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### **The Understandings and Human Cost of ‘Prevention Through Deterrence,’ as seen amongst advocates in the United States and Mexico**

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The Understandings and Human Cost of 'Prevention Through Deterrence,' as seen amongst  
advocates in the United States and Mexico

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17 May 2019  
ISP Final Paper

## Table of Contents

- a. Abstract
- b. Introduction
  - I. From Open Borders to Anti-Immigrant Backlash
  - II. Gatekeeper Era
  - III. Introduction of 'Prevention Through Deterrence' in 1994
  - IV. Research Question
- c. Theoretical Motivation
  - I. Criminal Law Context
  - II. Weaponizing the Land
  - III. Extension of 'Prevention Through Deterrence'
  - IV. Why Implement 'Prevention Through Deterrence' To Begin With?
  - V. Do tougher border controls impede migration flows?
  - VI. Intended/Unintended Consequences
- d. Empirical Approach
  - I. The Choice to Use Ethnographic Data
  - II. Positionality
  - III. Broader Limitations and Challenges
- e. Data
- f. Findings
- g. Conclusion
- h. Works Cited
- i. Appendix I-IV
- j. Acknowledgements

## **Abstract**

In the last two years of President Donald Trump and his administration, immigration and border regulations between the United States (US) and Mexico has become one of the most decisive and hottest political issues. This political struggle has brought into question US border practices and strategies such as physical barriers, denial of entry, detention, and, most importantly, how the US should respond to immigration. In reality, though, this question has existed since immigration along the US-Mexico border began.

In this paper, I examine a 1994 US Border Strategy, first introduced under President Bill Clinton, called ‘Prevention Through Deterrence.’ This border strategy was one of the first stances that the US government took to begin curbing immigration and closing the border. My research question focused on the understandings and ramifications of this US border strategy amongst advocates in the US and Mexico.

Using interview data and existing literature, I demonstrate that ‘Prevention Through Deterrence’ is: (1) the driving force behind recent policies such as family separation, detention, and criminalization; (2) a strategy founded on false choices; and (3) an imprisonment of non-criminal spaces. Overall, my findings came together to question the legality of ‘Prevention Through Deterrence’ and highlight the human cost, personal narratives, and cruelty attached to this border strategy.

## **Introduction**

### **I. From Open Borders to Anti-Immigrant Backlash**

While immigration between the United States (US) and Mexico has persisted throughout the last few decades, these decades are distinct based on their corresponding immigration

policies. The first period of immigration is defined by its link to the US' industrialization. As industrialization in the US grew, so did the necessity for laborers; this rapid industrialization led to the recruitment for Mexican laborers. Thus, the early 1990's reflects a period in which the US was viewed as having an open border policy that encouraged migration flows—legal or illegal (Spotts 2002). During this time, almost half of all undocumented crossings occurred along the first 14 miles of the border inland from the Pacific Ocean (Hinkes 2008).<sup>1</sup>

This influx of labor was formalized through a series of US laws and policies that resulted in The Bracero Program; this program brought thousands of Mexican migrants to the US to work in the labor force. At its peak, Bracero ushered in 450,000 Mexican migrant workers (Spotts 2002).

However, the inflow of laborers also led to growing anti-immigrant sentiments across the US, particularly in the southwest border regions like Texas, Arizona, and California. The public began expressing “fears [that] the undocumented migrants undercut wages, consumed social services, and contributed to crime” (Cornelius and Salehyan 2007, 142). It did not take long for the growth of these xenophobic beliefs, regarding wages, social services, and crime, to impact US border strategies and US Border Patrol (USBP) organizing and funding.

## II. Gatekeeper Era

An example of this impact was highlighted in El Paso, Texas, where the regional chief of USBP, in an overnight-effort to curb daily migration, motivated consequent US border strategies

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<sup>1</sup> In an effort to move away from dehumanizing immigration language, I have decided to only use phrases such as “undocumented” and “noncitizen,” when referring to crossings and immigrants who are in the United States without citizenship. I have tried to the best of my ability to remove or alter phrases such as “illegal” and “alien” from the scholarship that I use, as indicated through ellipses and brackets, as well; however, when citing the law or official government reports, I have decided to keep the language as it was written. This decision is an intentional effort to replicate the government language in order to emphasize the terms through which the government understands, views, and passes judgement on immigration and migrants. Having said this, I want to use this space to reiterate that I do not support the usage of these terms.

through what he called Operation Blockade. In response to community concerns about immigration, Operation Blockade used USBP agents to physically create a blockade to prevent temporary laborers from crossing a heavily used section of the border (Nasser and Hunte 2018). And, it worked. People were prevented from crossing. At first, the news of Blockade across the country was met with controversy and outrage. However, it turned out that people living in El Paso, who were anti-immigrant, had responded positively (Nasser and Hunte, 2018).

During this time, California's government also began to take matters into their own hands through state law. They responded to these calls to stop undocumented crossings by introducing local legislation called Proposition 187, which was colloquially referred to as 'Save Our State'. This anti-immigrant legislation "proposed to deny public education from elementary to postsecondary levels, social services, and public health care (excluding emergencies) to unauthorized immigrants" (Provine and Doty 2011, 604). In 1994, this ballot initiative passed with 89% of the vote (Provine and Doty 2011).

Between community members' support for Operation Blockade and the passing of Proposition 187, the US federal government—specifically President Bill Clinton, who was nearing reelection—understood that frustration regarding immigration had begun "to boil over" (Spotts 2002, 603). Moreover, President Clinton understood that this immigrant "backlash loomed as a potential threat" to his reelection (Provine and Doty 2011, 603). To ensure California's votes, the Clinton administration needed to respond to this 'threat' and the 'public frustration' (Provine and Doty 2011, 604). Ultimately, they did this by extending the strategy of Operation Blockade to more areas along the border.

The decision to extend Operation Blockade marks—what many scholars view as—the beginning of a second phase of immigration, which has been coined as the Gatekeeper Era.

Following Operation Blockade, El Paso began ‘Operation Hold the Line’ in 1993 and San Diego began ‘Operation Gatekeeper’ in 1994. These operations later spread to other portions of the border regions of Texas, California, and Arizona such as Tucson and Rio Grande. I will return to this idea later in the paper; however, to put it simply, these operations reversed portions of the border that were historically seen as the most permeable to the least permeable (Hinkes 2008, 16). Needless to say, this change has had tremendous impacts on migrants’ experiences crossing the US-Mexico border.

### III. Introduction of ‘Prevention Through Deterrence’ in 1994

While the timeline of these Operations remains disputed, all of the efforts of the Gatekeeper Era dovetailed in the mid-to late 1990’s when President Clinton declared that the country “must stand firm against illegal immigration and smugglers who exploit and trade in human hopes and dreams” (Spotts 2002, 614). This ‘firm stance’ was, soon thereafter, introduced by President Clinton as ‘Prevention Through Deterrence,’ “a militarized border operation” (Hagan and Phillips 2008, 83).

In the years since ‘Prevention Through Deterrence’ was announced, it has taken on many forms and meanings. However, at this point in the paper, I define this border strategy as it was first interpreted: a means of weaponizing the land by funneling migrants into the most dangerous portions of the US-Mexico border with the hopes of decreasing the number of migrants who are willing to try cross the border. It is essential to understand, though, that this border strategy was never outlined in a policy memo. I am going to return to the importance of this, but, needless to say, the lack of such a memo has made the strategy challenging to define and understand. In fact, ‘Prevention Through Deterrence’ is easiest understood as an adopted motto by the government for this period of US border strategies (Interview #1 2019).

