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Interiorization and Localization: An Analysis of Immigration Enforcement in Local Contexts

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Science  
in Sociology at Virginia Commonwealth University.

By

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Dedicated to Leticia – tu viaje, coraje y fe siempre me inspirarán.

## Abstract

Immigration and Customs Enforcement (ICE) is a federal agency that plays a large role in surveilling, apprehending, detaining, incarcerating, and deporting undocumented immigrants in the United States. Due to constraints on the number of ICE's available personnel and resources, the agency relies on deputizing, or devolving to local law enforcement agencies the authority to enforce federal immigration policies. Prior to the 1990s, the enforcement of policies directed at controlling flows of undocumented immigrants was generally under the purview of federal law enforcement agencies and administrators, not state or local ones. The attacks on September, 11<sup>th</sup> 2001 represented a flashpoint, from which followed a series of significant policy changes that allowed for the possibility of local level law enforcement agencies to be folded into domains, such as anti-terrorism and homeland security- that were previously the realm of the federal government. Counties, municipalities, and localities could now choose to enter into agreements, like 287(g), with federal agencies like ICE to police undocumented immigrants and enforce federal immigration policy. This local-federal cooperation serves to multiply the scope and reach of ICE, as cooperating localities can have their law enforcement agencies function as proxies for ICE. Cooperation with ICE is voluntary and is typically either approved or rejected by local elected officials, like County Sheriffs.

This thesis seeks to shed light on possible reasons *why* a municipality, county, or locality would choose to cooperate with ICE by assessing which areas in the country have high rates of cooperation. This was done through obtaining large datasets from the Transactional Records Access Clearinghouse (TRAC), based in Syracuse University. This data contains nation-wide ICE arrest and detainer request records between 2002 and 2015. TRAC data provided information on hundreds of thousands of ICE arrest cases that involved an ICE Detainer. An ICE Detainer is an administrative hold that ICE can send to local jails, requesting the jail to keep an individual detained for an additional 48 hours if they are suspected of being undocumented so that ICE can intercept said individual. TRAC data was processed in SPSS, where descriptive statistics were run to show which localities chose to honor ICE detainer requests and at what rates they did. From these analyses, heatmaps were generated to show the geographic distribution of localities with high honor rates. Additionally, four localities were selected for more in depth case studies to help understand what sociological factors may have contributed to localities decisions to honor ICE detainers at high and low rates. Findings suggest that racial and ethnic demographic changes that decrease a white majority in a location, the concentration of certain industries that tend to employ migrant labor, and the partisanship of local officials and administrators may help explain why certain localities honor ICE detainer requests at high rates. Additionally, this research affirms claims from scholars of immigration enforcement that following 9/11, forms of local-federal cooperation aimed at hindering the settlement of undocumented immigrants happen at higher rates in the interior of the country, as opposed to in areas along the U.S Mexico Border by providing descriptive statistics and qualitative case studies of local level cooperation with ICE.

## Introduction

The question of immigration and migration is one that implicates every major social, political, cultural, and economic institution in our society. Despite being routinely framed in the language of crisis or emergency, the ebbs and flows of human beings across geographic space and geopolitical territory have been a constant feature of social and political history. There have been “waves” of immigration into the United States since the country’s birth, and every wave has, in its own way, come to be understood as both contentious and transformative for the sociopolitical terrain of the body politic. While narratives of migration underpin the cultural, social, economic history of the United States, the ways in which people experience the status of “migrant” or “undocumented” can vary quite significantly between states and municipalities across the country, especially when it comes to the experiences of deportation and *deportability*.

The goal of this thesis is twofold: to elucidate *where* in the United States, between 2002 – 2015, there were high rates of cooperation with ICE at the local level by determining the frequency by that ICE detainer requests were honored, and speculating as to *why* certain areas had high or low rates of cooperation by considering site-specific, sociological variables like racial and ethnic demographic changes, concentrations of particular industries that tend to rely on migrant labor, and the partisanship of local officials and administrators who have the discretion to facilitate a local government’s cooperation with ICE. This research contributes to a growing body of literature in both Sociology and Anthropology that suggests that following 9/11, immigration enforcement and border control has undergone a processes of “interiorization and localization”, whereby the geography of surveilling, policing, detaining, and deporting undocumented immigrants happens increasingly, and at high rates in the interior of the United

States, as opposed to along the U.S. – Mexico border (De Genova, 2008; Rodriguez, 2014).

Findings are more speculative in nature than conclusive, but case studies of some localities with high and low honor rates suggest that demographic shifts that render white residents as non-majority, concentration of industries that tend to rely on migrant labor, and local political attitudes or partisanship of officials and administrators are all variables that may help explain why some places honor ICE detainees at higher rates than others.

### **Citizenship Status and ICE**

Any debate around immigration inherently calls into question the concept of “citizenship” as both a status and an institution. The contemporary immigration debate in the United States is fundamentally a debate around who should fall within and outside the parameters of full inclusion into both the body politic and the social contract via citizenship. The debate around immigration and who should be granted citizenship is refracted through cultural, social, and political lenses – all relying on different normative assumptions over who deserves what and why.

Somers argues that, ideally, citizenship functions as the “conservator of the common good”, that the benefits that citizenship entails are ultimately designed to mobilize the state to “mediate between the citizen and the market, where it protects [the citizen] against the full consequences of unmediated market exposure” (Somers, 2008). T.H. Marshall’s widely read essay, *Citizenship and Social Class* (1950), argues that “the preservation of economic inequality is hindered by the enrichment of the status of citizenship.” For Marshall, this doesn’t mean that citizenship necessarily resists or ameliorates inequality, but rather that inequality under

capitalism may be viewed as acceptable and tolerable so long as the equality and integrity of citizenship is recognized, maintained, enforced, and arguably, policed.

While many immigrants can be considered not full citizens, there are a range of legal statuses that offer various levels of protections and access to rights. Immigration statuses can fall into four broad categories: permanent, temporary, discretionary, and undocumented (Menjivar & Schmalzbauer; 2015). This project will focus on the category of “undocumented”, as undocumented immigrants are the primary targets of the kinds of immigration enforcement carried out by ICE and other state actors that seek to hinder the settlement of immigrants across the country. This project will use the terms “undocumented” and “illegal” interchangeably, as well as the words “undocumentedness” and “illegality”.

The status of “undocumented” inherently offers little if any formal protections against pure market exposure. This is why undocumented immigrants represent perhaps some of the most economically precarious segments of the population. De Genova and Rodriguez argue that the economic precarity and political vulnerability (the inability to formally participate in politics) embodied by illegality or “illegal” status are not merely “natural” conditions of being a noncitizen, but rather intentional and political conditions assigned to undocumented immigrants *in order to* render their labor cheap, and their presence disposable (De Genova, 2002; Rodriguez, 2014). As such “illegality” or “undocumentedness” are both politically and discursively produced sociolegal statuses that serve particular political and economic interests. They are not just matter-of-fact categories, rather, they embody the social relations of the border (Nielson & Mazzadra). Social and legal statuses are produced and reproduced by institutions, organizations, policies and legal processes, among many other things.



The creation of Immigration and Customs Enforcement in 2003, shortly following the establishment of the Department of Homeland Security (DHS), ushered in an intensification of a paradigm of immigration enforcement that began in the early 1990s, that was characterized by more apprehensions, raids, and deportations of undocumented immigrants (Chomsky, 2014; De Genova, 2002; Rodriguez, 2004). Scholars argue that the modern paradigm of border control and immigration enforcement emerged from the aftermath of the attacks on September 11<sup>th</sup> (De Genova, 2002), while others analyze these policies across a longer timeline. This thesis focuses primarily on post-9/11 immigration and deportation policy, as it diverges significantly from past iterations in its form and impact. The enforcement of immigration and deportation policies today are interscalar meaning that they operate *at and between* federal, state, and local scales of governance (Varsanyi, 2008). For example, ICE carries out federally mandated raids intended to detain noncitizens. As a federal agency, they also devolve authority to, or fold in, local and municipal law enforcement agencies into the task of immigration enforcement by deputizing and utilizing their personnel and resources to surveille and detain noncitizens (De Genova 2008; Vasanyi 2008; Coleman). The insterscalar nature of immigration enforcement today, which operates largely through the devolution of authority from federal to local law enforcement agencies, results in what scholars describe as a geographic “patchwork” of enforcement, surveillance, detention, and deportation across the United States (Coleman 2008; Varsanyi 2008).

ICE represents one of the primary federal agencies that enforces contemporary border control/security policy, and as such is responsible, from 2003 and onward, for the physical detainment and deportation of more than a million noncitizens (TRAC) . ICE is routinely in the public eye and is often a primary target of immigrant-rights campaigns and advocacy groups,

whether through grassroots activism or legislative and electoral campaigns. Despite ICE's widely felt presence and high visibility as a law enforcement agency, there isn't much consistent data accessible that can help clearly illustrate the agency's movements, patterns, raids, and arrests of suspected noncitizens. This can be due partly to the agency's lack of operational transparency, but it can also be attributed to the complexity and difficulty in tracking their activity, as much of their operations rely on utilizing a network of local law enforcement agencies as proxies to arrest and detain suspected noncitizens.

