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Bordering Processes: Contestation and Outcomes around Central American Migration in South Texas, 2013-present

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Introduction

On June 5, 2014, the right wing news organization/blog, Breitbart News released photos of detention facilities in South Texas overflowing with women and children (Darby, 2014). The headline, “Leaked Photos Reveal Children Warehoused in Crowded U.S. Cells, BORDER PATROL OVERWHELMED,” demonstrates the contested nature of a confusing and complex policy response. The photos show dirty cells, full of young children and women, often sleeping on the floor or with standing room only. While the surface message of the photos and story was apparently humanitarian, the evident agenda was to mobilize fear about a migrant invasion at the border. Although the source of the photos is anonymous, it must have been taken by someone inside the Border Patrol or Immigrations and Customs Enforcement since photography is not

allowed and few people gain access to processing centers. Reported by Brandon Darby, a controversial FBI informant who infiltrated and sent two protestors at the 2008 Republican national convention to jail, the article has limited text, but asserts that “thousands of illegal immigrants have overrun U.S. border security and their processing centers in Texas.” Publicity of this kind set off a complicated set of negotiations about how to handle this new influx of asylees. We argue that in order to understand the production of new policies and policy responses we must take a holistic approach to determine how diverse actors with distinct motives struggle for suitable outcomes.

Central Americans have migrated to the United States since the late 1970s in significant numbers, driven by a toxic mix of civil war, genocide, violence, criminality, capitalist radical change, and economic vulnerability (for example, see Jonas and Rodríguez, 2015). While they use a variety of routes and hold or seek various legal statuses, the principle path has been through Mexico and then the land border at south Texas. Some apply for asylum when arriving in the United States, while others attempt to cross the borderlands to the U.S. interior without detection. While the basic migratory pattern has been long-standing, the numbers increased in late 2013, with a marked peak in summer 2014, and oscillating ups and downs since then. The composition and migration mode also has changed, with increased numbers of family groups (especially women with children) and unaccompanied minors presenting themselves to U.S. authorities and requesting asylum either at ports of entry or just inside the United States. So, while they are formally arrested, they are also initiating a legal immigration asylum case. This growth and change in Central American migration occurred side-by-side with a decline in Mexican unauthorized entries. Indeed, despite the increase in Central American migration, total U.S.

southern border arrests have declined, reaching levels last seen in the early 1970s. But border immigration enforcement has continued, and in some ways grown.

The influx of Central Americans has been the focus of complicated political and practical contestation. The net result of these struggles is reinforcement of border immigration enforcement, both on the ground in south Texas and in the policy-making context of the United States, although there have been countervailing tendencies, and struggles continue to the present. We can ask, why has border immigration enforcement not declined? Its reproduction and reinforcement is not automatic, but rather has taken considerable effort, in the face of vigorous resistance. Recent border studies have explored the concept of “bordering processes” (Newman, 2006, Scott, 2012: 87-88, Popescu, 2012, Vaughn-Williams, 2009, Infantino, 2014). This work often uses it to discuss border-related practices (such as interior security surveillance or pre-entry, consular visa control) away from conventional geopolitical boundaries (some work does reference state borders). But, state practices at conventional geopolitical boundary sites are also actively constituted in some particular forms, and not in others; even continuity of practices requires political action, as seen in this study. Conventional borders as political and social arrangements thus are not just inherent outcomes of geopolitical lines on a map. Rather, those arrangements are put into place, and require continual reworking or reinforcement, via specific bordering processes. In this instance, we analyze how the federal border enforcement apparatus was maintained, and the state of Texas apparatus greatly reinforced, even in a period of shrinking unauthorized flows and growing requests for legal asylum. The rebordering phenomenon occurred through contestation around a “crisis” of Central American migration. We systematically examine the diverse actors struggling to shape this narrative for their specific goals, and the resultant, complex results of this struggle. Such bordering processes help us

understand the sequences of political contestation that lead to the emergent outcomes of enforcement and humanitarianism.