In contrast to this, largely representative and, thus, undefined, strategy, there were a multitude of concrete changes made within USBP. For the most part, these changes were illustrated through USBP budget and employment increases. In September of 1993, the number of agents employed by USBP was 3,965. In September of 2006, this number had risen to 12,349 (Cornelius and Salehyan 2007). Similarly, in the fiscal year (FY) of 1993, USBP's budget was \$363 billion and, by FY 2013, this budget had grown to \$3.5 billion (Cornelius and Salehyan 2007).

It is important to note that this USBP budget, like the one granted to Immigration and Customs Enforcement (ICE), is only a piece of DHS' (Department of Homeland Security) more general budget for Customs and Border Protection (CBP), which has also grown by \$6 billion dollars between FY 2003 and FY 2013 (Cornelius and Salehyan 2007).<sup>2</sup> Overall, these increases have added up to mean that "[since] the last major overhaul of the US immigration in 1986, the federal government has spent an estimated \$186.8 billion dollars on immigration enforcement" (Cornelius and Salehyan 2007, 212). Since 2013, these statistics regarding the number of agents employed by USBP and federal immigration agencies' budgets have only continued to grow.

#### IV. Research Question

While the economic impacts of 'Prevention Through Deterrence,' and its ensuing era of closing the border, are clear, the policy implementations, perceptions, and implications attached to the border strategy remain more obscure. For instance, has this strategy of deterrence been effective? What does "effective" mean in this case? What policy measures are included in the strategy? How does—to only name a few—family separation, detention, racism, and longer

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<sup>2</sup> To reiterate, this shared budget exists because U.S. Border Patrol (USBP) is under U.S. Customs and Border Protection (CBP). While CBP is responsible for enforcing ports of entry, USBP is charged with patrolling international land borders.



criminal sentences relate to this border strategy? Or, was it only meant to describe physical barriers alongside the border? And, finally, what has the human impact and cost been of this strategy?

Existing scholarship has focused on the contextual factors, results, and specific implications of this strategy. This has included scholarly research on the criminal law derivation and motivation behind ‘Prevention Through Deterrence,’ the process of implementing the strategy, its effectiveness, and its outcomes—both intended and unintended. Many of these publications find measures that are quantifiable, through surveys, previously published data on migration levels, or anecdotal, to understand this border strategy and draw conclusions.

However, little scholarship has been dedicated to the human perceptions and cost of this policy beyond examining the number of migrant deaths. Few scholars have examined the current state and usage of this border strategy within US politics. Even less scholarship has been published analyzing the morality and legality of ‘Prevention Through Deterrence.’

These questions, stemming from walking on both the US-Mexico and Mexico-Guatemala border and speaking to advocates and migrants in Mexico, led me to want to learn more about people’s understanding of this border strategy, ‘Prevention Through Deterrence.’ I was particularly curious about these understandings amongst immigrant advocates. Thus, the purpose of this paper is to explore and understand both the broader and day-to-day implications of ‘Prevention through Deterrence.’ When my research started, I wanted to engage with how the political and legal manners of this strategy have influenced migrants’ perceptions, changed migration patterns, and connected the Northern and Southern Border.

To engage with this question, I combined interviews with advocates and professionals working in the field of immigration both in Mexico and the States with academic research. When

I began researching, I hypothesized that I would discover a general lack of awareness about ‘Prevention Through Deterrence’ amongst migrants, illustrating the manner in which this policy has—in practical terms—only increased the violence and injustices against migrants. I also anticipated, though, that this policy had affected advocates, the demographics of migrants who were crossing, the nature of immigrants’ experiences in the US, and the routes used throughout Mexico.

The organization of this paper, as I try to unpack these questions, is as follows. This paper begins by focusing on the existing scholarship that examines the history of ‘Prevention Through Deterrence,’ how it has been implemented, measures that have been used to quantify its effectiveness, and the consequences of such a border strategy. This scholarship is significant because it contextualizes the border strategy and places it within a geographic space and time frame. From here, we will look at the perceptions and understandings of this strategy amongst immigrant advocates working both in Mexico and the States that surfaced from interviews conducted with these professionals. The empirical approach is followed by an analysis of the data, and the implications of my findings about ‘Prevention Through Deterrence.’

## **Theoretical Motivation**

### **I. Criminal Law Context**

While I have briefly outlined the historical context through which ‘Prevention Through Deterrence’ was ushered by Clinton as a border strategy, it is also important to trace “deterrence,” as a concept introduced through criminal law. US criminal law is founded on rehabilitation and deterrence. The idea behind rehabilitation being that “after somebody commits a crime [the government wants to ensure that] they’re going to try to rehabilitate themselves”

(Interview #1 2019, pt. 00:03:18). With deterrence, on the other hand, the idea is that the sentence or punishment received for an offense is meant to both deter the person from committing the offense in the future *and* deter other people from committing it (Interview #1 2019).

In fact, the principles and theories of deterrence are of “ancient origin” and date back to the late 1700s (Ball 1955, 347; Johnson 2019, 1). In 1764, Cesare Beccaria in *Essay on Crimes and Punishments* argued that “[laws] were necessary” and, therefore, violating them should lead to a punishment “whose purpose is ‘no other than to prevent others from committing the like offence’” (Johnson 2019, 3). As an integral aspect of punishments throughout time, this ‘purpose’ of prevention has been used by the Romans, English, and Colonial America (Ball 1955). For the English, deterrence was first depicted through the practice of drawing and quartering and, later, hangings (Ball 1955). Colonial America, similarly, employed deterrence through pillory and stocks (Ball 1955).

Since Colonial America, deterrence has remained the backbone of US criminal law and its punishment system. In using deterrence, “[lawmakers] have sought to optimize the control of crime by devising a penalty-setting system that assigns criminal punishments of a magnitude sufficient to deter a thinking individual from committing a crime” (Robinson 2003, 950). With this framework, there is an assumption that such a penalty will have a ‘direct deterrent effect’ on the behavior of the rest of the society (Robinson 2003). Put simply, it assumes that punishments will deter others.

In the States, it is understood that there are conditions for this ‘direct deterrent’ to be effective. These prerequisites are as follows: (1) “potential offender must know of the rule;” (2) the perceived cost of violation is greater than benefit; and (3) the offender “must be able and

willing to bring such knowledge to bear on his conduct decision at the time of the offense” (Robinson 2003, 953). This awareness of ‘the rule’ is critical, especially when thinking about immigration law; I will return to this later. Overall, the reality of this criteria and its effectiveness is controversial (Robinson 2003, 953).

Within the scope of ‘Prevention Through Deterrence,’ though, deterrence has resulted in the implementation of physical and strategic barriers that prevent a “potential violator” from considering or trying an unauthorized entry (Bach 2005). The motivation behind implementing immigration deterrence, as the Chair of the Congressionally-mandated US Commission on Immigration Reform phrases it, “is [that it is] far better to deter illegal immigration than to play the cat and mouse game that results from apprehensions followed by return followed by re-entry” (Cornelius and Salehyan 2007, 142). Thus, in this case, deterrence shifts the focus from reactionary actions—such as apprehensions—to being on the offense by preventing a noncitizen from trying to cross in the first place. These deterrence efforts have been achieved through a multitude of policy changes.

## II. Weaponizing the Land

In the past, efforts to achieve deterrent effects have been exemplified through an increased presence of USBP and the construction of physical and technological barriers. Aside from personnel, though, there has also been a weaponizing of the land. This weaponization refers to the funneling of migrants, by the US government, to the most remote and dangerous areas—whether it be from temperatures, mountainous terrain, or lack of access to water—to create a deterrent effect. The desert occupying the Arizona borderlands was seen by politicians and immigration officials as a “natural deterrence” (Nasser and Hunte 2018, pt. 24:00). With ‘natural deterrence,’ the US government terrain as an ally in the border strategy (Cornelius 2001).

