neighborhood by a mere 1000 feet (Booth 2011). General Atomics however, was recently awarded another government contract worth up to \$443 million (Lipton 2013). For this trouble and cost, unmanned drones were credited with capturing less than 2 per cent of undocumented migrants arrested on the border in 2011 (Booth 2011).

Recently, Northrup Grumman introduced its Vehicle Dismount and Exploitation Radar to DHS. This plane was originally used to hunt insurgents in Afghanistan and has been repurposed for use on the border (Lipton 2013). Raytheon, Lockheed Martin and General Dynamics recently bid on billion dollar contracts to build and install radar and long-range camera systems along the border (Lipton 2013). Because of this web of subcontracting, lack of accountability and oversight, the total cost of border militarization is uncertain. The complexity and number of contractors and projects may have cost the American taxpayer tens of billions of dollars since 2005.

The privatization of immigration enforcement has expanded to unprecedented sectors and with questionable results. In the next section, I discuss the neoliberal tenet of efficiency and apply it to the concepts of deportability and a case study of the 2008 Agriprocessor raid in Postville, Iowa.

Efficiency, Government and the Postville Raids

Recently the United States has grown more efficient in the speed and total number of deportations than at any other time in American history. Between 1892 and 1997, the federal government deported approximately 2.1 million undocumented

immigrants (Golash-Boza 2013). In FY 2010, President Barack Obama deported about one-fourth that number (392,862). In FY 2013, his administration deported 368,644 people. This was a 10 per cent *decrease* from 2012 and only one-third of deportees in 2013 were detained inside the country (Preston 2013). Judges have decreased trial time for immigration cases from months to hours claiming that it meets all the requirements of the law (Santos 2014).

To elaborate on this argument, I now analyze the case of Postville, Iowa raids in 2008. The raid highlights the capture, detention and trial of undocumented immigrants. The neoliberal principle of efficiency has only increased the obscurity of immigration practices and the vulnerability of undocumented immigrants at the hands of the federal government. Again, if we understand efficiency as cost effective changes, these detention and militarization costs are not an efficient use of government attention and resources.

Agriprocessor, a kosher meat processing plant in Iowa, employed undocumented immigrants from Guatemala and México (Paul 2001; Associated Press 2008). At the time of the raid, approximately 78 per cent of Agriprocessor's 968 workers were working under false or fraudulent Social Security numbers (Hsu 2008). During the morning shift change, approximately 900 ICE agents entered the Agriprocessor compound. Within ten minutes, USICE surrounded Agriprocessor with "helicopters, buses, vans," and "hundreds of agents" (Hsu 2008). ICE agents, working in conjunction with sixteen other local, state and federal authorities surrounded the compound, arrested workers, and executed criminal and civil search warrants (Duara et al. 2008). The actual raid was similar in many respects to a dangerous criminal raid. Of the 697 arrest warrants, 389 were apprehended, 305 were charged with a crime and 297 were convicted (USICE 2008).

Earlier that year, ICE prepared for the efficient execution of justice by renting a sixty-acre fairground called the National Cattle Congress (NCC) in Waterloo, Iowa. These fairgrounds included a large ballroom, which ICE converted into a courtroom to expedite the charge, trial and sentencing of detainees (Anderson 2008). At 4 p.m. on the same day, Iowa sheriff buses drove the 389 detainees approximately ninety minutes south of Postville to the NCC Fair Grounds in Waterloo (Duara et al. 2008). The detainees were shackled in groups of ten, at the feet, waist and hands. A gym became their sleeping quarters and twenty-three trailers and the ballroom were converted into courts (Camayd-Freixas 2008). The immigration, criminal and civil charges, trials and sentencing for 297 undocumented migrants were completed in four days (Preston 2008; USICE 2008). Defense attorneys and judges prepared scripts and filled out paperwork for detainees to sign beforehand. This paperwork waived these immigrants' Fifth Amendment rights, and assumed guilt before trial (ACLU 2008). This would eventually become a well-used tactic by the federal government; the Postville cases were the progenitors to Operation Streamline (Santos 2014).