Contestation involves multiple actors coalescing and conflicting over time to obtain envisioned social and political outcomes. Such outcomes are contingent, with multiple factors and actors entering into play, and may not be what was sought or predicted, even by “winners.” The field of contestation is often highly unequal (as it is in the case we examine), but even the losing side is important in understanding contestation processes and outcomes (Tilly and Tarrow, 2007; McAdam, Tarrow, and Tilly, 2001).¹ Our method here is descended from extended case analysis in the Manchester school of British social anthropology, though without adopting the theoretical premises of that school. Extended case analysis takes a conflict sequence, traces the diverse actors entering into it, and then examines the social and cultural frameworks they bring into that conflict (Gluckman, 1968, Van Velsen, 1967). We are also influenced by recent work on “assemblages” (Deleuze and Guattari, 1993, Collier and Ong, 2005), which converges with our vision of multiple, intersecting, and contending actors (e.g., seeing Central Americans as actively initiating the case sequence, rather than being passive objects of policy debate). Assemblage theory also usefully reminds us to include non-human actors such as laws and infrastructures, both of which are, of course, sedimented outcomes of past human action, but have present day consequences of their own.

Using a “productive contention” framework, this chapter delineates actors who converge in struggle over the increased entry of Central American families and unaccompanied minors from 2013 to the present. We take this conflict sequence and trace the people, organizations, and social movements, their resources and actions, and their contending visions of immigration and borders. Our overall perspective envisions a complex network of contention leading to

incompletely designed and unanticipated emergence of bordering processes, in our specific case novel paths of migration and renewed reinforcement of the border. But, our emphasis on open-ended contestation and diverse assemblages tries not to fall into naïve forms of pluralism, an untheorized list of actors with no model of social relations, ignoring power. We see the overall assemblage as slanted toward xenophobic and racist politics in the contemporary United States (Heyman, 2012). Likewise, it is broadly shaped and biased by the security discourse that in recent decades has particularly been applied to racial other asylees (Bigo, 2002, Huysmans, 2006). These broader tendencies is not uncontested or simple, however, and countertrends also emerge from this arena of struggle.

A central pattern across this contention is conflicting moral claims and motivations about borders and migration (Heyman and Symons, 2012). As Didier Fassin (2012a: 4) states, “the object [topic] of moral anthropology is the moral making of the world,” which could be said for other social sciences as well. Contested politics involves “ought” claims based on divergent evaluations of people, places, behaviors, substances, etc. (Fassin, 2012a: 13). The specifically political approach, resides in the moral phrasing of what “ought” to be done, as in “we ought” to mandate particular arrangements of the world (the “making,” in Fassin’s terms), interwoven with perceived and contested “factual” assessments of the world. (Of course, the intended making differs from the actual performance.) This moralization of contention is particularly salient, as Heyman points out (2000), for high scale societal issues like borders and migration. Moral anthropology recently has focused on “humanitarianism,” contention and action toward people to rescue and care for their biological beings, especially for groups that are seen as particularly worthy of pity, deserving special care, such as children and women (Bornstein and Redfield, 2011, Fassin, 2012b, Feldman and Ticktin, 2010, O’Neil, 2009, Ticktin, 2011). Indeed, we find

occurrences in our case study (e.g., in legal actions and media appeal), but it is important to emphasize that we find the range of moral contention to be wider than narrow humanitarianism as the literature has defined it. Indeed, a stronger notion of shared “humanity” between North Americans and Central Americans has also proved important.