It is important to be explicit and underscore that, in these funneling efforts, the deterrent effect was meant to be death; this was publicized. In a Radio Lab podcast trilogy about the US-Mexico border, author and anthropologist Jason de León brings awareness to this by explaining the government's own policy documents referring to 'Prevention Through Deterrence.' He states that, in these documents, the government says,

“If we disrupt traditional crossing places, urban ports of entry, and we push people towards these extreme environments, they [migrants] will have to cross rushing rivers, mountainous terrain, places...where you can freeze to death, where you can die of dehydration...[and] the extreme environment will slow people's movement...[it] will make them easier to catch, and will also perhaps stop them from coming...if we funnel [migrants] towards the Sonora desert of Arizona...[to the] backwoods of Texas, people are going to get hurt. People are going to die, but if enough people die, perhaps that will be the deterrent when they will stop coming...” (Nasser and Hunte 2018, pt. 23:36).

While these policy documents, as explained in this Radio Lab podcast, have been put into de León's words, it does not diminish their meaning or existence.

To the contrary, there has been documentation of internal reports that measure the effectiveness of this strategy of weaponizing the land *by* the number of migrant deaths. In the podcast, scholar de León goes on to cite a 1997 report from the government accountability office, where, in “Appendix V,” the report outlines “Indicators for measuring the effectiveness of the strategy to deter illegal entry along the Southwest borders” and amongst these indicators was one saying “deaths of aliens attempting entry” (Nasser and Hunte 2018, pt. 37:45). To reiterate, through this report, the US government has correlated migrant deaths to border strategy efforts to measure the success of 'Prevention Through Deterrence.'

One reason that the physical land has been central to the implementation of 'Prevention Through Deterrence' is because of the denial of culpability that it provides US government and immigration officials with. By allowing land and its natural repercussions to aid in violence against migrants, US government is able to evade responsibility for the resulting deaths. As

scholars Doris Marie Provine and Roxanne Lynn Doty explain, “the spatial landscapes in these areas [along the border and regarding immigration] have been essential to the workings of statecraft...[and] these spaces have functioned to provide a *moral alibi* [sic] for any responsibility on the part of the United States for the deaths of undocumented migrants” (Provine and Doty 2011, 600). Simply, the land has served as an ‘alibi.’ This has, in turn, allowed US government to avoid questions of morality.

In essence, weaponizing the land has permitted the US government to blame migrant deaths on natural causes such as hypothermia, drowning, and dehydration without recognizing that it is their *very own* border strategies and policies that are leading migrants to these hazardous areas (Provine and Doty 2011). It is not possible to underscore enough how integral this concept of a ‘moral alibi’ and how it ‘deflects responsibility’ is.

### III. Extension of ‘Prevention Through Deterrence’

In the last decade, it has been understood that ‘Prevention Through Deterrence’ has extended beyond physical funneling, surveillance, or manpower. More recently, ‘Prevention Through Deterrence’ has embraced tactics of deterrence beyond the border and its surrounding geographic areas. Many professionals and scholars are starting to categorize DHS’ “current push to detain, incarcerate, and deport noncitizens” as an integral part of ‘Prevention Through Deterrence.’

This latest phase of the border strategy has been described as the ‘consequences system.’ Through this system, scholars refer to the tougher penalties that have been imposed on noncitizens who are apprehended at the border or, at a later time, placed into deportation proceedings. Despite that this shift in punishment has not been published in a memo or policy document, it has been seen as ‘enforcement with consequences’ (Argueta 2016, 7). These

enforcement consequences include—but are not limited to—formal and/or expedited removals, increased numbers of criminal charges, longer criminal sentences, and higher detention rates.

While scholars have argued that this consequences system is a separate strategy from ‘Prevention Through Deterrence,’ I argue that it is not. Instead, the consequences system is only the latest phase of the 1994 strategy. To bolster the effectiveness of immigration deterrence, DHS has stopped solely relying on physical barriers, agents, and infrastructure and, instead, has begun to use the legal ramifications of noncitizens, crossing without proper authorization, as a part of the strategy. The interview data that I gathered adds to this, more recent, analysis about the extension of ‘Prevention Through Deterrence,’ as well.

#### IV. Why implement ‘Prevention Through Deterrence’ to begin with?

Before looking at the ethnographic data that I collected, it is important to examine a few of the reasons that a border strategy like ‘Prevention Through Deterrence’ has been embraced with such openness by the government and public in the States. Though there are many reasons, the ones that I want to emphasize are sovereignty building, blatant racism, and political strategy.

To begin, sovereignty building has been cited as a reason to build borders and control flows of people. Sovereignty building is defined as actions by a government or group of people, which are, then, used to strengthen the rights and powers of a governing body over itself. Sovereignty is established through both national and international policies. Regarding immigration and borders, scholars Jacqueline Hagan and Scott Phillips have argued that enforcement of a population is inextricably connected to “symbolically reasserting national and territorial sovereignty” (Hagan and Phillips 2008, 84). In other words, by controlling access to a population or state, sovereignty is established and strengthened (Cornelius and Salehyan 2007).

Because of the importance placed on state sovereignty, it is not possible to examine border strategies such as ‘Prevention Through Deterrence’ without looking at how it also influences and motivates immigration positions. State sovereignty has been used by government agencies, politicians, and citizens to justify actions like weaponizing the land and increasing criminal ramifications of undocumented crossings (Provine and Doty 2011; Bustamente 2001). The need to insert sovereignty illustrates how “non-citizenship status” has grown to be seen as a threat to US sovereignty and governance (Provine and Doty 2011, 607). By controlling the flow of migration, the US is able to assert authority over the US-Mexico border and perpetuate international claims to power.

It is also critical to analyze the role that racism has played in motivating and implementing ‘Prevention Through Deterrence.’ Previous scholarship has focused on the structural racism and xenophobia that led to California passing Proposition 187. However, this racism has continued to bolster the strategy. The US has recently experienced “a widespread demonization of undocumented migrants in both official circles and more broadly throughout civil society...” and this demonization has led to a dehumanization and, thus, devaluing of human life (Provine and Doty 2011, 606). This devaluation contributes to the ‘moral alibi’ and public acceptance of such strategies. In this way, racism has taken the form of a deterrent effect.

Lastly, as was the case when it was first introduced, ‘Prevention Through Deterrence’ has remained a political strategy for politicians and federal officials alike. As aforementioned, following the likes of Proposition 187 and rampant anti-immigration sentiments across the borderlands, President Clinton began advocating for tougher border strategies; this stance has been tied to his upcoming reelection. Needless to say, immigration has remained a decisive issue



amongst voters. Because of this, politicians and federal officials have continued to use border strategies as political strategies, as well (Interview #3 2019).

V. Do tougher border controls impede migration flows?

Morality aside of such a border strategy, it is critical to look at the existing literature that has focused on whether ‘Prevention Through Deterrence’ has been “effective.” Meaning, has this US border strategy deterred immigrants from crossing the border as noncitizens? According to CBP, “achieving optimum deterrence” would mean that a growth in the number of agents and resources would not lead to any growth in the number of noncitizens apprehended (Nunez-Neto 2018, 3). There are significant challenges in answering this question. For one, data is scarce. It is impossible to know the number of noncitizens crossing the border and living in the States.

In the past, people have used apprehensions as proxies or data published by DHS—both of which come with their own issues. In terms of apprehensions, most scholars understand it to be “a highly imperfect statistical proxy for the volume of...[undocumented] immigration” (Cornelius 2001, 664). And, in terms of federal data, there is reason to believe that the numbers and figures are skewed based on government interests and racial biases (Bustamente 2001).