The charges against the undocumented immigrants working at Agriprocessor ranged from using false identification to obtain employment to illegally



re-entering the United States after deportation. Every conviction included imprisonment and deportation after sentence served. After the raid, instead of hiring legal employment at a fair price, Agriprocessor worked with the federal government to transport Somali and Palauan workers to fill the vacancies (Rubiner 2008; Waddington 2008).

Individual Responsibility in Postville

The United States' refusal to mitigate the struggles of undocumented workers in the United States show how personal responsibility has influenced immigration policy. The severe treatment of undocumented immigrants by the law and society was justified because undocumented immigrants came of their own will and chose to live in a county where they have no rights. Should undocumented immigrants seek to become citizens, they are penalized with expensive citizenship application fees and decades of working through an immigration bureaucracy (Anderson and Miller 2006).

At the end of the Agriprocessor trials in 2008, 306 undocumented migrants were convicted. Most were convicted of felony aggravated identity theft, but the charge was eventually reduced to aggravated identity theft, which carried a five-month prison sentence and an order of removal after the sentence was served (Lochhead 2008). During the trials, judges confined their review to this standard sentence, refusing to use their discretion in sentencing (Camayd-Freixas 2008).

Not surprisingly, many defendants were unaware they had broken any law beyond unauthorized entry. Most defendants did not know what Social Security cards were, or that they had used one illegally (Preston 2008). Although both *knowing* and *intent* are critical elements of the charges, the government was nevertheless eager to make a show of these detainees (Preston 2008). Arraignments were completed within seventy-two hours in accordance with the writ of habeas corpus even though defendants did not understand their charges (Preston 2008). Prosecutors offered defendants charged with aggravated identity theft a reduced sentence of Social Security fraud, which carried a two-month prison sentence and deportation. Should the defendants choose not to take the lesser charge, they would be found guilty of aggravated identity theft, sentenced to two years in jail, and then deported (Preston 2008).

The Postville raid was a pivotal event in immigration enforcement, redefining immigration policy where the principles of personal responsibility overshadowed the concept of community (Martinez and Garcia 1997). It is the responsibility of each individual to secure their own well-being, and those who “fail” do so because of their own shortcomings (Martinez and Garcia 1997). The treatment of undocumented workers arrested in the Postville raid was based on holding them personally responsible for their status as unauthorized migrants. This justification negates American responsibility for the foreign policies that may have led to

migration to begin with, or the inability of undocumented immigrants to obtain legal employment in the United States despite their willingness to do so.

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

The most popular argument in favor of neoliberalism is that it increases productivity, transparency and effectiveness by streamlining resource distribution. Neoliberal policies of privatization, efficiency and personal responsibility were supposed to streamline the immigration process, and give better service at a lower cost to the federal government. If the goal of implementing neoliberal principles in immigration policies was to streamline the immigration process or decrease the monetary cost of maintaining this system, then the policies have failed. Further, the immigration system has actually become more opaque. We see an increase in the number of cases of detainee maltreatment. The immigration system has also become less effective. It is unable to deter migration and to humanely detain and identify immigrants for deportation.

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 responsibility in the violation of many undocumented immigrants' human rights (Loven 2008). For example, the United States immigration system puts migrants in danger by forcing them to cross a dangerous desert. Moreover, the United States cannot secure the safety of immigrants in its detention centers. It is a failure of United States' immigration policy that forces undocumented migrants to risk their lives in search of employment in this country.

Death at the Border

The United States Border Patrol began stopping the passage of Chinese laborers from México in 1904 (USCBP 2015). Since then, the crossing of migrants from México through the desert has become increasingly fatal. In 1994, one of the main goals of Operation Gatekeeper was to decrease undocumented migration by placing border checkpoints farther east of San Diego in the deserts of Arizona and New Mexico (USDOJ 1998). The government reasoned the increased danger of crossing a desert would discourage unauthorized migration. The danger indeed increased, but migrants were no less discouraged. Migrants are raped, robbed and/or kidnapped along the border. They also die. In Arizona alone, approximately 2000 people died on the border between 2001 and 2009 (Rose 2012; Azstarnet.com 2014). Deaths along the border increased 27 per cent in 2012, totaling about 5500, since 1998 (Anderson 2013). The majority of these deaths



occurred from exposure to the intense desert heat and cold and they are justified as personal irresponsibility (Eschbach et al. 2001). Aside from the obvious violations of migrants' Fourth and Fourteenth Amendment rights, the United States' actions willfully endanger migrants, a direct violation of Article 1 of the 1948 Universal Declaration of Human Rights, of which the United States is a signatory. The United States violates the inalienable human rights of migrants when it intentionally increases the danger of crossing a border to reduce migration.