Interwoven with moral contentions are ideas and practices of membership versus othering. One key debate was shared humanity (as in human rights) versus drawing distinctions between citizens and outsiders. Connected to this debate was anti-racism versus racism (U.S. white versus Latin American) (Inda, 2006, Heyman, 2012). Gender and age are important lines of contention, as the migrants involved in this conflict sequence were disproportionately women and children, raising to prominence a long-standing debate over migration, reproductive capacities and needs, and demography (Chavez, 2004, Wilson, 2000). Contention over legality/illegality (unauthorized entry and presence), an important frame in the struggle concerning unauthorized Mexican adult migrants, mutated for Central Americans. This population (especially the families and children) were asserting an open legal claim to asylum, so there was a moral debate over whether the United States should be offering asylum at all, and if Central Americans were deserving of this offer. But, mixed into this debate was the lingering presence of the xenophobic assumption that immigrants coming across the U.S.-Mexico border were morally illegitimate “illegals.” Our goal this case study is to trace the ensemble of these moral and socio-political contentions and the actors who carry them, and to understand the still emergent outcome (an important antecedent to our work is that of Tamar Diana Wilson [2009: 135] who characterizes “three types of ‘moral entrepreneurs’ advocating for and against the undocumented worker... : the nativist, the economic, and the humanitarian.”)

Historical Summary and Overview

As noted above, Central American migration to the United States through Mexico and the U.S.-Mexico border has a long history, but we begin our case study in 2012, in keeping with a gradual but ultimately significant increase in numbers arrested and requesting asylum. By the summer of 2014, arrivals of Central Americans at the border, mainly at south Texas, had spiked. From Fiscal Year 2013 to 2014, there was a 149% increase in Border Patrol arrests of unaccompanied Central American minors (20,805 to 51,705) and over a 252% increase in total family units² (14,855 to 52,326) (United States Customs and Border Protection, n.d.a). More entrants were apprehended in south Texas (Rio Grande Valley Sector) than the Tucson Sector in 2013, for the first time in many years, and in 2014, nearly three times as many in the former than the latter (256,393 versus 87,915, which includes non-family unit adults) (United States Customs and Border Protection, n.d.b). These patterns have held to the present; numbers of Central Americans arrested went down significantly by the fall of 2014 for reasons discussed later, and have oscillated in the range of 2,000 to 7,000 monthly arrests of unaccompanied minors (including Mexicans) and of 2,000 to 9,000 monthly since then—in summary, lower than the peak in the summer of 2014 but still significant (United States Custom and Border Protection, n.d.c and n.d.d).

However, it is important to put these numbers in context: while they indicate a specific kind of increase—Central Americans--this was surge of a specific kind of migrant within long overall decline in border arrests, caused by a decrease of Mexicans. Southwest border arrests in Fiscal Year 2006, for example, were 1,071,972, mostly Mexican, typical of the period through the 2000s, while even the peak year of Central American arrivals, 2014, witnessed 479,371 arrests, and 2015 saw 331,333, a number resembling 1971 arrest levels (United States Custom

and Border Protection, n.d.e and n.d.f). Broader demographic analyses in both the United States and Mexico confirm that slightly more Mexicans are leaving the United States (both via voluntary return migration and deportation) than are entering, and that entrance rates are historically low (Gonzalez-Barrera, 2015). So, a main goal of our case study is to examine the construction of this period as a border “crisis” (or similar discourses) when the overall pattern has been a decline in unauthorized border crossing, and the role that this crisis construction has on-going U.S. immigration and border politics.

Throughout the period we are examining, unaccompanied minors from Central America are processed, housed, possibly released from custody, and have their legal cases (e.g., asylum) handled in a specific fashion governed by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. The genesis and character of this legal framework will be discussed below. This has reduced contention over processing and release issues for minors, though some does occur. However, there have been changes in the handling of family groups that has formed an important field of contention. Upon first encounter, the officer of Customs and Border Protection (port inspector or Border Patrol officer) should ask a person whether he or she has a credible fear of returning to his or her home country. If the person responds affirmatively, then that person cannot be immediately deported, but instead is referred to an asylum officer for a credible fear interview. In this process, DHS’s initial approach was to hold family groups in CBP short term detention (e.g., Border Patrol holding cells) for a brief period, then transfer them to Immigration and Customs Enforcement (ICE), the main DHS detention operator, during the time for the full credible fear interview. After that, they were released in south Texas or transferred to other U.S. sites where ICE had additional handling capacity. People who passed the full credible fear interview were released pending an asylum and/or

deportation case in Immigration Court, which could be several years later, given court backlogs (discussed below). Assistance given to families in process and transit, and community debates over if they should be transferred and released in those places, formed an important domain of moral contention.