Like many federal policies that are framed as "anti-crime," immigration and border enforcement policies materialize at the point of contact between undocumented immigrants and the law enforcement agents and bureaucrats who are tasked with enforcing said policies. As such, the organizational practices of ICE should be understood as the direct articulation of federal immigration/border enforcement policy. In this sense, ICE and its organizational practices can be read as an important expression of a "border regime" – a constellation of social, political, cultural, and economic agendas, trajectories, and interests that function in tandem, discursively and materially, to construct a dominant set of institutional, legal, and political practices and logics that direct the state's treatment of migrants and noncitizens (Nielson & Mazzadra, 2013; De Genova, 2008).

A critical examination of ICE and its organizational practices can help elucidate the granular mechanisms of the U.S.'s deportation infrastructure while also bringing into focus the political, cultural, and economic *tensions* that accompany the state's struggle to universalize a set of federal immigration policies. These tensions tend to flare up between municipalities, states and the federal government. Perhaps some of the most recent and visible examples of these tensions could be seen in the Trump Administration's hostility towards "sanctuary" cities and

states – that is, states and cities that refuse to cooperate with ICE to some degree . In many ways, the debates around immigration are informed by the classic tensions around local and state rights versus the reach and influence of the federal government.

The organizational goals of ICE, and the United State’s deportation machinery in general, are complicated by the level of *discretion* states, cities, and municipalities have in cooperating with and participating in federal immigration policy and the agencies that carry it out. In other words, it is not mandatory that local law enforcement agencies cooperate with ICE; local and state level governments can say no. This space for discretion is what I hope to explore through an examination of ICE and its organizational practices with a focus on the regional distribution of ICE’s activity. Why is it that some places say yes to ICE and others say no?

## **Literature Review**

Scholarship on immigration policy and enforcement is at the nexus of history, sociology, political science, geography, Chicano/a studies, citizenship studies, anthropology, and legal studies. The literature encompasses many facets of immigration policy and enforcement and their social effects, but I primarily focus my research on the scholarship around social and political *status* (“undocumented” versus “documented” or “legal”), the relationship between local, state, and federal law enforcement agencies with regard to immigration enforcement, and the literature around border regimes.

I intend to flesh out and examine the mechanisms that produce, reproduce, and enforce “illegality” as a socio-legal and political status that contextualizes the lived experiences of people who find themselves existing through the status of “illegal” or “undocumented”. This research is fixed primarily on the history and current context of the institutions, organizations,

and government agencies that facilitate the production of illegality rather than the people who embody the status. In other words, this research strives to carry out “an ethnography of a legal process rather than of a particular group” (Aneesh, 2000).

## **History**

To construct an understanding of the contemporary context of U.S. immigration policy and enforcement and its social effects, it is important to look at history. The history of immigration and U.S. border enforcement is a history of the U.S., as a nation-state, constructing physical, political, and social boundaries that delimit and constrain the movement and agency of certain subjects within the border while expelling other subjects to the outside of it . Further, a history of immigration and border enforcement also helps to illuminate the elastic nature of “citizenship” as a socio-legal and political status that directly shapes people’s relationship to social contracts (De Genova 2002; Rodriguez; Somers 2008).

Chomsky’s (2014) and Hernandez’s (2010) historical accounts of immigration and border production and enforcement in the U.S. provide a foundation for situating the current legal, political, and cultural immigration debate. For Hernández, the current context in the United States, “with respect to Mexican migrants has reached a level of intensity that harkens back to the mass expulsion of the 1930s and the 1950s, when millions were forcefully moved across the border” (2010). The history of U.S. immigration policy reveals that there is a kind of temporality associated with large-scale state sponsored projects of deportation and expulsion of migrant populations. That is, such projects tend to happen in intervals, oscillating in intensity, often in tandem with major economic or political events or crises (Chomsky, 2014 ; De Genova, 2002).

Perhaps the oldest major historic, legal, and cultural analogue to today’s current context regarding immigration, border enforcement, and projects of deportation can be found in the

aftermath of *Chae Chan Ping v. United States* in 1889. This case is important to consider when analyzing the history of immigration in the U.S., because it, for the first time, showed the Supreme Court explicitly granting Congress “[t]he power of exclusion of foreigners”, and framed such power as “an incident of sovereignty belonging to the United States as a part of those sovereign powers delegated by the constitution” (Harrington, 2017). It is here that we see how the then legally nascent language of exclusion of migrants was entangled with a racialized logic of who should be considered a desirable immigrant. *Chae Chan Ping v. United States* was ultimately a challenge to the Chinese Exclusion Act that was implemented seven years prior in 1882, a piece of legislation that is widely considered to be motivated by “virulent stereotypes of Chinese people as inferior and dangerous” (Harrington, 2017). Though these racist and xenophobic understandings of migrant populations are no longer a legally valid basis for crafting government policy, Harrington shows how the Supreme Court has never disavowed the case, and has cited it as recently as 2001 in *Zadvydas v. Davis*. The literature that critically engages with “illegality” and race largely sees “illegal” or “undocumented” as a proxy for race in terms of who is the target of contemporary border politics and projects of deportation (Chomsky, 2014; De Genova; 2008, Provine, et al).

With regards to Mexican migrants, who make up the bulk of those who are, today, affected by projects of deportation, there are historical analogues as far back as 1863, when projects of deportation aimed explicitly at Mexicans proliferated in the wake of Mexico ceding land to the United States, particularly in the region that is now known as Texas (Chomsky, 2014; Hernandez, 2010). Moving forward, large scale projects of deportation aimed primarily at Mexican populations flared up in the 1930s following the Great Depression, and in the 1950s under Operation Wetback (Chomsky, 2014; Hernandez, 2010). Hernandez argues that these

projects, or “expulsions,” were concentrated in regions where demographic pressures were salient – that is, in areas where an influx of “undesirable” migrants were perceived as a challenge to the existing racial hierarchies, especially with regard to changing labor markets and the coveting of land (Hernandez, 2010).

Chomsky (2014) observes how during the two major waves of deportation of Mexicans before 1965 (following the Great Depression and Operation Wetback in the 1950s), modern legal understandings of “illegality” or “undocumentedness” were not the rationale used in justifying deportation. It was not until 1965 that we see a legal shift towards “illegality” or undocumentedness as the necessary condition for deportation as opposed to the previous language of explicitly racialized categorization that was the norm during earlier projects of deportation. The Immigration and Nationality Act of 1965 was when, for the first time ever, numerical limits on Mexican migration (or quotas) were put into place (Jimenez, 2008). This is important to consider, because this shift established quantitative parameters on Mexican migration that were not necessarily there before. This meant that any migrants who were identified *after* the quota was met, were ascribed the status of illegal. These new parameters effectively generated the legal/illegal distinction that we, today, largely take for granted as a historically static and natural legal and political binary. Thus, the law “intensified the institutional framework that further enabled the codification of Mexicans as ‘illegals... And the newly created problem of illegality became the rationale for a huge increase in apprehensions and deportations” (De Genova, 2002; Chomsky, 2014).

### **Illegality and deportability**

Citizenship is a status that is characterized by a set of social, labor, and political relations to the state, the market, and civil society. Similarly, it is important to conceptualize “illegal” or “undocumented” as socio-legal statuses that are likewise characterized by a set of relations to the state, the market, and civil society. As De Genova repeatedly argues throughout his work on immigration and border control, “migrant illegality is a juridical status. It signifies a social relation to the state; as such, migrant ‘illegality’ entails the production of a preeminently political identity” (2002).

The salience of this political identity is that “illegality”, for those who exist through it, find that their status effectively projects the border around them in a variety of ways that function to limit their capacity for socioeconomic mobility, formal political participation, and their capacity to navigate many institutions and bureaucracies in ways that those who are full citizens may not experience (Chomsky, 2014; De Genova, 2002; Rodriguez 2009?; Mazzadra & Nielson, 2013).

De Genova (2002) and Rodriguez (2014), both argue that there are a set of political and economic interests at play in the production and reproduction of migrant illegality and criminality that can be teased out when identifying “deportability” as one of the primary lived conditions of “illegal” as a status. De Genova points out that the condition of *deportability*, not necessarily the physical act of being deported, is what valorizes (or adds value to) migrant labor as a valuable and easily replaceable labor commodity. Deportability for De Genova and Rodriguez is a unique and intense form of precarity; it is a political condition embodied through a socio-legal status that renders the labor power of a segment of the population cheap, disposable, and ultimately exploitable. They argue that deportability functions as a mechanism of discipline and social control of undocumented immigrants while simultaneously valorizing their

labor as a commodity for use in a various industries. Again, illegality is as much a labor relation as it is a political, social, and cultural one.