Deaths in Detention

While some may still not be convinced the United States was complicit in the deaths of migrants crossing the border, the United States is directly responsible for violating the human rights of migrants in detention. Between 2003 and 2008, at least eighty-three migrants have died in detention. Many of these deaths have not been investigated, even the ones that seem to be the result of inadequate medical attention (Priest and Goldstein 2008). In some cases, centers deny medical attention, claiming detainees are faking injury or illness. This section discusses the systematic violation of immigrants' human rights and uses the case of Serafin Carrera to exemplify the conditions of immigrants in detention. There are numerous accounts of detainees suffering physical, verbal and sexual abuse in detention, a direct violation of the Fourteenth Amendment and the Universal Declaration of Human Rights (ACLU 2012; Lopez et al. 2013a; Ortega 2014). To argue that these tragedies are anomalies is to ignore their systematic occurrence in this failing immigration system.

One example occurred after an immigration raid in San Antonio in 2001 when immigration agents broke a detainee's neck while attempting to restrain him. En route to Brazos County jail, agents performed a "screen test" on a handcuffed Serafin Carrera. They slammed the vehicle's brakes, causing Carrera to lunge forward and hit his face against the car window (*United States v. Gonzalez* 2006). Upon arrival to the detention center, agents pulled an unconscious Carrera onto a nearby bus and then sprayed him with pepper spray to revive him. After failing to revive Carrera, agents Gonzales, Reyna and Gomez left Carrera on the bus for three hours, bleeding and foaming at the mouth (*United States v. Gonzalez* 2006). Carrera did not receive medical attention until he arrived at another jail 3 hours away. Serafin Carrera died in detention eleven months later (*United States v. Gonzalez* 2006).

At the criminal trial of the three immigration agents charged with Carrera's death, the agents claimed Carrera was drunk and was "faking his injuries" (*United States v. Gonzalez* 2006). The Fourteenth Amendment gives detainees the right "not to have their serious medical needs met with deliberate indifference on the part of confining officials" (*United States v. Gonzalez* 2006) and the Universal

Declaration Of Human Rights requires all men be treated in the spirit of brotherhood. Using these precedents, the federal government violated Carrera's civil and human rights. Carrera is only one example of the willful abuse or neglect of detainees. For many detainees, the neglect and abuse in detention results in future health and emotional problems, for others, it results in death.

Neoliberal Immigration Policy and Obama

Barack Obama's second administration began with an announcement that it would start a federal immigration reform push with the White House's "Building a 21st Century Immigration System," (Obama Administration 2011). However, the president's immigration reform pillars only exemplify how immigration policies, practices and goals have been infused with neoliberal principles. Further, executive orders that try to bring deportation relief like Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) are not in contradiction with this neoliberal immigration paradigm.

In its May 2011 report, the Obama administration celebrated its "unprecedented resources to secure the border," and stressed the need to increase the efficiency and effectiveness of "interior and worksite enforcement," and the "legal immigration system" (Obama Administration 2011). The report argues immigrants are "imperative" to economic success: creating jobs, increasing economic competitiveness, and contributing through taxes. These justifications are conditioned with holding immigrants personally responsible for their actions as "illegal" residents. Businesses employing undocumented workers are also held responsible, but their penalties consist of fines. Further, employers are provided "safe harbor" if they employ undocumented workers and E-Verify inaccurately confirms work authorization. According to the Obama administration, the goal of immigration policy is to assist in business growth, and an immigrant's purpose is to help with that growth. While undocumented immigrants are castigated with prison and deportation for their transgressions, businesses are treated leniently and offered assistance to continue being profitable.