Nonetheless, a handful of scholars have tried to collect their own aggregate data through surveys on the effects of this strategy. In *Does border enforcement deter unauthorized immigration? The case of Mexican migration to the United States of America*, Wayne Cornelius and Idean Salehyan use logistic regression analysis of data from a sample size of 603, both first-time and returned, migrants in rural Mexico. In this study, the researchers focus on four communities. With the study participants, they ask a variety of questions to uncover the knowledge of immigrants about the border and the US strategies that control it, understandings of dangers posed by trying to cross, and any previous experiences crossing.

To measure and code the survey responses to these questions, Cornelius and Salehyan developed one rubric of measuring the strategy's effectiveness. Their measurement is: if the "strategy were effective, we would expect people to become less inclined to migrate as: (i) their *information [sic]* about enhanced US border enforcement measures increases; (ii) *perceptions [sic]* of risk and danger increase; (iii) actual negative *experiences [sic]* during past crossings increases" (2007, 144). Thus, using information, perceptions, and negative experiences as the most salient deterrent effects, they analyze the effectiveness of the strategy. In the end, the two researchers find that tougher border controls do not, in fact, influence people's decision to migrate. They argue that "enhanced enforcement is not deterring...[non-citizens], but instead leading them to devise better evasion strategies" (2007, 147). While they add to the scholarship by using "direct evidence," their findings that enhanced enforcement does not deter are in agreement with previous research (2007, 140).

Robinson argues that, in fact, there is growing skepticism that punishment and consequences deter people (Robinson 2003). In the aforementioned Radio Lab podcast, the interviewer and interviewees point to the fact "[w]e have about 5 times as many border patrol agents [since the 1990s]. And yet, the number of...immigrants, living here [in the States] undocumented has more than tripled during that time" to argue that this strategy is unsuccessful in its attempt to deter (Nasser and Hunte 2018, pt. 29:11). While it has been established that the numbers of noncitizens are yet another problematic proxy for deterrence, this argument helps us understand how different people are measuring this policy.

## VI. Intended/Unintended Consequences

Regardless of the strategy's effectiveness in deterring immigrants, there is no doubt that it has a multitude of implications and consequences. Scholars have, since its inception, argued

about whether these consequences are intended or unintended. For now, I am going to focus on a few of these most prevalent implications including smugglers, migrant deaths, the broader criminalization of migrants and asylum-seekers, alike, and the way that this criminalization has led to a carceral state.

a. *Coyotes*

One of the most cited consequences of funneling migrants to more remote and dangerous areas has been the creation of a smuggler or *coyote* system. Unsurprisingly, more treacherous journeys have forced migrants to seek help with the crossing. This has initiated an economy of guided crossings. Before the Gatekeeper Era, *coyotes* charged, on average, \$143 to immigrants who were looking for help to cross in the San Diego area (Cornelius 2001). Within two years of 1994, though, the cost of a smuggler had increased by more than 50% (Hinkes 2008). Even more telling, in Jeremy Slack et al.'s Puebla study they find that 70% of their respondents had relied on a *coyote* and paid a median of \$2,500 for this service (2016).

This reliance and skyrocketing of fees cannot be interpreted as unintentional. Hagan and Phillips underscore that “U.S. enforcement officials believed that...higher fees to *coyotes* would inhibit many from crossing” illustrating how this economy, in and of itself, has been viewed by US government as, yet another, deterrent effect (Hagan and Phillips 2008, 85). To reiterate, these higher fees, which have been viewed by many as unintended side-effects, are, in fact, only another part of the strategy.

Another ramification has been an increase in both the violence perpetrated by *coyotes* and the hazardous conditions that ensue when migrants are separated from their *coyotes*. In the same Puebla study mentioned above, migrants described being abused or abandoned by their *coyotes*

(Slack et al. 2016). After being separated or abandoned, migrants find themselves in remote areas, disoriented.

Again, though, US government officials are aware of this violence and have pointed to it to discourage crossings. The US government has published signage in Mexico depicting a “mourning family huddled around a coffin, with the wording: Your brother trusted a ‘coyote’; Think of your loved ones, don’t risk your life...” as to convince migrants to stay in Mexico (Hinkes 2008, 17). Propaganda like this acknowledges the dangers created by *coyotes* and, instead of eliminating the US system that produced *coyotes*, it uses them to try to deter immigration.

#### b. Migrant Deaths

With this increase in violence, there has also been an increase in migrant deaths. Considering that the number of migrant deaths has been used to measure the effectiveness of ‘Prevention Through Deterrence,’ it is unsurprising that deaths related to natural causes, since this strategy was introduced, have only skyrocketed. In accordance with the challenges of other data, the precise number of migrants who have died making the journey is only an estimate. For the most part, the deaths that are measured come from bodies that are found in the borderlands often by USBP on a separate mission, hikers, or community members giving humanitarian aid.

Amongst the recorded deaths alone, though, we are able to see the implications of the border strategy. Before the 1990’s, the numbers of people dying from nature’s extremities was in the single digits (Nasser and Hunte 2018, pt. 10:44). Within a four-year period of 1994, “deaths from these weather-related causes [hypothermia and hyperthermia] were three times as common” (Hinkes 2008, 16). Since then, there have been approximately 5,000 recorded migrant deaths (Provine and Doty 2011).

There is reason to believe that this is a wild underestimate. Based on a study conducted with pigs in the Arizona desert, de León suggests that people are decomposing or being dismembered by vultures within a time frame of twenty-four hours to nine days (Nasser and Hunte 2018). This finding illustrates that there are many bodies disappearing before being found. Due to these disappearances, the number of migrant deaths could be twice to ten times the official count (Nasser and Hunte 2018). This, also, helps explain the discrepancy between recovered bodies and missing persons reports (Nasser and Hunte 2018). Regardless, though, it is evident that migrant deaths cannot be separated from ‘Prevention Through Deterrence.’

### c. Criminalization

Integral in the most recent phases of ‘Prevention Through Deterrence’ has been a broader criminalization of migrants and refugees, as well. As mentioned, part of the more recent phase of ‘Prevention Through Deterrence’ has included an increase in ramifications for people crossing as a noncitizen. This includes a growth in criminal charges, mandatory detention and numbers of people being detained, and lengthy prison sentences.

This criminalization can be traced back to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). With the IIRIRA, immigration agencies began implementing mandatory detention. It also, more notably, expanded what petty crimes could be categorized as an ‘aggravated felony’ and did so retroactively (Martin 2012). In short, “[this] ever-expanding list of ‘aggravated felonies’ funnelled [sic] noncitizens with criminal records – both recent and long past – into mandatory detention” (Martin 2012, 318). As illustrated through expanding mandatory detention, it is evident that US policy has adopted a practice of “‘governing immigration through crime’” (Dowling and Inda 2013, 2).

One example of this is administrative detention. While “administrative detention is not technically considered punishment for immigration-related infractions, mandatory detention both practically and symbolically linked immigration status to criminality” (Martin 2012, 319). Thus, its technicality does little to mitigate this link between citizenship and criminality. Further, for many people, ‘illegal’ immigrants are lawbreakers and, thus, criminals which has helped normalized such punitive practices.

Beyond prosecuting noncitizens with petty criminal records, US immigration systems have begun pursuing criminal charges for migrants crossing. One system that has been implemented to achieve this is Operation Streamline. Operation Streamline operates in three different border states; it is a court process through which migrants are criminally charged with either: (1) the “misdemeanor illegal entry;” or (2) felony charges for “illegal re-entry” (Argueta 2016, 8). The Tucson, AZ branch of Operation Streamline has reported that they process 70 prosecutions per day (Argueta 2016). Operation Streamline courts achieve such a number by hearing groups of 80 or more criminal defendants—often organized by their respective charges—at the same time and using plea bargains (Ewing 2014).