For undocumented immigrants who find themselves attempting to navigate the legal and juridical machinery of immigration courts, constitutional protections guaranteed to full citizens may not apply (Beckett & Evans, 2015; De Genova, 2002; Golash-Boza, 2013). Under the federal system, non-citizen defendants are often held for extended periods of time on civil charges, only to be criminally charged weeks after their arrest (Beckett & Evans, 2015). Holding them indefinitely on civil charges allows authorities to deny them the right to a criminal bond. Beckett and Evans (2015) also find that the majority of federal immigration defendants arrested by Department of Homeland Security (DHS) officers were not read their Miranda rights prior to being transferred to the federal criminal authorities (2015).

### **Framing U.S border enforcement: the devolution of discretion and authority**

With regards to the United States, Varsanyi (2008) frames the production of illegality and deportability within the context of neoliberalism by arguing that these politically and legally constructed social statuses represent the further fragmentation of social life into ever more precarious, atomized, and exploitable subjectivities. However, in the U.S., such subjectivities (illegality and deportability) are not uniformly embodied or policed. There exists a developing geography of illegality and deportability in the United States, wherein some cities, counties, and states adopt and develop policing practices that are explicitly hostile towards noncitizens while others (to varying degrees) divest from enforcing laws and adopting policing practices that specifically target non-citizens. The causes and consequences of this uneven geography of border and immigration enforcement stem from political, legislative, and legal shifts that have



historically framed immigration law as the sole jurisdiction of the federal government and executive branch, and later reframed it as within the domain of national and homeland security with authority granted to lower scales of government (De Genova, 2008; Martin, 2011; Varsanyi, 2008).

One of the most important elements of the ever-shifting terrain of immigration law is *devolution*. Devolution refers to the transfer of power, authority, and discretion from the central government to the state or local government (Jaggers, Gabbard & Jaggers, 2014). In the context of immigration enforcement and law, devolution most often describes the ways in which the authority and discretion initially held solely by federal agencies vis-a-vis immigration enforcement has been relocated to non-federal law enforcement agencies (Coleman, 2012). The devolution of authority to enforce immigration law from the federal level to the state and local levels largely occurred in the mid 1990's during what is often referred to as the "Republican Revolution" - when the Republican Party won control of both the House and the Senate after the 1994 midterm elections (Varsanyi, 2008). The slew of legislation that followed the Republican Revolution of 1994 laid the groundwork for much of the post 9/11 developments in immigration law that underpin the current context of immigration enforcement today. (Coleman, 2012; De Genova, 2010; Provine, Varsanyi, Lewis, & Decker, 2016).

Since *Chy Lung v. Freeman* (1875), the role of immigration and border law and enforcement was set to be the responsibility of Congress and the Executive Branch and not a matter to be decided by states. For the century following *Chy Lung v. Freeman*, a number of supreme court rulings reaffirmed the federal government's plenary power over immigration, membership policy and border enforcement. For example, *Mathews v. Diaz* (1976) established that "individual states could not discriminate against legal residents, but congress and the

Executive Branch could do whatever they please vis-à-vis noncitizens” (Varsanyi, 2008). Other decisions prior to 2001 invoked the Equal Protection Clause of the Fourteenth Amendment; *Graham v. Richardson* (1971) determined that states could not impose restrictions on welfare benefits for “legal aliens” that weren’t applied to citizens. *Plyer v. Doe* (1982) determined that undocumented children were to be granted guaranteed access to public primary and secondary education in all 50 states. Decades of Supreme Court decisions established a set of precedents that consolidated the authority of the federal government to be the sole arbiter and enforcer of immigration law and policy. Because the federal government had plenary power to enforce immigration law, it could effectively treat non-citizens in ways state and local level governments and agencies were not authorized to do. In other words, for most of the history of U.S. immigration law, immigrants were treated differently depending on which scale of government (federal versus state and local) they were navigating or engaging with.

As Varsanyi (2008) describes: “state and local governments were held by the courts to a ‘personhood’ standard: they were required to treat ‘immigrants as people,’ or, in other words, as persons protected by the Constitution.” On the other hand, within this paradigm the federal government had full reign to treat “people as immigrants”. This meant that when dealing with immigrants, the federal government could circumvent constitutional protections that state and local level governments were required to uphold. Thus, as Varsanyi (2008) argues, the ability to discriminate on the basis of *alienage* was only possible at the federal scale for the majority of the twentieth century.

The mid 1990’s began the rescaling of the ability to discriminate based on alienage from the federal level to the state and local levels. The Republican Revolution of 1994 saw the U.S. House and Senate flip to republican control for the first time in 40 years. What followed was the

passing of legislation that enabled the rescaling of the authority to “treat people as immigrants” to lower levels of government. Specifically, the Antiterrorism and Effective Death Penalty Act (AEDPA), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) set in motion the “blurring of long-held boundar[ies] between federal and local governments [and is] evidence of the contemporary neoliberalization of membership policy in the United States” (Varsanyi, 2008).

IIRIRA represents one of the most transformative pieces of legislation vis-a-vis immigration enforcement because it simultaneously retracted and devolved discretion to lower levels of government, effectively reconfiguring and rescaling the structure and flow of authority and discretion of immigration enforcement. State and local governments and agencies were now becoming implicated into immigration enforcement in ways that they were not before. For example, IIRIRA limited the discretion of immigration judges to block deportations on the basis of “hardships on families”; it also greatly expanded the list of criminal convictions that “could lead to the removal of lawful permanent residents”, while adding a new section, 287 (g), to the *Immigration and Nationality Act*, “authorizing the training of state and local law enforcement officers to assist the federal government in immigration enforcement” (Capps, Chishti, Gelatt, et al; 2018). Further, IIRIRA limited social and welfare rights for *all* immigrants, and “severely limited the due process rights of illegal immigrants and asylum seekers” (Hollifield, 2004).

The mid 1990s established the legal and legislative framework for the future internal policing of illegal immigration. The uneven geography of immigration enforcement that is developing today, wherein local law enforcement agencies and federal agencies cooperate to surveille, apprehend, detain, and deport noncitizens in areas far from the U.S. - Mexico border,

was in its nascent form between the mid-1990s and the attacks on 9/11. The devolution of the authority and discretion to treat “people as immigrants” (Varsanyi; 2008) from the federal level down to the state and local level also represented a reconfiguration of *where* immigrants and noncitizens would be policed, as states and localities now had newfound discretion in how they could treat and manage these populations.

9/11 represented a major flashpoint in the progression of immigration policy and enforcement in the United States. As De Genova argues throughout his body of work - the aftermath of 9/11 saw a fundamental shift in how immigration policy and enforcement was understood. Following 9/11, immigration policy became increasingly imbued with logics of national and homeland security (De Genova, 2008). Immigration, which was largely a matter of civil law, was now becoming sutured with both criminal law and national/homeland security and anti-terrorism practices (De Genova, 2008).

Immigration was being discursively constructed as a vector for terrorism in ways that it never quite was before. This had tremendous bearing on the nature of the cooperation between federal agencies and local law enforcement agencies, because many post-9/11 anti-terrorist initiatives emphasized local-federal cooperation. Immigration after 9/11 became a nexus of civil law, criminal law, national security, and anti-terrorism. De Genova (2008) contends that "the metaphysics of antiterrorism is replete with an acute and beleaguered sensibility about the instability and permeability of nation-state space and borders". Effectively, the interior of the United States -spaces of the nation which are far from the physical border - are now seen by the state as geographies to be policed and surveilled in the service of homeland security; and immigration (and by extension immigrant and noncitizen populations) becomes a primary target.

A more detailed breakdown of interiorization can be found in the discussion section of this document.

### **Deportation Regimes, Global and National context**

This section of the literature review is dedicated to synthesizing texts that articulate some key concepts found across the literature on U.S. border enforcement and immigration policy, particularly with respect to the relationship between migrant deportability and labor (De Genova, 2010). Even though these concepts are often in conversation with each other and are generally known to scholars and activists doing work on migrant justice issues and border politics, the literature and theory has yet to centralize some of these ideas and explore how they relate to one another.

If the creation of new militarized walls and borders zones by both core and periphery states alike are constitutive of an emerging post-westphalian global order (Brown, 2010), then perhaps we can begin to understand the sociopolitical regimes that function to carry out the deportation of “illegal” migrants as relatively new, innovative and increasingly “standardized instrument[s] of statecraft” (De Genova, 2010) within a new emerging global context. The contemporary *deportation regimes* that are proliferating around the world are heterogenous and are often hard to compare; however they can be understood to function by producing both political spectacles that reify narratives of crises and states of exception, as well as the political suppression, exploitation, and criminalization of marginalized populations and communities.