Though DACA and DAPA are preferable to having no programs in place, their introduction is not enough to argue against the larger structural neoliberal changes of the federal immigration system. DACA and DAPA are executive orders from the current president to defer orders of deportation for a select few undocumented immigrants. Deferred actions are meant as a *temporary* measure until comprehensive immigration reform is achieved and do not offer a clear path to lawful permanent residence or to citizenship (American Immigration Council 2014; Immigration Equality 2015). DACAmentation can be revoked with another executive order and was recently subjected to a preliminary injunction, halting the process completely (Shear and Preston 2015). Perhaps because of



these weak foundations, in the past three years (2012–2014) only 580,946 people actually have become DACAmented, less than 5 per cent of the approximately 12 million undocumented immigrants in the United States today (USICE 2014). These actions still serve neoliberal principles; they do not attempt to change the larger system of detention and deportation. Instead, these actions only serve to stay the deportation for a few immigrants deemed more worthy because of their particular circumstances than other immigrants. As a result, immigrants are divided based on an accident of history. Over 90 per cent of DACA applicants and recipients are from Mexico, Central or South America, putting Latinos more at risk for the problems that come with this action relative to other races and ethnicities (USICE 2014).

The Latino Community and the Rise of Neoliberalism

Latinos should be especially concerned with neoliberal influences on immigration policy for three reasons: cost bearing, representation and proximity. First, Latino households are more vulnerable to the material costs of restrictive immigration legislation. In 2008, a survey estimated 59 per cent of the undocumented living in the United States were from México, and 18 per cent were from Central and South America (Passel and Cohn 2009). Immigrant problems accessing education, health care and achieving economic mobility stem from limited or restricted access to federal or state benefits (Cervantes et al. 2010; Vargas Bustamante et al. 2010). In particular, restrictive immigration policy is more likely to have an impact on the economic security of Latinos.

Second, although immigration policy affects many races and ethnicities, scholars argue immigration policy has been racialized around Latinos (Ngai 2004; Garcia-Bedolla 2009). 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 (Haddal 2011; Beamon and Bachman 2013). This issue becomes a heuristic technique used by Latinos and political parties to measure representation (Navarrette 2012; Llorente 2013). The extent to which legislators support or oppose immigration issues becomes a rough indicator of how legislators feel about Latinos.

Finally, as a panethnic group, Latinos are in closer proximity to the costs of immigration policy change relative to other racial/ethnic groups. Arnold (1990) identifies the concept of proximity as the degree to which the costs or benefits of legislation are concentrated to a group or locality. In 2010, an estimated 5.5 million children in the United States had at least one undocumented parent (Passel and Cohn 2011). Among these children, 87 per cent were from Mexico or Latin America. When immigration policy threatens the deportation of undocumented parents or acquaintances, Latinos are more likely to pay attention.

A 2013 PEW Hispanic Research national survey found 60 per cent of foreign-born Hispanics and 46 per cent “of all Hispanics said they worry *a lot* or *some* that they, a family member, or a close friend could be deported” (Lopez et al. 2013b). The same survey found that 55 per cent of Hispanics felt that unauthorized immigrants valued legal status over a pathway to citizenship (Lopez et al. 2013b). Latinos are more likely to be in contact with undocumented migrants, increasing the intensity with which Latinos “feel” the impact of federal immigration policy. Latinos are also the largest racial/ethnic group crossing the border, being detained, and being deported (Gamboa 2013). Latinos comprise 77 per cent of the approximately 12 million undocumented immigrants in the United States (Passel and Cohn 2009). If we include the families of these immigrants, the number of Latinos interacting with the US immigration system or living in fear of deportation is higher than any other racial or ethnic group. Thus, discussions of privatization, efficiency and individual responsibility are most salient to those within the immigration system: predominantly Latino undocumented migrants and their relatives. This group bears the consequences of this gestalt shift. They brave life-threatening danger crossing the Sonoran Desert and they face the neglect, and the emotional and physical abuse in detention. They die attempting to cross the border and in detention centers.