This lack of individual review by judges is further compromised by noncitizens’ limited access to lawyers. In fact, each migrant being criminally charged has “only a few minutes of access” to legal counsel (Ewing 2014, 205). These ‘few minutes’ are further diminished by language and cultural barriers. Ultimately, ‘first-time’ crossers are generally sentenced to up to six months in jail, while ‘repeat’ crossers can be sentenced with a maximum penalty of up to twenty years in prison (Dowling and Inda 2013). In reality, most re-entries—especially those processed in Operation Streamline—are sentenced to up to three years. It is important to note, as well, that deportation and removal processes are linked to imprisonment; that is to say, after

serving sentences, noncitizens are placed into deportation proceedings (Martinez and Slack 2013).

There are broad ramifications for transitioning from undocumented crossing being seen as an administrative infraction, which was deportable, to handling it as a federal crime, which is punishable with imprisonment. For one, in this system charges quickly add up, especially for people who are trying to re-enter. In the past, noncitizens have been more widely given the option of voluntary deportation. Voluntary deportation, unlike its formal counterpart, cannot be used to increase future repercussions. Formal deportation, on the other, can direct an immigrant to be barred for anywhere from 5 years to life from the States, reducing someone's chance at legal permanent residency (Hagan and Phillips 2008).

Permanent residency is, of course, also associated with an ability to work. By constricting access to legal working papers and increasing detention sentences, noncitizens are often forced into illegal wage systems and introduced to “illegitimate mean structures” (Martinez and Slack 2013, 6). One example of this has been documented by Daniel Martinez and Slack's research. In their research, the two scholars speak to a noncitizen who expressed that his connection to a Mexican/Mexican-American gang, the Sureños, was facilitated by a lengthy incarceration sentence in a US prison (Martinez and Slack 2013). From this example, we see how an incarcerated-approach can lead to criminal activity—ironically, the very activity that US immigration policy is built on preventing.

Unsurprisingly, increasing the numbers of criminal charges being prosecuted has increased the numbers of people being detained and imprisoned. Between the years of 1999 and 2009, the number of detained noncitizens went from 146,760 to 369,483 (Martin 2012). This two-fold increase in yearly detention levels has resulted in noncitizens becoming “the fasted

growing incarcerated population” and ICE “[managing] the largest prison system” in the States (Martin 2012, 313).

As is the case with all privatized prisons, these ‘prison systems’ and detention centers are lucrative. Private companies are not only making money off of this criminalization, their prison systems also create labor. To be blunt, “[rather] than merely deporting the surplus labor force...systematic criminalization and incarceration ensures excess undocumented labor is economically exploited to its full potential before being removed” (Martinez and Slack 2013, 5). In essence, US policy has created a process in which—before being deported—migrants are forced into labor exploitation. This exploitation illustrates one economic benefit for private industry of migrant criminalization, aside from the privatization of detention facilities.

#### d. Wacquant’s Carceral State

With this criminalization, the US has begun creating Foucault and Wacquant’s “carceral state” in immigration spheres. According to Wacquant, the carceral state describes the imprisonment of non-prisoning spaces. More specifically, the carceral state operates as a “spatially concentrated, more punitive, surveillance and punishment-oriented system” (Weaver and Lerman 2010, 818). A few examples of these spaces include underserved communities, particularly those of color, borderland regions, and schools. Regarding immigration, areas along the US-Mexico border and communities with high numbers of noncitizens are vulnerable of such imprisonment.

While there has not been a multitude of research connecting these two ideas, Lauren Martin in *‘Catch and Remove’: Detention, Deterrence, and Discipline in US Noncitizen Family Detention Practice* takes the first step in laying the foundation to link criminalization and the carceral state. Martin “details...the ways in which ‘feeling watched’ defines migrants’ lives and



border-crossing experiences, even when they obtain legalized status” (2012, 317). This omnipresent sense of being watched, always with the possibility of being placed in deportation proceedings, illustrates an imprisonment far outside of the prison itself. Whether it is subconscious or not, being watched dictates people’s actions and, thus, creates a sense of self-policing.

## **Empirical Approach**

### **I. The choice to use ethnographic data**

While the majority of scholars have focused on surveys and federal records for datasets to inform their conclusions regarding ‘Prevention Through Deterrence,’ I combine literature with interviews for my data collection and analysis. From the literature and interviews, I build a dataset with an ethnographic-approach. The motivation to conduct interviews is two-fold: to expand current research on the topic by employing a new approach and humanize the data. Through interviews, I was able to begin bridging a gap in scholarship between the macro data and the day-to-day reality of Mexicans and Central Americans trying to immigrate to the States. As was mentioned, researchers have focused on finding proxies to measure and quantify both the ‘effectiveness’ and broader implications of this policy through large sample sizes or existent federal data.

The nature of this immigration data, whether ethnographic or survey-oriented, centers on questions about why people have immigrated, what they knew about US border strategies, and what their experiences have been crossing and living in the States as noncitizens. Open-ended questions like these are challenging for aggregate data and trends, because people migrate for a plethora of reasons, which cannot be reduced to one specific issue or instance; they cannot be

translated into a coded response that relies on one reason. Thus, the multi-facets and nuance of decisions and awareness are lost when reduced to number-focused data.

Despite that these multifaceted understandings are lost in aggregate data, very few scholars have used interviews as the sole source of data collection. This is problematic for two reasons: (1) it relies on data that, has widely been regarded, as faulty; and (2) it silences the voices of those experiencing the policy. In other words, when creating and interpreting quantitative datasets, it is easy for researchers and audiences to be buffered from what they are learning. In essence, a focus on numbers oversimplifies the complexities of immigration and creates distance for stakeholders. This motivated my goal of humanizing the data.

It is critical that immigration policies, border strategies, and noncitizens' experiences not be reduced to these numbers. We cannot forget that these are lives that are being impacted. Thus, it is irresponsible for scholars to not acknowledge the human cost of these policies. Whether it is intentional or not, I argue that, by creating generalized datasets, scholars are silencing the narratives of immigrants. This is not to say that aggregate data does not have its merits. In fact, data collection of all types is the only way to represent a topic. However, in the case of immigration studies, interview data and personal narratives are missing.

For these outlined reasons, I decided to use interview data to inform my understanding and analysis of this border strategy. As is the case with all empirical approaches, I, then, had to make decisions regarding who would be included in my participant group. From a scholarship point of view, I was particularly interested in speaking with people who knew both the political and social context of US immigration and had experiences interacting with a large number of migrants. By interviewing advocates who interacted with migrants on a day-to-day basis, I had the opportunity to compile a more macro-perspective of 'Prevention Through Deterrence.'

## II. Positionality

It is important to underscore how my own identity and positionality have affected my research question, data collection, and analyses. While I have tried to negate the limitations posed by positionality, my own identity, biases, and perceptions are inextricably tied to my research. My positionality as an American citizen, native born English-speaker, and college student studying Political Science, led me to my research question in the first place.

Because of the importance and impact of positionality, I have tried to use my own identity to inform and drive my methodological approach. For instance, my positionality dictated who I chose to interview; it informed my decision to interview advocates, mostly from the US, instead of migrants themselves. This decision was motivated by a feeling that there would be a power-imbalance that, I believed, would not only compromise my research but create an unethical interview environment.