Despite their heterogeneity, there are similar phenomena happening regarding immigration and border politics around the world, particularly the stripping of rights and citizenship status for large swaths of former and current migrant populations. For example, in India’s northeastern state of Assam, which shares a border with Bangladesh, an estimated 4

million people have been effectively stripped of citizenship status, a majority of whom were Bengali migrants or descendants of Bengali migrants ([BBC, 2018](#)). Further legislation is now being pushed by India's ruling right-wing BJP party that seeks to differentiate incoming immigrants from Bangladesh on the basis of religion. If passed, this legislation would make it easier for Hindu, Buddhist, and Christian migrants to attain citizenship while explicitly denying pathways to citizenship for Muslim migrants ([Saberin & Gani, 2018](#)). A similar large scale retraction of citizenship status also took place in the Dominican Republic in 2013, when the nation's Constitutional Court decided that rules formalized under its new constitution in 2010 denying birthright citizenship to the children of "illegal" immigrants was to be applied retroactively - as far back as 1929 ([Katz, 2018](#)). The Dominican Republic's retroactive removal of birthright citizenship created a situation in which an estimated 200,000 people, almost all of whom were of Haitian descent, were effectively rendered stateless - holding neither Dominican nor Haitian citizenship, and thus were subject to illegalization ([Hindin & Ariza, 2016](#)).

In the United States, we have yet to see citizenship shift from *ju solis* to *ju sanguinis* as in India or the Dominican Republic (other states who have made similar transitions from birthright citizenship towards a *ju sanguinis* model of citizenship in recent history are New Zealand and Australia). However, what we do see when studying the contentious terrain of immigration politics in the U.S. (and by extension the politics of inclusion/exclusion) are similar processes of illegalization and criminalization of non-citizen status and the subsequent blocking of access to protections and rights associated with citizenship. The retraction of citizenship status for certain groups around the world, as well as the relatively recent forms of criminalization of non-citizen status in the United States function to generate hyper-precarious surplus populations and particularly exploitable labor pools (De Genova, 2010; Provine, Varsanyi, Lewis & Decker,

2016; Varsanyi, 2008). The socio-legal and political processes that function to produce migrant illegality around the world happen for varying site-specific reasons (Brown, 2010; De Genova, 2010). Local and regional ethnic tensions, geopolitical border disputes, demographic changes, growing economic precarity, and the widening influence of populist politics all may be reasons that nation states engage in both the militarization of their borders and in the legal erosion of rights and protections for certain groups within their borders. Again, despite their heterogeneity, border zones, and nation-states engaged in such processes all generate similar outcomes : the expansion of populations characterized by political and social exclusion from formal rights, protections, and institutions within the geopolitical territory that they exist. The existence of large, rightless (or “illegal”) populations represent the fundamental pretext for the articulation and development of what De Genova and others refer to as *deportation regimes*.

De Genova offers the following definition of deportation:

“deportation is in fact the expression of a complex sociopolitical regime that manifests and engenders dominant notions of sovereignty, citizenship, public health, national identity, cultural homogeneity, racial purity and class privilege...The practice of deportation and the sociolegal production of deportable populations are not limited to bilateral transactions between ‘host’ and ‘sending’ states but rather must be comprehended as an increasingly unified, effectively *global* response to a world that is being actively remade by transnational human mobility, in which state power can only perceive the freedom of movement as the index of a planetary social order that is ever more woefully ‘out of control’ and ‘insecure’”(De Genova, 2010).

Deportation is both the enforcement of policy, as well as a method of contemporary statecraft (De Genova, 2008). Brown and De Genova both shed light on the current global context as it relates to immigration – that the mass, transnational movement of people disrupt and agitate the supposed sovereignty of the nation-state as the primary actor that orders the world. However, as De Genova and others also note, the production of migrant illegality (and thus the generation of rightless surplus populations) is not only a matter of expelling or purging the body

politic of an allegedly corrupting element (although rhetorically anti-immigrant legislation is often framed in such a way), it also has much to do with what De Genova calls “inclusion through exclusion.” In other words, the creation and expansion of rightless surplus populations not only presupposes a deportation regime that seeks to expel non-citizens geographically, but also creates a context in which migrants are *included* into labor markets and social roles by virtue of their *exclusion* from the body politic and from formal rights and protections provided by the state.

Here, we can begin to theorize the form and function of the U.S. deportation regime as not solely a constellation of laws, attitudes, and policing practices whose end chime is actual deportation, but as also a regime that valorizes, modulates, and disciplines flows of labor – specifically the labor of “illegal”, rightless immigrant workers – via the production of illegality and deportability. Deportability thus renders “illegal” migrant labor an “indispensably disposable” commodity for many sectors of the U.S. and global economy (De Genova, 2010).

### **ICE and ICE Detainers as a Measure of Compliance with Federal Immigration Policy**

ICE is perhaps one of the most notorious federal agencies that enforce the border as well as engage in projects of deportation. ICE accomplishes its goals through various programs that seek the cooperation and resources of state and local governments and law enforcement. In fact, ICE does not have the resources or reach to, on its own, engage in the project of mass deportation – it fundamentally relies on implicating local law enforcement agencies via devolution in its missions in order to use as them as proxies. The clearest example of this would be the Secure Communities program that was implemented under George W. Bush in 2008. Secure Communities was ostensibly an effort to specifically target dangerous criminals who



were in the country illegally. Secure Communities does this by utilizing integrated databases to run immigration background checks on suspects booked in police stations across the county (TRAC). Secure Communities reflects an increasing dependence on integrated databases to monitor the movements of immigrants, with the goal of limiting the presence of those in the U.S. without full legal status, similar to the European Union's use of the Schengen Information and Visa Information System (Chand & Schreckhise, 2015).

This process is carried out primarily by local, city, county, or municipal law enforcement agencies who opt to share their data with ICE. Therefore, there is an element of discretion on the part of local law enforcement that would determine the efficacy of Secure Communities in its aims. Chand and Schreckhise (2015) note that “discretion over whether to detain and eventually remove immigrants flagged through the Secure Communities system is given to ICE administrators spread throughout the country. Because the decision of whether to prosecute and remove immigration violators is left to local ICE administrators, it is reasonable to question whether this has resulted in regional inequalities in the application of the law” (2015). I argue that one way to determine whether a locality complies with Secure Communities or not is whether they honor what are known as ICE Detainer requests. However, readers should consider that while the honoring of ICE detainers may signal local-federal cooperation, some states have policies in place that limit the scope of programs like Secure Communities/287(g), which in turn could put a cap on the intensity or frequency of such cooperation (Rodriguez, M. et al, 2015).

When a suspect is taken into custody, their information is transferred to the integrated databases that federal agencies like ICE use to identify and track suspected illegal immigrants. If an illegal immigrant is flagged by ICE, it triggers a detainer request. This is when ICE will contact the local jail or facility where the suspect was taken in, and request that the jail

administrators hold the suspect for up to 48 hours, including weekends and holidays, so ICE agents may come and apprehend them. These detainers are *not* currently mandatory, so localities may, and often do, choose to deny them. Because the honoring of ICE detainer requests is essential to the efficacy of programs like Secure Communities, compliance with them is a clear indicator of how certain localities may approach issues around immigration. As such, we can see a regional stratification of compliance with ICE through programs like Secure Communities that reveal spatial differences in the decision to carry out federal immigration policy (Chand & Schreckhise, 2015; Provine & Doty, 2011).

The goal of this research will be to attempt to explain these differences using available data on ICE detainers, primarily from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University. TRAC has been able to procure quantitative and geographic data regarding programs such as Secure Communities through the use of Freedom of Information Act (FOIA) requests aimed at ICE and other such agencies. Using data made available through TRAC's Immigration Project will allow for a more nuanced and clarified timeline and geographic map with which to analyze the regional differences in state and local compliance with ICE and programs like Secure Communities.

## **METHODS AND DATA**

**Data.** Data obtained from TRAC came in the form of Microsoft excel sheets that, all together, provided various details on over 1 million ICE arrests and detentions between 2002 and 2015. TRAC data provided variables for different ways local law enforcement may have complied with an ICE detainer as well as state and county information on where each case occurred. While the TRAC data set did have different variables that suggested compliance, there was no single,

straightforward variable for compliance with ICE detainers. In order to create a new variable that signaled whether or not a detainer was complied with, it was necessary to combine the two existing variables that suggested compliance: the date where ICE assumed custody of an individual after a detainer was sent, and whether or not an individual case resulted in deportation. If either of these fields had data (a date that ICE assumed custody and or a “Yes” for the case resulting in deportation), it can be inferred that the detainer request was honored. These two variables were merged within SPSS to create a new variable that was named “COMPLIANCE”. After the merge, a filter was applied to only show cases where the “COMPLIANCE” variable applied. This reduced the number of cases, as there were a considerable number where our threshold for compliance was not met. However, even with the filter applied, there were still hundreds of thousands of cases to begin to analyze.

Additionally, TRAC data had separate variables for County and State. These were merged within SPSS to create a new variable: “COUNTYSTATE”. Merging the county and state variables was necessary for being able to visualize the data in Microsoft Power BI.

In order to determine a state and county’s honor rate, descriptive statistics were run in SPSS before filtering for “COMPLIANCE” to determine the number of detainer requests sent to each location. After this, the filter for “COMPLIANCE” was applied, and descriptive statistics were run again to determine the number of detainers that were complied with in each location. Both descriptive statistical outputs were then imported into Microsoft Excel, where a rate was calculated by showing the percentage of cases that were complied with.