In late June 2014, ICE began to place families—even after passing the full credible fear interview--in temporary housing in Artesia, New Mexico, at the Border Patrol Academy. Indefinite detention as such and its particular conditions thus emerged as yet another line of contention. In December 2014, ICE opened two family detention centers, in Dilley and Karnes City, Texas, in addition to the existing Berks County, Pennsylvania facility. Artesia was closed with the opening of Dilley. Not only have those sites seen service provision by pro-immigrant activists, and legal and policy contention, but previous struggles continue because a significant number of families continue to be transferred to U.S. communities for processing and release. Unaccompanied minors are transferred to for-profit shelters such as Southwest Key, which has multiple residency centers across the Southwest; however, detailed data about these facilities is limited. In summary, our object of study encompasses the human, logistical, legal-policy, and geographic patterns of arrest, detention, processing, and release of Central American families and (to a lesser extent) unaccompanied minors.

Finally, in late August 2014, Governor Rick Perry assigned units of the Texas National Guard to south Texas, ostensibly to backup federal Border Patrol and Customs and Border Protection, who were occupied with the increased and changed migration stream; National Guard, however, had no arrest powers, no police roles, and no logistical duties, so that this action was purely symbolically political. The Texas Department of Public Safety (DPS, state police) also were deployed in mass to the border in the same period, with a longer period of buildup.

Although the DPS deployment ostensibly removed the need for National Guard, the latter force has remained to the present in the borderlands. The DPS has state criminal enforcement duties, but no immigration duties (which are federal, not state) and there was no particular issue with crime in the region. In the legislative session, in late spring 2015, the temporary DPS deployment was made permanent with a special \$800 million, two year allocation that not only funded the existing deployment but substantially increased the size of the DPS, entirely for border operations. Hence, a third goal of our case study is to understand the contentious politics behind this notable bordering process in Texas.

We begin with the Central American migrants, who through their actions seeking safety and well-being initiated and have remained active in the contention process. We also mention the *coyotes* (migrant facilitators, smugglers) who may or may not have had a significant role in bringing these flows into being through dissemination of information about the asylum process in the United States. We then turn to the U.S. state, first delineating the inherited laws and legal processes around which the debate has occurred, and then the sedimented infrastructure and normal enforcement routines of south Texas and the border as a whole. We delineate the complex U.S. federal state, breaking it into upper political leadership, Customs and Border Protection management, and rank and file officers, each with their own visions and actions. As contenders in this process, also, we examine federal worker unions (specifically the Border Patrol Union). We also bring in the Mexican state, which has had a significant role slowing down the northward Central American flow, probably on behalf of the United States.

State and local governments and politicians, in interaction with local constituencies, have had a distinctive and highly varied role in moral action and contention, in some cases welcoming Central Americans and in other cases leading their rejection, most notably Republicans in Texas.

After examining those processes, we move to activists not directly part of governmental entities, first the supporters and then the critics of Central American immigration. Among supporters, we delineate volunteer and NGO service providers, policy advocates, and legal representatives and advocates. We pay particular attention to the religious component of this sector. The immigration critics do not provide services, but do advocate, and have close connections to various levels of state actors. Finally, we examine the media an important part of contentious politics, both the conventional mass media and the specialized media of the right and left, attending to the increasingly important role of social media and the internet.

We close the chapter by looking at the overall trajectory of this extended case. Generally, it has reproduced and in some ways strengthened the existing, immigration-interdicting border. This shows the relative strength of xenophobia about refugees in the United States in the current moment (with obvious global implications), particularly through the resurgence of anti-immigrant groups and mass protests about refugee children. But we do take note of continuing struggles and ways that the scenario is still in flux.

We assemble the work here from a variety of sources. We faced logistical challenges of multi-sited fieldwork (Marcus, 1995), since the heart of events were in south Texas, but there was multi-actor and multi-scalar contestation across many sites. We combine ethnographic fieldwork among assistance providers and advocates in El Paso, Texas (fieldwork by Guerra, with sporadic participant observations by Heyman), ethnographic research at migrant shelters along the South Texas border in Nuevo Laredo and Matamoros, Tamaulipas in 2013, and reconstruction based on the documentary record. Much more remains to be learned about this important contemporary history.