Moreover, I felt as though my identity had the possibility of changing how participants responded to my research questions. For instance, I believed that, as an outsider from the US, there was a good chance that participants may respond with what they thought that I wanted to hear. In addition, it was essential to me that I only interviewed people whose experiences I could honor and respect. As a student with limited Spanish skills, I did not believe that I had the language proficiency to accomplish this with immigrants who were in the process of migrating to the States. While this decision to interview advocates limits the validity of my findings, it is one way that my positionality has altered my research protocol.

Much like how my positionality changed the nature of my data collection and analysis, it is important to note that each of the participants, who I interviewed, had their own biases and perceptions, which cannot be separated from their responses. The most salient identity amongst

my participants is education. These advocates are highly educated and professional in their fields. Needless to say, this group does not represent the broader public, nor have they engaged with the issues that they are asked about in the interviews as migrants themselves.

### III. Broader Limitations and Challenges

Beyond my positionality, and that of the participants, there are also broader limitations of my research. As is the case with previous scholarship, much of the federally-produced data is inaccurate based on the challenges of gathering data on noncitizen populations and US government self-interests. This inaccuracy remains the case in my review of literature and government produced statistics. For this reason, I have tried to limit my usage of federal data.

Additionally, my research focuses on a specific demographic and includes a limited number of participants. Because of this, I want to reiterate that the analysis of and conclusions from this data collection is not representative of a larger public. While I would have preferred to expand the sample size, particularly in regard to advocates based in Mexico, I was unable to do so due to limited time and resources; thus, this research focuses on only a few voices, within the world of immigration, to begin to unpack and make sense of ‘Prevention Through Deterrence.’

#### **Data**

With these limitations in mind, I developed interview protocols, processes, and questions. Before participants were interviewed, they were given an overview of the objectives of my research and a consent form. When asked to be interviewed, they were given the option to decline without consequence and/or help my research in alternative ways. They were made aware that they could stop the interview at any point and that their identities would be protected. If participants agreed to an interview, they were given the consent form attached in Appendix I.

The result of this process was three interviews. Two of the interviews were with lawyers who were from the States. One of the interviews was with an advocate from Mexico. The first interview was with a lawyer who practices asylum law in the States.<sup>3</sup> Though this advocate is practices in the US, they are currently living in Oaxaca. Through this first interview, I was put in touch with the following two advocates. The second interview was with a Mexico-born advocate.<sup>4</sup> This advocate has worked, for the last five years at an Oaxaca-based non-profit organization that helps families locate missing migrants. Finally, the third interview was with another US-born lawyer.<sup>5</sup> While this advocate has been engaging with immigration law since graduating from law school fifteen years ago, they have, most recently, been working for the policy department at the American Immigration Council (AIC) in Washington, DC.

These interviews were conducted in the participants' preferred language and occurred at the Ollin Tlahtoalli Centro de Lenguas y Cultura Mexicana in Oaxaca, Mexico. They were each approximately thirty minutes long and were recorded, with the participants' written consent, using a password-encrypted device. While the conversations often expanded beyond the questions that I had prepared, the guides used for each interview are attached, respectively for the participants, in Appendix II-IV.

Generally speaking, these interviews began with questions about participants' relationship to immigration and the capacity through which they have been professionally involved in the field. Once participants' background had been established, the interviews

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<sup>3</sup> For anonymity purposes, this advocates' name has been redacted and will henceforth be referred to as "Interview #1."

<sup>4</sup> As was done previously, for anonymity purposes, this advocates' name has been redacted and will henceforth be referred to as "Interview #2."

<sup>5</sup> As was done previously, for anonymity purposes, this advocates' name has been redacted and will henceforth be referred to as "Interview #3."

continued with questions about each participant's knowledge and understanding of 'Prevention Through Deterrence.'

After these interviews were conducted, the recordings were transcribed in the language that they were recorded in. Once I had transcriptions of the three interviews, I began comparing them and connecting them by theme. These comparisons and the thematic organization were not only between the interviews themselves but, also, within the context of published scholarship. This final step of analyzing interviews within the context of previous research allowed me to begin drawing findings from my data.

## **Findings**

The most important findings, extracted from these interviews, were the ones that shifted the lens and scope through which I was examining 'Prevention Through Deterrence,' and, eventually, my research question. Within the first thirty minutes of my first interview, it became evident that I needed to change the way I was both thinking and asking about this US border strategy. Instead of forcing my research to fit within my original question, where I was hoping to look at perceptions in Mexico of 'Prevention Through Deterrence,' I decided to change both the types of questions that I was asking in interviews and my research question to examine broader understandings of this border strategy.

During this first interview, it became evident that—while many US-based advocates use 'Prevention Through Deterrence' as a household name—this was not the case in Mexico. To put this into context, one advocate talked about how their client knew that their end point was Florida, where they had family, but beyond that "[they weren't] even clear on where [they were] going to go the next night" (Interview #1 2019, pt. 1:11:25). This uncertainty of tomorrow's

destination exemplifies one concern that may be consuming migrants' minds. As one would imagine, the migrant was focused on the day-to-day challenges rather than a border strategy.

This is all to say, while migrants and advocates in Mexico may feel the impact of this border strategy, it is not well known, thus, making my questions to advocates about how the majority of migrants, who they met, thought about 'Prevention Through Deterrence' irrelevant. At this point in the process, I also realized that I had begun my interviews by trying to collect answers, as if it were an oral survey. This was at the expense of appreciating participants' understandings of this border strategy and the way that their respective advocacy work impacted their understandings.

From the beginning, my interviews revealed a confusion, even amongst advocates, regarding this US border strategy. These interviews unearthed many questions. For instance, was 'Prevention Through Deterrence' a mantra more than an outlined policy? When did it come into effect? What was considered a part of the strategy? What were the implications of this policy? Was it effective in deterring people? What circumstances were being factored into a decision to migrate? And, most importantly, did the answer to any of these questions matter if the strategy was inhumane, immoral, and, even, illegal? Therefore, despite that my first interview deconstructed my research question, it brought me to a more effective and relevant question: how do advocates, especially those working within the migration flow from Mexico to the US, define and understand 'Prevention Through Deterrence?'

Even though the interviewees shed light on a variety of topics ranging from the connection between the Northern and Southern Border, the interviewees' personal relationship and experiences with migration, to prosecutorial discretion, I am focusing on and organizing these findings by: (1) current understandings of this strategy; (2) the role of false choices; (3) the

carceral state of immigration; (4) questions regarding illegality and criminality; and, finally, (5): human cruelty.

### I. Advocates' Understandings of This Strategy

All of the advocates focused on more recent illustrations of 'Prevention Through Deterrence.' This included family separation and detention, USBP denying entry at a port of entry, blatant racism, mandatory detention, and an increase in prosecution. Fears regarding these outcomes are real; they been created as a part of scare tactics and perpetuated by fear-based rhetoric. Scholars have cited these fears as main or contributing factors as to why parents have left children home, while they migrate (Martinez and Slack 2013) . This is a clear exemplification in the way that such rhetoric has the potential to deter. And, participants were in accordance with these previous findings. While the strategy, overall, may not be deterring people, it is changing who is deciding to migrate and the nature of those migrations.

While these actions such as detention, denial of entry, and racism persisted as clear examples of the strategy, participants also talked about why it is more challenging to define 'Prevention Through Deterrence.' One advocate expressed that part of the challenge hinged on the fact that such a definition "requires some measure of speculation" (Interview #3 2019, pt. 00:01:21). Another advocate explained why speculation was required by underscoring that it is not possible to trace this mantra of 'Prevention Through Deterrence' to a particular memo. Even though we, generally, do not think of official border policies and strategies as being speculative and up to the determination of individuals, it became evident that 'Prevention Through Deterrence,' was—and continues to be—just this: an abstract motto or umbrella term that helps guide proceeding border actions.