***Visualizing the data.*** The data visualizations (see below) were created using Microsoft Power BI, a data analytics and visualization software that also has Geographic Information Systems

(GIS) capabilities .The excel sheets that contained data from the new variables created in SPSS were imported into Microsoft Power BI, where the software’s GIS features were utilized to visually outline state and county borders, and to fill them in with shades of color that were determined by the honor rate. For example, states and counties that were highlighted and shaded dark red represented places with high honor rates. This allowed the data to be visualized in the form of heatmaps instead of spreadsheets, and provided a new way at looking at the data that more easily highlighted interesting patterns, distributions, and concentrations. In particular, visualizing the data this way helped visually support theoretical claims made in the literature review and discussion sections of this thesis around the interiorization of immigration enforcement.

***Dependent Variable: County Honor Rate of ICE Detainers.*** TRAC data was used to highlight municipalities that experience high rates of detainer requests sent to their jails. Although data on whether or not a local law enforcement agencies honored a detainer request is not reliably recorded in the data for each location, there was reliable data on whether or not apprehended individuals were turned over to ICE from a local law enforcement agency, and whether or not that individuals case resulted in deportation. As described above, combining these variables seemed to be the best way to approximate whether or not a case resulted in compliance with an ICE detainer.

Chand and Schreckhise (2015) find in their study on the regional inequalities in the application of law, that decisions by local ICE administrators “appear to reflect local attitudes towards undocumented immigrants.” The independent variables for this research will follow this logic and seek to understand which regional or local specific conditions may or may not shape a

local ICE administrator's decision to honor an ICE detainer request. The honoring of an ICE detainer request represents a crucial point of cooperation between local law enforcement Agencies and ICE, and often signals the first phase in a long legal, administrative, and carceral process that can end in the deportation of the individual who is the subject of the detainer. As such, analyzing the cooperation between local law enforcement agencies and federal agencies like ICE, operationalized through the honoring of a detainer request, may reveal which specific local political, economic, and social contexts (Coleman, 2012) bear consequence on the geographically unequal application of immigration law.

ICE arrest data compiled by the Transactional Records Access Clearinghouse's (TRAC) Immigration Project at Syracuse University was analyzed to reveal the geographic distribution of counties that have high or low rates of honoring ICE detainers between 2002 and 2015. It is important to note that the data provided to us by TRAC are limited; because TRAC data on ICE arrests, detainers, and removals are collected via Freedom of Information Act Requests (FOIA) sent to local governments, there are inconsistencies in various data points across different localities. For example, in the TRAC dataset on immigration detainers, data on whether or not a local law enforcement agency refused a detainer request was not reliably recorded by ICE across all localities. Further, the dataset that contains removal data does not indicate where an individual was arrested, only where they were deported from, which are often two different localities depending on the region. This is an important limitation, as without accurate arrest data at the local level, it will be hard to glean from the TRAC data differences in policing practices across localities. Additionally, after processing the data, a large number of municipalities that met the threshold for compliance were excluded because of the small amount of cases they had. For example, there were many counties that technically had 100% honor rates,

but this is because they only received 1 or two detainer requests between 2002 and 2015, and honored them. This was thought to skew the state averages and heatmaps, as a small number of counties with 100% honor rates (again, only having a handful of cases) would considerably boost the state average and make the heatmaps look more “hot” than they may actually be.

Despite some of the reliability concerns for certain datapoints, the TRAC data overall can provide important geographic and statistical descriptions of where detainer requests are sent, down to the municipal level, and the rate at which they are honored. Through processing and analyzing TRAC data, it was possible to compile a list of municipalities that have high rights of detainer requests sent to their local jails. From these municipalities, four were selected for more in depth case studies.

### ***Independent Variables: local and site-specific contexts***

*1. Local political attitudes:* Chand and Schreckhise (2015) make the argument that the political attitudes and dispositions of local politicians and administrators have a strong effect on the orientation of a local LEAs policing practices towards immigrants. Wong (2012) and Lewis et al. (2013) also find that counties that were Republican or conservative strongholds had a higher likelihood of enrolling in federal programs like 287(g). Understanding the local political attitudes and / or partisanship of a locality is relevant to the question of why certain regions or localities enforce immigration law differently. Data on presidential voting outcomes across localities would provide a rough sketch of local political attitudes. On the other hand, data on the partisanship of local political leaders, especially sheriffs (Farris & Holman, 2016), mayors, and city council members may serve well to articulate site-specific dynamics more detailed than presidential voting patterns. Data on local political attitudes will come from case studies of

particular counties, and will focus primarily on the partisanship of local politicians and administrators, like Sheriffs.

*2. Immigration flows/:immigrant replenishment (recent immigration):* Jimenez's (2008) work on immigrant replenishment provides a framework for understanding how "ongoing immigration shapes the extent to which ethnicity is a symbolic, optional, and inconsequential aspect of identity". His research finds that in-group and out-group boundaries are reinforced by the large presence of immigrants. For Mexican-Americans in his research, living somewhere with a large Mexican immigrant population rendered palpable the boundaries between Mexican Americans and non-Mexicans. This boundary meant that Mexican Americans experienced their ethnicity in ways that were more than just symbolic; "they felt the direct effects of nativist sentiment aimed at immigrants." In some cases, the context of heavy Mexican immigration meant that participants in his research experienced their legal status being called into question based on their ethnicity, particularly individuals with darker skin. It may be possible that a large relative presence or increase in immigrant populations could have an effect on local-level policy's towards immigration enforcement. Chand and Schreckhise (2015) find that inequalities in the application of immigration law do not vary randomly across jurisdictions, rather, they "appear to reflect local attitudes towards undocumented immigrants". The relative presence or influx of immigrants may condition the attitudes of local-level administrators who have the discretion to cooperate with ice.

*Local industries:* The presence of industries that may rely heavily on migrant labor could have an impact on decision making with regards to ICE and immigration. However, it is unclear whether that impact would manifest through favoring increased policing of migrants or opposing

it. De Genova (2007) and others routinely argue that U.S. immigration policy and enforcement functions not only to physically expel and exclude migrants from the country, but for them, more importantly, carries out the crucial task of modulating flows of inexpensive, flexible migrant labor that fuel industries and sectors like food production and agriculture, construction, and service and hospitality (Varsanyi, 2008).

De Genova's (2008) and Rodriguez's (2014) reading of "deportability" is that it is a social condition that renders migrant labor cheap and exploitable. Deportability as a lived, social condition is necessarily presupposed by a deportation regime that produces and reproduces this condition through policies and programs like Secure Communities, which functions through the cooperation between local LEAs and federal agencies like ICE. If the more critically oriented theories regarding the policing of migrants hold true, then the presence of industries that exploit migrant labor would *not necessarily* function as a bulwark against aggressive immigration policy, but rather, would rely on such policies to reproduce deportability as a condition that generates cheap migrant labor as a valuable commodity.

Understanding the presence and effect (or lack thereof) of local industries on the policing of immigrant communities is a question that seems underdeveloped in the literature on immigration policy enforcement and deportation. Local industries may be a confounding variable that can help explain why certain regions and municipalities cooperate with federal immigration agencies differently. Data on local labor markets and the concentration of industries that tend to rely on cheap, migrant labor was gleaned from the Bureau of Labor Statistics, as will be demonstrated below, suggests that in some areas, the high concentration of a particular industry may be a confounding variable that can explain high or low rates of honoring ICE detainees.