Delineating the Contesting Actors

Migrants and Migration Facilitators

It is crucial to start with the Central American migrants, who initiated the entire sequence of events and have driven it forward through the present with their continuing arrivals. Though often reduced to inert objects of politics and moral action, they are active agents. Much of the discussion of Central Americans has addressed the conditions that they have fled, for understandable reasons (e.g., Hiskey et al., 2016). Without an account of how they resolved to flee (considering the difficulty of crossing Mexico), this seems to imply, however, that their flight was an automatic reflex of the conditions, which does not seem realistic. For example, why did the rate of female and youth outmigration from Central America increase in 2013 and 2014? Conditions have worsened over time in the sending countries, but conditions have been terrible for a long time, raising the question of collective information sharing and resolving to leave as a social process. U.S. officials have talked about collective information sharing in Central America as if it only amounted to sharing incorrect rumors. This very discussion highlights the policy of discouraging and obstructing potential asylees rather than enabling them to make appropriate legal claims in the United States. Fears that our asylum system will be overrun, or taken advantage of by dangerous individuals ignore the arduous (and extremely difficult) asylum process that is currently in place. However, humans are social beings, and it makes sense to posit that mutual discussion influenced individual and small group decisions to seek asylum, even when the decision itself makes full rational sense in terms of asylum law and local conditions. Despite immigrant advocates' insistence that this information sharing was not spurring migration, we did find some evidence of this in the field. A coyote who went by Chiapas (place names were commonly used in migrant shelters to maintain anonymity) had

crossed a small group through Nuevo Laredo, Tamaulipas. “*We got caught by the border patrol, but I told them people were after Esmeralda¹ and they let her and her daughter go,*” he bragged (Personal Communication, Slack 12/16/2013). This took place shortly before the media uproar, and although Chiapas’ actions in no way convinced her to cross the border (they met in the migrant shelter), as a migration facilitator he did help introduce her to the technical arena of international human rights.

Aspects of this debate about migration because of the possibility of gaining asylum also help us understand the large spike in apprehensions in 2014. Apprehensions of clandestine border crossers will be much lower than “apprehensions” of people seeking asylum, although how large a difference is a point of contention. As the total number of migrants is now legible, since people are invoking their legal rights and actively seeking an authority figure, rather than attempting to evade them with cause a defacto spike, one that is actually much smaller in terms of the real increase in migration. However, we still know little from fieldwork about these active decision-making processes.

In May 2014, Border Patrol Intelligence Officers interviewed Central American family units and unaccompanied minors (No author, 2014). This source must be regarded with caution: we do not know how informants were selected, the interviewers came from the arresting agency and had an interest in the findings, and the analysis likewise came from the government. However, the findings are possibly useful. They found that the primary reason for migrating at that time was that the U.S. government was providing “*permisos*” to stay (at least temporarily) in the United States, which interviewers interpreted as notice to appear in immigration court documents when people were released after arrest and pending a deportation/asylum hearing.

¹ This and all other names are pseudonyms.

The secondary reason was increased gang violence and extortion. Finally, some mentioned that they had by that point accumulated enough money in Central America and from United States sources (e.g., kin) to make the trip, which suggests planning. This study, leaked by someone in the government as a political move, has widely been interpreted as evidence that Central American women and children were largely not sincere refugees but rather seeking instrumentally to immigrate to the United States (e.g., see the tone of this coverage: Nakamura, 2014). However, the reasoning might well be more sophisticated and sincere: migrants learned that they might be able to obtain permission to enter and stay in the United States, coming from oppressive conditions in home countries, based on a credible application for asylum (we use legal terms here simply to make the point, not because it makes sense in “emic” terms). The term *permiso* (permit) does not necessarily imply some sort of mistaken idea or illegitimate manipulative move to garner benefits from the United States, but rather any sort of authorization or status from a government. Seeking refuge and seeking an immigration permit are not mutually exclusive, rather, the act of seeking a permit may simply have altered the form of migration, i.e. presenting at a port of entry rather than attempting a clandestine migration through the desert.