### II. The Role of False Choices



Beyond individual understandings of this policy, all three participants articulated the concept of ‘false choices,’ which is not explored in the existing literature. By ‘false choices,’ these advocates were getting at the idea that, most often, people migrating to the States did not have a choice. Simply put, there was no agency present in weighing their options.

This point of view is essential because ‘Prevention Through Deterrence’ is built on decision-making. The strategy was founded with the purpose of tipping the scale so that migrants might feel as though the decision to enter the US came at such a cost—both literally and figuratively—that there were more benefits to remaining in their home country. The reality, though, is that for refugees, especially, this cost-benefit analysis would mean that life-threatening violence was just as imminent by migrating to the States as it was to remain in their home country. In other words, for this decision to be equal, it would need to be just as, or more, dangerous to immigrate than to stay.

Unsurprisingly, this decision is not balanced for the majority of noncitizens, though. One advocate exemplified this by explaining, “When you’re presented with a false choice between watching your child be raped or killed or the possibility of being put in a prison for a few months, it’s a no brainer. There’s not choice to be made there. Of course, you’re going to leave to save your child” (Interview #3 2019, pt. 00:01:42). As seen through this hypothetical, there is no cost-benefit analysis that needs to be conducted here, because there are no options. The fear that refugees feel is “in front of [them],” while the fear that the US government may separate them from their children or detain them is only a possibility (Interview #1 2019, pt. 00:08:25). Who would pass up that possibility in the face of such fear? Even if the migration is for economic reasons, the idea that there is agency in these decisions is implausible.

### III. Questions Regarding Illegality and Criminality

As was mentioned, this lack of options is felt most by asylum-seekers in the US. As such, this strategy has particularly affected this demographic of migrants. Beyond presenting false choices, it has obstructed avenues of seeking asylum. Simply, the strategy has made it more challenging for immigrants to apply for and receive asylum. This ramification is not only inhumane, it also has been recognized as illegal. As outlined in the theoretical motivation for this paper, previous scholarship has focused on the way that processes like Operation Streamline have stripped away rights such as due process for migrants. However, there has been no literature focusing on the illegality of the strategy itself.

The illegality of ‘Prevention Through Deterrence’ stems from the States’ own laws and from being a signee of UN conventions on refugees (Interview #1 2019). In these acts and agreements, the US has agreed to accept refugees. With this understanding, one advocate argued that the strategy itself is illegal “because the Immigration and Nationality Act provides a mechanism for people to come to the US and seek asylum. And so, this policy, in the various ways that the administration is trying to enforce the policy, is against the law; it’s against the INA” (Interview #1 2019, pt. 00:2:20). These ‘various ways’ include ‘deterrent effects’ like denied entry, detention, prosecution, and family separation.<sup>6</sup>

#### IV. Carceral State of Immigration

This criminalization of migrants, particularly asylum-seekers, invokes the carceral state introduced by Foucault and, later, explored by Wacquant. Because scholars have only begun to make this connection, I want to use my ethnographic data to strengthen this argument. As a part

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<sup>6</sup> To clarify, this argument of illegality follows the idea that the US has laws that outline how the government accepts refugees and how migrants apply for asylum. By creating obstacles to asylum-seekers—such as mandatory detention while filing for such status, denying initial entry, denying parole, or pressuring them to accept voluntary deportation—the US government and its immigration agencies are breaking their own laws.

of implementing ‘Prevention Through Deterrence,’ since its inception, USBP has increased its technological surveillance along the border; this has only continued to be the case. This has included “fencing, lighting, personnel, and surveillance equipment along the main gates of” undocumented entry (Dowling and Inda 2013, 8). This infrastructure has created a space of intense scrutiny.

The surveillance has also extended, though, beyond the physical borderlands. Through ICE, law enforcement, and court processes, I am arguing that migrants continue to be surveilled throughout the States. Though some may argue that surveillance occurs for citizens and noncitizens alike, there is a distinction in the types of consequences. While citizens may face a fine or short criminal sentence, the ramifications for noncitizens have the potential to invoke both criminal sentences and deportation.

Thus, this heightened surveillance and increased probability of punishment, takes a space—such as immigration—that is not historically seen as criminal or worthy of imprisonment, and creates a state of imprisonment. In other words, the result of this surveillance is an imprisonment of a non-prison state, as was originally described by Wacquant in ghettos.

We see this imprisonment through the criminal law context of deterrence and this border strategy itself. Through the criminal lens of deterrence, governments are “trying to deter criminal behavior,” as was explained earlier in the paper (Interview #1 2019, pt. 00:03:18). As one advocate emphasized, though, “when you’re talking a refugee [that] doesn’t make any sense. Because there’s nothing to deter... There should be no interest that the US has in deterring refugees from coming, from seeking safety” in the US (Interview #1 2019, pt. 00:03:18). I want to argue that by transferring the deterrence of criminal behavior to an activity, such as seeking asylum, that is not—in and of itself—criminal, the US is extending prison spaces to include

immigration. This connection to the carceral state helps us understand the motivations and scope of this abstract border strategy.

## V. Concluding Analysis

Each of these interviews—beyond unveiling understandings of the strategy, examining the role of false choices, questioning the policy’s legality, and invoking the carceral state—brought to light the human cost and cruelty of ‘Prevention Through Deterrence,’ which has largely been omitted from previous research. As one advocate concluded, “[pienso] que durante todos estos años el cambio sobre los flujos migratorios no ha cambiado. Al contrario, se ha vuelto. Creo que hoy, hoy día es más cruel en contra de los migrantes que en el pasado” (Interview #2 2019, pt. 00:07:53).<sup>7</sup> Needless to say, the migratory routes have become crueler in how people are funneled to the most dangerous and remote terrain. They also have become crueler by increasing the violence that is sustained by migrants at the hands of smugglers, which is occurring across age and gender lines and on both sides of the US-Mexico border (Interview #2 2019).

Unsurprisingly, this cruelty is most apparent amongst asylum-seekers. When refugees are denied entry, they are often forced to cross illegally which could lead to apprehension, prosecution and criminal charges (Interview #1 2019). Another example of this cruelty has been illustrated by USBP or judges forcing refugees to choose between detention or family separation and dropping asylum claims (Barbaro 2018). To this end, “It is very common for [DHS agencies] to basically encourage people to give up their [asylum] claims” and this is achieved by pressuring people “into agreeing to their own deportation” (Barbaro 2018, pt. 00:08:01). For emphasis, this means that voluntary deportation is being, essentially, forced upon a migrant who

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<sup>7</sup> In an effort to honor the words of the participants, I have kept quotes in the language that they were spoken.

is scared for their life in their home country. In sum, “[estas] políticas migratorias son muy inhumanas” because they do not take into consideration or value human life (Interview #2 2019, pt. 00:12:33).

While my research did not answer my original hypothesis, it brought to light the cruelty and intentionality of this US border strategy. This cruelty is inextricable from ‘Prevention Through Deterrence,’ as it has been from the start. Over time, it has been sustained by an ever-changing and, thus, chaotic set of border policies. I want to suggest, though, that this human cost is only visible when using an ethnographic-approach that amplifies and dignifies migrants’ stories and experiences.

This finding about visibility is highlighted by the fact that, above everything, these interviews underscored that it *does not matter* what the statistics are, how scholars and federal immigration agencies measure ‘deterrence,’ or how this border strategy is defined and understood. When the human experience and cost of life is added to these narratives, it becomes evident that nothing can justify such a strategy. And, I argue that, by answering any of these previous questions, scholarship is, in fact, helping justify, normalize, and—most damagingly—legitimize the strategy.