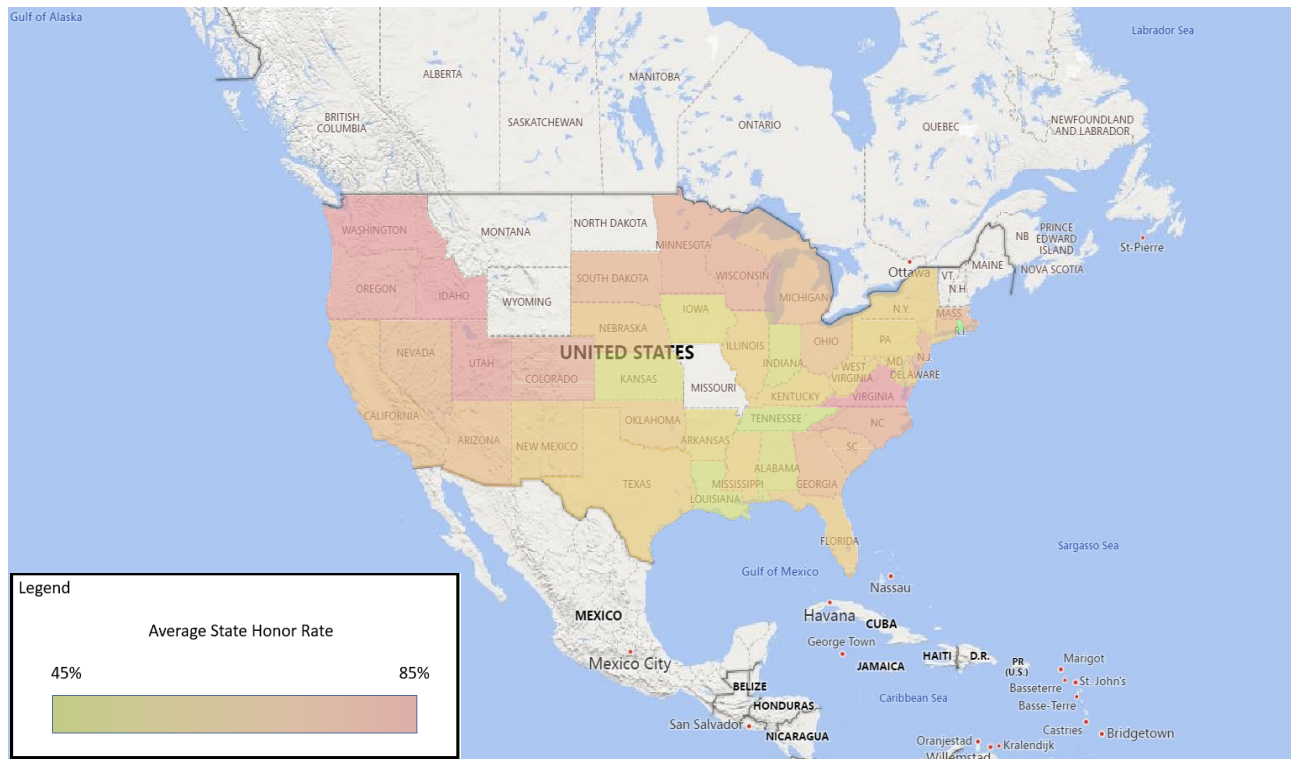
*Demographics:* The racial and ethnic composition of localities that receive high rates of detainer requests are necessary to consider. Native and non-native Latinx populations contain the highest number of immigrants targeted by programs like Secure Communities and 287(g). Nguyen and Gill (2016) find in their comparative case study between two counties in North Carolina and their contrasting implementation models vis-à-vis immigration enforcement, that changes in the racial and ethnic composition of localities drive public dialogue and concern over immigration. In their study, the relatively quick and large increase in these counties Latinx populations prompted differing state responses to political concerns arising from demographic changes, one being more punitive, another falling more in line with “sanctuary” policies. Data not only on the racial and ethnic composition of localities sampled for this study are necessary, but also the relative increase or decrease of certain groups over time must be considered, as these changes are relevant to the urgency of public dialogue and policy debates over issues of immigration. This data was gleaned from the Census.

## **Findings**

Using data obtained from TRAC on ICE detainers between 2002 and 2015, processed and cleaned in SPSS, and imported into Microsoft Power BI, I generated heatmaps that show where in the United States ICE detainers are honored at both the state and county level. This spatial analysis affirms Rodriguez’s and De Genova’s assertion that immigration and border enforcement occurs not only, or even primarily along the U.S. – Mexico border, but also at high rates in the interior of the country. Rodriguez refers to this phenomenon as the “interiorization and localization of immigration enforcement and border control” (2014). De Genova (2008) refers to this trend of interior enforcement as a manifestation of the “national-security state”,

where the homeland (or interior) is recast as a geography that is to be policed, surveilled, and protected from outside threats, which are often discursively located within the broad category of “immigration”.

*Fig. 1 State level heat map of ICE Detainer Honor Rates between 2002-2015*



The above heatmap shows the honor rates for ICE detainers by state. States highlighted from light to dark red represent states that have high rates of honoring ICE detainers (generally a 75% or above honor rate), All other, clearly non-red states, had honor rates ranging from 40% - 74%. The one outlier was Rhode Island, which had the lowest honor rate at 31.5%. This spatial analysis shows that on the state level (again, between 2002 and 2015), states that had the highest rates of honoring ICE detainers tended to be those within the interior of the country like Washington, Oregon, New Jersey, and Virginia, among others.

State level rates were calculated by averaging the honor rates of all the municipalities listed in the TRAC data within each state. This map does *not* show the number of detainees (whether honored or not) that are sent to each state. Figure 2 presents another way to look at this data.

*Fig 2. Total ICE Detainers Sent to State by Average State Honor Rate between 2002 - 2015*

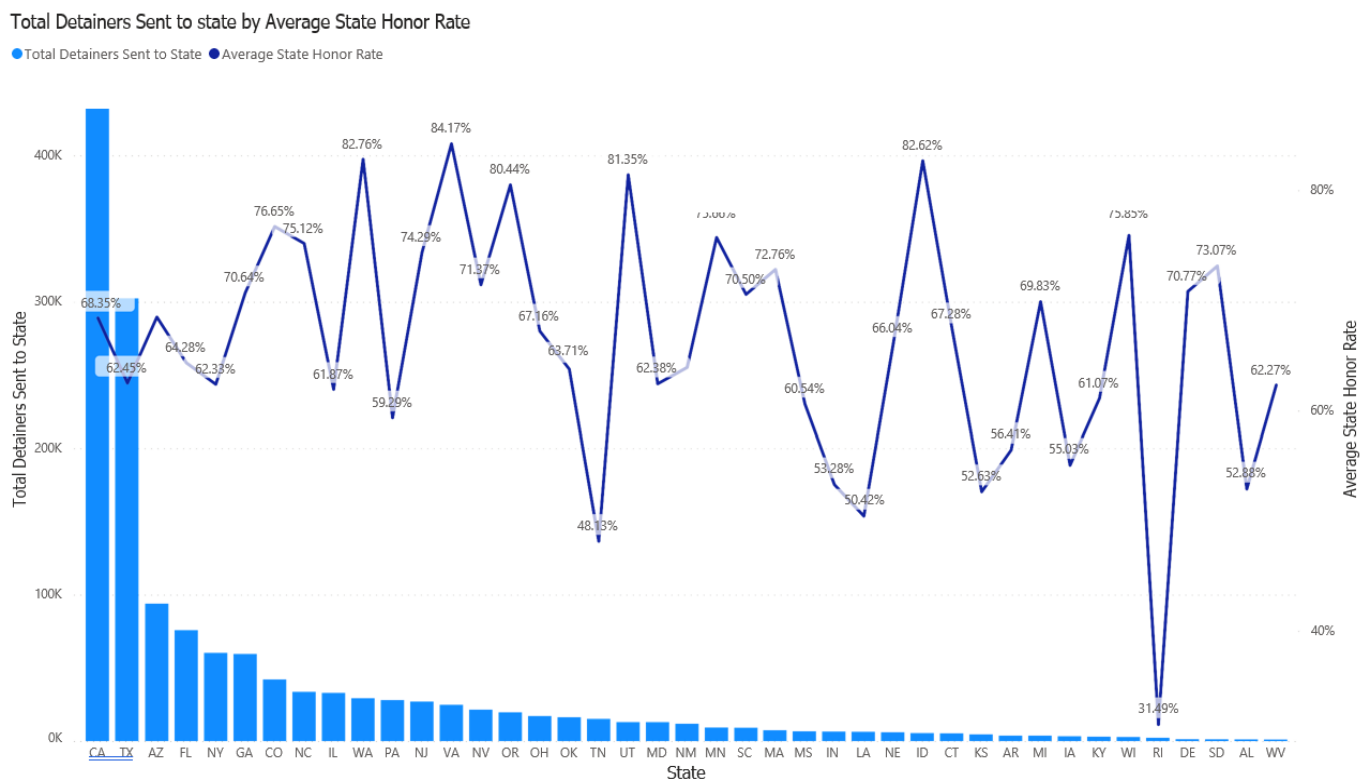


Figure 2 shows the total number of detainees sent to each state, whether honored or not (columns), and the corresponding honor rates for said states (line). While states like California and Texas have large numbers of detainees sent to them, their honor rates are lower than interior states like Washington or Virginia. In absolute terms, it should be assumed that more detainer requests are honored in states like California or Texas than Virginia or Washington due to the sizes of the former states populations and law enforcement agencies, but that the honoring of an ICE detainer *may* be more likely to happen in municipalities located in interior states with

higher honor rates. Figure 2 demonstrates that the states with the highest honor rates (above 75%) are:

Virginia – 84.17%

Washington – 82.76%

Idaho – 82.62%

Utah – 81.35%

Oregon – 80.44%

Colorado – 76.65%

Wisconsin – 75.85%

Minnesota – 75.66%

North Carolina – 75.12%

*Fig 3. ICE Detainer Honor Rate by County between 2002 - 2015*

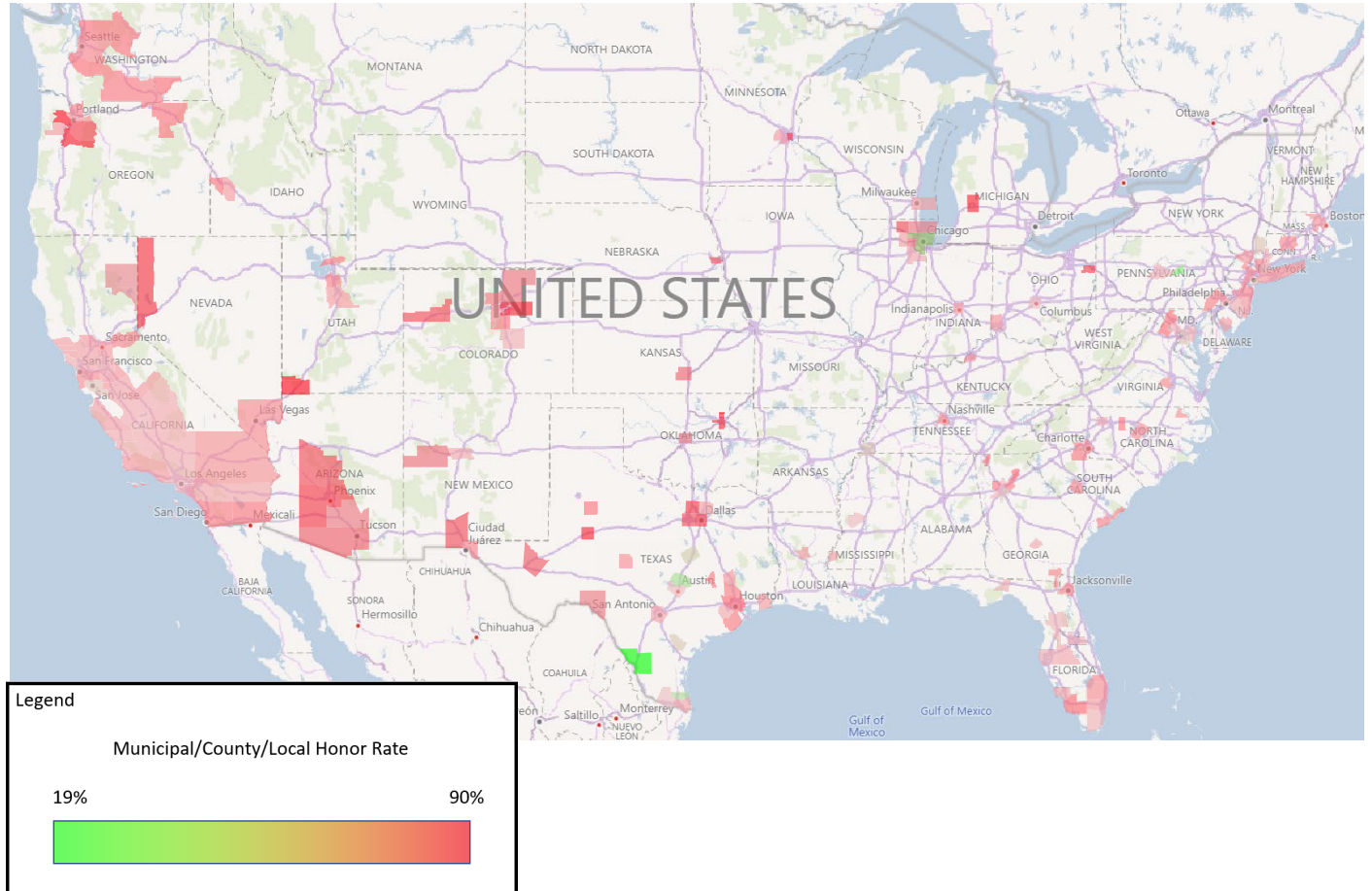


Figure three shows a breakdown of honor rates by county. Dark red counties represent places with high honor rates (above 70%) while lighter red shows ones represent places with “medium” rates (between 25-69%). Green areas show counties with low honor rates (below 25%). Based on a spatial analysis of TRAC data, areas with the highest honor rates tended to be in the interior of the country.

## Case Studies of Interior and Border Counties

### *Yakima County, Washington*

Yakima County, in Washington state has an honor rate of 85%, slightly higher than the state's average (82.76%). Yakima County is a locality whose cooperation with ICE via honoring detainer requests may be explained by the following variables: the increase in Hispanic/Latinx population over time coupled with the decrease in the white population to non-majority status (Pew Research Center, 2019), and the significantly high concentration of low-wage, agricultural workers (Bureau of Labor Statistics, 2010) . According to the Pew Research Center (2019), The White population of Yakima County decreased by 14% between 2000 and 2018, meaning that white residents found themselves for the first time as a non-majority group; in 2018 they represented 49% of the population, where in 2000 they represented 58%. In 2010, census data indicated that Yakima County's population was 51.8% Hispanic or Latino. According to the Bureau of Labor Statistics, in 2010, Yakima County had a concentration of 20.6 times as many agricultural workers as the rest of the country, in particular graders and sorters of agricultural products were 82.6 times more concentrated in Yakima County than the rest of the country.<sup>1</sup>

### *Loudoun County, Virginia*

Per TRAC data, Loudoun County, Virginia had among one of the highest rates of honoring ICE detainees in the country, at 90%. Unlike Yakima County, which had a uniquely high

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<sup>1</sup> The Bureau of Labor Statistics provides a data point called a "Location Quotient", which represents a municipalities concentration of a type of employment or labor relative to the rest of the country. The Location Quotient is useful for understanding how important a certain industry is to a particular area or municipality. A Location Quotient of 1 for a category of employment or labor, for example, would mean that that municipality has a concentration of that category equal to the average for the rest of the country. In the case of Yakima County, Washington, the category of "Agricultural Workers, All Other" had a Location Quotient of 20.6, and the category of "Graders and Sorters, Agricultural Products" has a Location Quotient of 82.6, indicating a very high concentration of these kinds of workers relative to the rest of the country.

concentration of agricultural workers, Loudoun County, per BLS data, did not seem to have high concentrations of industries that tend to employ immigrant labor, such as construction, non-management level agricultural labor, or domestic labor. Additionally, while census data did show a more than doubling of Hispanic or Latino residents between 2000 (5.9%)<sup>i</sup> and 2010 (13.9%), the Hispanic/Latino population is far from displacing Whites as the majority demographic (Loudoun County, 2009; Census, 2010).

Loudoun County did, however, experience huge population surge. Between 2002 and 2015, Loudoun County's population grew by nearly 84%. While non-white and foreign-born demographics accounted for part of this growth, the demographic that contributed the most to this growth was an influx of White residents (The Census Bureau's Population Estimate Program).<sup>ii</sup>

Seeing as how Hispanic/Latino residents and immigrants were not primary drivers of Loudoun County's huge population surge, and that the county did not have unusually high concentrations of industries that tend to rely on and exploit migrant labor, the explanation for Loudoun County's high rate of honoring ICE detainees may be in the realm of political partisanship as well as the County's proximity to *other* municipalities, such as Prince Williams County, Virginia (one of the first municipalities after Maricopa County, AZ, which opted to participate in 287(g)), that are well known for their anti-immigrant ordinances. During this timeframe, (between 2002-2015), Loudoun County's municipal government grew increasingly divided amongst partisan lines, and bombastic political figures, particularly on the Right, may have tapped into an anti-immigrant sentiment for political capital and legitimacy.

It is also worth noting that Northern Virginia, more broadly, is often construed by both law enforcement and local/regional politicians as struggling with the threat of gang violence,

particularly with gangs like MS-13, which are linked in popular discourse to illegal immigration due to the perception that gang members are primarily Central American immigrants. For Loudoun County, interiorization and localization of immigration enforcement may be best explained using De Genova's concept of the National Security state: that high rates of honoring ICE detainees in Loudoun may not be driven by demographic shifts or concentrations of industry, but rather by anxieties around public safety and crime that are discursively linked to immigration writ large, and function as a source of political capital for local politicians and elected officials.

#### *Gwinnett County, Georgia*

Gwinnett County, Georgia is a municipality whose high honor rate of 83% may be explained by a combination of both relatively fast demographic shifts and local policies and ordinances that seek to prohibit the settlement of immigrants though linking their presence in the community with anxieties around crime and safety. Between 2002 and 2015, Gwinnett Counties population grew by 38.4%. While this population increase is not as dramatic as Loudoun County's, it differs in that this growth was driven primarily by an increase in Black, Latinx, and Asian residents, not White residents (as was the case in Loudoun County). Between 2002 and 2015, the white population dropped 22 percentage points: from composing 61.9% of the population in 2002 to 39.8% in 2015. For the first time (according to available census data), White residents no longer constituted a demographic majority in the county (The Census Bureaus Population Estimate Program). <sup>iii</sup>

Along with six other counties in Georgia during this timeframe, the Gwinnett County Sheriff's department opted to participate in the 287(g) program. According to TRAC Data, out of



all six counties, Gwinnett County was responsible for the highest number of honored ICE detainees, more than doubling the amount of the next highest county in the state (Asian Americans Advancing Justice Atlanta).<sup>iv</sup> For over two decades, Gwinnett County's Sheriffs Department was lead by Butch Conway, who, according to local and national immigrant advocacy organizations, had a clear and demonstrable anti-immigrant disposition during his 24 year tenure (which ended in 2020). Like other elected officials in counties that have opted to participate in 287(g), anti-immigrant sentiment and policy proposals functioned as sources of political capital for right-wing candidates.