The False Promise of Efficiency and Effectiveness

In 2012, \$18 billion dollars was spent on border enforcement, more than was spent on all other US enforcement agencies, combined (Meissner et al. 2013). Yet, the government estimates an apprehension rate for unauthorized border crossers of only 40–55 per cent. The federal government is spending billions of dollars in surveillance, patrols and walls for a 50–50 chance of a border apprehension (Plumer 2013). At any time, approximately 34,000 people are placed in detention, costing between \$95 and \$200 per day, an annual cost to taxpayers of \$1.7–2 billion per year (Detention Watch Network 2012b; National Immigration Forum 2013). Given the number of undocumented immigrants in the United States, these statistics show the very small returns on the large investment on immigration enforcement.

Furthermore, instead of streamlining the detention system, private detention companies have only decreased transparency and accountability. One example of this decreased transparency is the inability to identify the exact number of facilities that detain migrants. The ICE website offers a list of eighty-four possible detention facilities (USICE 2014). In addition, the DHS rents beds from prisons and local jails (Detention Watch Network 2012a). In 2007, a FOIA request uncovered an updated list of 340 facilities where immigrants can be detained but excludes criminal and minor detention facilities from its list (Johnson et al. 2008).



Not only is the immigration system inefficient but it has also become less effective. In 2013, the American immigration system detained 400,000 immigrants, many held in solitary confinement (Rosenblum and Meissner 2014). Eight years after the 2006 Secure Fence Act, Mexican drug cartels still build transport tunnels across the border (Skoloff and Billeaud 2014). Lastly, 125 federal employees have been convicted of participating in drug smuggling and human trafficking between 2005 and 2011 (Gambler 2012). However, the ultimate example of the inefficiency of neoliberal principles may be 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 USICE and scholars have found at least 160 citizens deported by ICE (Gamboa 2009; Hendricks 2009). In 2007, Pedro Guzman, a developmentally disabled man was deported to Tijuana with three dollars in his pocket. Gomez was found after three months during which time he ate from garbage cans and bathed in canals (Becker and McDonnell 2009). ICE claims this is the only case of a citizen deportation, but it deported American citizens Mark Lyttle in 2009, Antonio Montejano in 2011 and Jakadrien Turner in 2012 (Becker and McDonnell 2009; Collins 2009; Hing 2012). American citizens George Ibarra and Blanca Maria Alfaro were each deported twice (Robbins 2011; Pearson 2013). Finally, Sigifredo Saldana Iracheta, a forty-nine-year-old laborer from South Texas was deported four separate times over the span of two decades (Sherman 2013). Neoliberal principles have not increased the efficiency, transparency and effectiveness of the immigration system but made the system more expensive and less effective.

The promises of neoliberal tenets have not materialized. Instead of a more efficient and effective immigration system, the United States has created a broken system that benefits a few private actors and disadvantages immigrants. This article problematized the influence of neoliberal principles in the execution of immigration policy. I argued that the principles of privatization, efficiency and personal responsibility fundamentally changed the government's approach and operation of our immigration system. The recent privatization of detention and border militarization has increased the cost of the immigration system as well as its inoperability and unreliability. Increasing the efficiency of the immigration system has not only led to the highest number of deportations by any president, but has also made immigration the most expensive executive undertaking in history (Meissner et al. 2013). The neoliberal principle of personal responsibility justifies the raids, abuses and deaths of undocumented immigrants, shifting attention from structural and institutional problems to individuals.

Latinos should be more concerned and vigilant about these outcomes as they are more likely to bear the costs of immigration policy change. Further, Latinos use immigration policy as a heuristic tool to measure representation and comprise the largest number of undocumented immigrants, detainees, and deportees. The discourse of neoliberalism has 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.

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About the Author

Andrea Silva is a PhD candidate in the Political Science Department at the University of California, Riverside. Her work focuses on immigration and Latin@ politics, and minority representation in the United States. Her current research investigates the factors that influence state immigration policy for undocumented immigrants. (E-mail: andrea.silva@email.ucr.edu)

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