## **Conclusion**

Beyond academic scholarship, it is essential for the US public to understand its government policies and border strategies. In this paper, I have tried to provide a comprehensive review of the US border strategy ‘Prevention Through Deterrence’ by combining the existing literature with ethnographic interview data. While my original research question aimed to look at the perceptions of ‘Prevention Through Deterrence’ amongst migrants and advocates in Mexico,

it became evident that I, first, needed to compile definitions and understandings of this strategy. With this realization, my research question shifted to focus on how advocates understand this strategy and its ramifications, specifically within their professional focus in immigration.

This research question guided me to review: (1) the larger context through which ‘Prevention Through Deterrence’ was created; (2) its roots in criminal law; (3) how and why the strategy was implemented and, more recently, expanded; (4) measures of effectiveness when analyzing border regulation; and, finally, (5) the ramifications of this strategy. After examining the theoretical motivation for my research question, I conducted interviews and situated that within the existing literature.

Aside from my interviews shifting the scope and lens of my research, my main findings from these conversations are as follows: (1) ‘Prevention Through Deterrence,’ while it may remain unnamed by politicians or federal agencies, is driving the latest US border policies such as family separation, detention, and criminalization; (2) despite that ‘Prevention Through Deterrence’ relies on altering the cost-benefit analysis in immigrants’ decisions, these are false choices; (3) this strategy has imprisoned spaces that have not historically been criminal; and, lastly, (4) in doing so, there is reason to question the legality of ‘Prevention Through Deterrence.’ Overall, these findings dovetailed to highlight the human cost, narratives, and cruelty of this border strategy, which has, otherwise, been lost in scholarship thus far.

To determine broader understandings, perceptions, and consequences of ‘Prevention Through Deterrence,’ future research should focus on increasing the number of participants in an ethnographic dataset, diversity of those participants, and voices of migrants themselves. This future research is critical to scholars, advocates, and the public being able to continue examining and thinking critically about US border strategies to ensure humane and legal practices.

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**Appendix I: Consent Form****Declaración de Propósito y Acta de Consentimiento para Uso de Información**

Antes que nada, le agradezco mucho el tiempo que usted me dedica el día [add date] para ayudarme en mi proyecto de investigación. Yo soy una estudiante del programa de SIT (Escuela de Estudios Internacionales), mi nombre es Margaret Edwards y vengo de la Universidad de Tufts donde estudio ciencias políticas.

Mi proyecto de investigación tiene como tema las percepciones de la política de los EE. UU. que se llama “Prevention through Deterrence” entre migrantes y defensores en México.

Antes de realizar esta entrevista, quiero que usted sepa que NO está en obligación alguna de responder a cualquiera de las preguntas si usted no lo desea o si no se siente cómoda. Además, usted está en todo derecho de simplemente dar fin a esta entrevista en el momento que usted lo desee sin ningún impacto negativo para usted. Si usted me da permiso de usar la información que comparta conmigo el día de hoy, le agradeceré su consentimiento por escrito al pie de página de esta hoja. En este proyecto, su identidad será protegida y no compartiré información que pueda llevar a identificarla bajo situación alguna (por ejemplo, lugar de trabajo, empleos anteriores, etc.). De igual forma, si usted lo desea, puedo compartir con usted la información que incluiré en mi investigación, para que usted decida si ésta comunica fielmente lo que usted comunicó conmigo. Si usted prefiere que yo NO utilice la información que usted comparta el día de hoy en mi proyecto, no hay ningún problema y no tiene que firmar ningún consentimiento.

Yo, \_\_\_\_\_ doy consentimiento a la estudiante-investigadora \_\_\_\_\_ para que use la información recolectada en esta entrevista siempre y cuando se cumplan las condiciones estipuladas en este documento y se asegure mi anonimato.

Doy consentimiento para que esta conversación sea grabada      SI      NO

La grabación de voz será borrada a más tardar 20 días posteriores al término de mi proyecto de investigación el día \_\_\_\_\_

\_\_\_\_\_  
Firma de la entrevistada que confirma consentimiento

\_\_\_\_\_  
Lugar y Fecha

Para cualquier duda o comentario después de esta entrevista, mi número de teléfono es: [add number]

Mi correo electrónico es [add email]

## **Appendix II: Questions for Interview #1**

1. How many years have you worked in the field of migration? For the most part, in what capacity?
2. Where are the majority of migrants that you work with going? Is it their first-time crossing, or is it, more often, a re-entry crossing?
3. What is your perception/understanding of Prevention through Deterrence?
  - a. Even though the policy was introduced in the mid-1990's under President Clinton as a strategy to weaponize the environment along the border, do you think it has become utilized or relevant in recent years? How this policy relate/have any particular relevance to Trump's rhetoric and migration proposals/ideas?
4. What are some of the impacts that you have witnessed of this policy?
5. When you meet migrants, what do they know about the northern border and the US border policies? How quickly do you find that information about dangers, accidents, and changes in US Policies disseminates amongst migrants?
6. In your experience, do migrants know about this policy?

- a. For the migrants who do know of this policy, what are their perceptions of it? How does it impact their understanding of their journey? Does it inform their route?
- b. For the migrants who do not know of this policy, do you think it still impacts their route or journey?
7. What is the biggest change that you have seen with the migration routes in the last 10-15 years? Do you think this change has anything to do with Prevention through Deterrence?
8. In the last year or two, have you witnessed any connections between the Southern and Northern Borders? For instance, has the Southern border become a satellite border for the US as another step in the prevention strategy?
9. There is much research indicating that this strategy is widely ineffective. If you had to guess one or two reasons as to why, what do you think is making it so that this deterrence is not occurring?
10. Lastly, what is it like working as an advocate for migrants in this day and age of perpetually changing policies and laws?

### **Appendix III: Questions for Interview #2**

1. ¿Cuántos años ha trabajado con migración e inmigración?
2. Ahorita, ¿cuál es su papel en su organización?
3. Durante su tiempo trabajando con migrantes, ¿cuáles son algunos de los mayores cambios que has visto? ¿Especialmente en términos de muertes migratorias?
4. De los migrantes o familias de los migrantes que ha conocido, ¿ha escuchado miedos sobre: (1) la separación de la familia en la frontera norte; (2) las detenciones en la frontera norte; (3) rutas más desafiantes; (4) muertes migratorias; o (5) consecuencias jurídicas en los EE. UU.?
  - a. ¿Piense que la presencia de estos miedos ha aumentado con el tiempo?
  - b. ¿Ha escuchado sobre la política de los EE. UU. que se llama “Prevention through Deterrence”?
    - i. Si es así, ¿cuáles son sus percepciones de esta policía?
5. ¿Puede hablar un poco sobre la conexión que ve entre la frontera norte y la frontera sur?

### **Appendix IV: Questions for Interview #3**

1. How many years have you been working in the field of migration/immigration?
2. What is your understanding of the US Border Strategy, “Prevention Through Deterrence?”
3. How do you see prevention tactics, such as family separation, detention, longer sentences, and Operation Streamline affecting migrants—specifically, regarding their decisions to migrate, stay in the US, apply for asylum, or accept deportations?

### **Acknowledgements**

Huge thank you to my advisor, Florence, and my participants for the knowledge and guidance that they give me with this project. Not only would there be no research without them, I also would never have been able to develop my own ideas or think so critically about this strategy and understanding its complexity, in all of its forms.

Special thanks to Omar, Fiorella, Lorena, and all of the Ollin staff for their continued support throughout the semester and ISP process.

And, of course, all my gratitude to my host mom for pushing my own beliefs, keeping me well fed, and welcoming me into her community of friends and family with the widest of arms.