#### *Webb County, Texas*

Webb County, Texas which is located along the Texas-Mexico border, represents a somewhat counterintuitive case: the spatial and descriptive analysis of TRAC data shows that Webb County is one of the municipalities with the lowest rates of honoring ICE detainees, at 19% between 2002 and 2015. What makes Webb County interesting and worthy of further investigation for future research is that it is adjacent to other Counties along the border that honor ICE detainees at more than double the rate, like Hidalgo County (55%), Val Verde County (61%) and Bexar County (61%). Two variables may help explain Webb County's low honor rate: its population has consistently been over 90% Latinx (The Census Bureau's Population Estimates Program), and it has historically been a regional stronghold for the Democratic Party, which in many (not all) cases tends to be less zealous in materializing local-federal cooperation around immigration enforcement. In short, Webb County, Texas may have a higher degree of local politicians and administrators coupled with a majority Latinx population, creating an environment where ICE Detainers may not be as readily or enthusiastically honored as is the case in other counties in

Texas. An important caveat to consider however, is that while ICE Detainers may be honored at a lower rate in Webb County, other forms of anti-immigrant exclusion are still present, particularly around the detainment and deportation of migrants apprehended crossing the border from Mexico (Salant, T, et al, 2008). For these migrants, ICE Detainers would be less likely to be issued, as they would be more likely to interface directly with federal border patrol agents instead of local law enforcement.

### **Discussion and Limitations**

Ultimately, this research project contributes to existing literature and research on local-federal cooperation in the domain of immigration enforcement. This research builds off of and is in conversation with Rodriguez's and De Genova's work around immigration enforcement in the interior of the country. The interiorization and localization of immigration enforcement manifests in many ways and is not uniform across states and localities, however, there are common tactics that localities in particular employ to render difficult the settlement of immigrants. Some common ways such enforcement in the interior plays out is through local ordinances that seek to prohibit immigrants employment through sanctions on employers who hire undocumented immigrants, ordinances against seeking employment on the street, which impacts many undocumented day laborers, and prohibitions on housing, ranging from sanctions on landlords who rent to undocumented immigrants to the criminalization of "stacking", where the number of residents in a household exceeds the maximum number of residents allowed to occupy a single residential property (Rodriguez, 2014).

Additionally, the localization of immigration enforcement can also be carried out by the devolution of authority to street level bureaucrats and administrators to inquire about an

individual's immigration status and subsequently report anyone undocumented to law enforcement. There have been plenty of examples of this across the country where public school officials have either sought to find out the legal status of students or their parents, for instance (Rodriguez, 2014). According to one study, forty-four percent of localities in the United States have passed at least one ordinance that either directly or indirectly targets undocumented immigrants (Esbenshade & Obzurt, 2007-2008).

I have presented possible explanations for high rates of honoring ICE detainees in three interior counties and a particularly low rate in a border county. The case studies, while not exhaustive, support Rodriguez's and De Genova's theoretical claims that post 9/11 immigration enforcement may be particularly pronounced in the interior of the country. Understanding why certain municipalities honor ICE Detainers at a high rate is a complex task. The variables used in this thesis to help explain high and low honor rates should be understood as speculative yet warranting of further research. Demographic changes, population growth over time, high concentrations of industries that rely on cheap, migrant labor, and the political climate that informs choices made by local politicians and administrators can be useful variables to consider theoretically, but these phenomena vary considerably by geographic context, and often overlap and inform each other in complex ways.

As such, the major limitation of this research project is that it is more speculative than definitive. I have attempted through spatial analysis to elucidate *where* local-federal cooperation existed at the municipal and county level between 2002 and 2015, and offered possible variables that can help explain *why* cooperation was particularly pronounced in certain places. Additionally, readers should consider that the honoring of ICE Detainers is only one of many ways that municipalities can facilitate or hinder the settlement and inclusion of undocumented

immigrants; just because a location has a high or low honor rate does not necessarily mean other forms of exclusion don't impact the everyday lives of undocumented immigrants.

## Works Cited

- Ariza, Z. H. (2016, May 23). When Nativism Becomes Normal. Retrieved from <https://www.theatlantic.com/international/archive/2016/05/dominican-republic-la-sentencia/483998/>
- Aneesh, A. "Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency:Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency." *PoLAR: Political and Legal Anthropology Review*, vol. 27, no. 1, 2004, pp. 142–143., doi:10.1525/pol.2004.27.1.142.
- Brown, W. (2010). *Walled states, waning sovereignty*. New York: Zone Books.
- Chand, Daniel E., and William D. Schreckhise. "Secure Communities and Community Values: Local Context and Discretionary Immigration Law Enforcement." *Journal of Ethnic and Migration Studies*, vol. 41, no. 10, 2014, pp. 1621–1643., doi:10.1080/1369183x.2014.986441.
- Chomsky, Aviva. *Undocumented How Immigration Became Illegal*. Beacon Press, 2014.
- Coleman, M. (2012). The "Local" Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South. *Law & Policy*, 34(2), 159-190. doi:10.1111/j.1467-9930.2011.00358.x
- Genova, Nicholas P. De. "Migrant Illegality and Deportability in Everyday Life." *Annual Review of Anthropology*, vol. 31, no. 1, 2002, pp. 419–447., doi:10.1146/annurev.anthro.31.040402.085432.
- Genova, Nicholas De. "The Production of Culprits: From Deportability to Detainability in the Aftermath of Homeland Security." *Citizenship Studies*, vol. 11, no. 5, 2007, pp. 421–448., doi:10.1080/13621020701605735.

- Golash-Boza, Tanya. "A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail." *Sociology Compass*, vol. 3, no. 2, 2009, pp. 283–294., doi:10.1111/j.1751-9020.2008.00192.x.
- Gonzales, Roberto G. *Lives in Limbo Undocumented and Coming of Age in America*. University of California Press, 2016.
- Harrington, Ben. *Overview of the Federal Government's Power to Exclude Aliens*. Congressional Research Service, 27 Sept. 2017.
- Hernández, José Angel. "Contemporary Deportation Raids and Historical Memory." *Aztlan: A Journal of Chicano Studies*, pp. 115–142.
- Hollifield, J. F. (2004). *The emerging migration state*. Source: *International Migration Review* (Vol. 38).
- India Assam: Will four million people really be deported? (2018, August 09). Retrieved from <https://www.bbc.com/news/world-asia-india-45082757>
- Jaggers, J., Gabbard, W. J., & Jaggers, S. J. (2014). The Devolution of U.S. Immigration Policy: An Examination of the History and Future of Immigration Policy. *Journal of Policy Practice*, 13(1), 3-15. doi:10.1080/15588742.2013.855695
- "Latest Data: Immigration and Customs Enforcement Removals." Transactional Records Access Clearinghouse (TRAC) - Comprehensive, Independent, and Nonpartisan Information on Federal Enforcement, Staffing and Funding, [trac.syr.edu/phptools/immigration/remove/](http://trac.syr.edu/phptools/immigration/remove/).
- Katz, J. M. (2018, November 12). What Happened When a Nation Erased Birthright Citizenship. Retrieved from <https://www.theatlantic.com/ideas/archive/2018/11/dominican-republic-erased-birthright-citizenship/575527/>

- Martin, L. (2011). The geopolitics of vulnerability: children's legal subjectivity, immigrant family detention and US immigration law and enforcement policy. *Gender, Place & Culture*, 18(4), 477–498. <https://doi.org/10.1080/0966369X.2011.583345>
- Mezzadra, Sandro, and Brett Neilson. *Border as Method, or, the Multiplication of Labor*. Duke University Press, 2013.
- Provine, Doris Marie, and Roxanne Lynn Doty. "The Criminalization of Immigrants as a Racial Project." *Journal of Contemporary Criminal Justice*, vol. 27, no. 3, 2011, pp. 261–277., doi:10.1177/1043986211412559.
- Race and Ethnic Characteristics - Loudoun County*,  
[www.loudoun.gov/DocumentCenter/View/56970/a11---Race-and-Ethnic-Characteristics](http://www.loudoun.gov/DocumentCenter/View/56970/a11---Race-and-Ethnic-Characteristics).
- Rodriguez, Robyn Magalit. "The Interiorisation and Localisation of Border Control." *New Border and Citizenship Politics*, 2014, doi:10.1057/9781137326638.0012
- Salant, Tanis J., et al. *Undocumented Immigrants In U.S. - Mexico Border Counties: The Costs of Law Enforcement and Criminal Justice Services*, July 2008,  
[www.ojp.gov/pdffiles1/nij/grants/223285.pdf](http://www.ojp.gov/pdffiles1/nij/grants/223285.pdf).
- Saberin, Z. (2018, October 23). India's Assam shuts down over plans to amend citizenship law. Retrieved from <https://www.aljazeera.com/news/2018/10/india-assam-shuts-plans-amend-citizenship-law-181023093929969.html>
- Somers, Margaret R. *Genealogies of Citizenship Knowledge, Markets, and the Right to Have Rights*. Cambridge University Press, 2008
- Varsanyi, M. W. (2008). Rescaling the "Alien," Rescaling Personhood: Neoliberalism, Immigration, and the State. *Annals of the Association of American Geographers*, 98(4), 877-896. doi:10.1080/00045600802223341

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