Likewise, the life stories of migrants and the ways they narrate them have their own distinct logic that does not identically match external legal or moral categories. U.S. asylum laws and decisions applied to Central Americans utilize a narrow category of well-founded fear of persecution without effective recourse to local protection, such as direct threats from gangs to youth in a situation where gangs are untrammelled by authorities. Moreover, asylum requires a specific nexus, as one cannot simply be the victim of persecution for personal reasons, rather they must pertain to a specific group (religious, racial, social, etc.) or be involved in public

activism. This certainly happens, but Central Americans reasonably perceive and then flee from a much more complicated, often hybrid web of risks and harms, that include diffuse violence (not just gangs, police, etc.) and economic suffering. We can infer a non-legalistic, more complex perception of need for refuge carried and articulated by migrants' contrastive value of a formal, legal presentation of their cases by lawyers in immigration court. Represented family groups have a fourteen-fold higher chance of non-deportation than unrepresented ones in immigration court, although two thirds of represented cases still are declined; unrepresented families have almost no chance (2.3%) (TRAC Immigration, 2015).

This is not to say that all Central Americans even have a case for asylum that matches U.S. or international law, but that their understandings, narratives, and agentic actions have their own basis and logic (often, quite sensible in terms of conditions in home countries) that differ from either skeptical (DHS discourse about "*permiso*" seekers) or supportive (asylum lawyers) dominant frameworks. Contestation in dominant politics tends to reduce Central Americans to passive and one-dimensional moral objects, either gamers of the system or recipients of persecution. As Guerra found, however, as discussed later, advocates for Central Americans often have a richer and more human, nuanced view of migrants, but this is reduced to one dimensional representations in legal, media, and political advocacy arenas.

Once inside the United States, protests by migrants also demonstrates their agency, even in coercive situations (e.g., the hunger strikes over poor conditions by Mexican and Central American women at the Hutto Detention Center in fall 2015). Protests by migrants have at some times significantly limited the number of migrants transferred into and retained in detention centers. The distinctive initiative of migrants always must be kept in mind when tracing the paths of political contestation and bordering processes.

Coyotes, migrant facilitators, and smugglers (related terms with different implications; see Spener, 2009 and Sanchez, 2015) also have autonomous agency, and may have had some role in stimulating the increase in migration. The smugglers involved in facilitating Central Americans in the last three years have not been studied specifically (either Mexicans or Central Americans), but a wider range of works enable us to comment briefly on the role of their assistance and initiative. In the Mexican case, *coyotes* respond to migrant initiative. They may do this from home towns, from northern Mexican border crossing sites, or from relatives in the United States. They provide information, which does not seem systematically wrong or manipulative, though it may have an optimistic bias (less emphasis on the difficulties and suffering of the passage). These Mexican observations disfavor the widespread rhetoric that smugglers induced naive Central American migration, but, of course, the Mexican pattern may differ from the Central American one. Of course, as facilitators of a covert process, migrant facilitators do not participate in overt political contestation, but they do set the stage for it.

The role of criminal entrepreneurs and organizations, low and high level, is not well understood. Certainly, northern Central American migrants come from countries with widespread and violent criminality. The combination of extortion taxes charged to business and the subsequent death threats that accompany their inability to pay combines economic and conflict push factors. Not only have people lost their means of sustenance, but they are now marked for death. Moreover, during the journey, their routes pass through Mexican states and localities with high levels of organized crime (e.g., Veracruz, Tamaulipas). While criminal organizations in home countries such as the Mara Salvatrucha or los 18 certainly spur migration, the role of criminal organizations in facilitating migration is hotly debated (Slack and Whiteford, 2011, Sanchez, 2015, Izcara-Palacios, 2012, Spener, 2009, Correa-Cabrera chapter). The

complex interactions between different criminal activities, principally human smuggling and drug smuggling along the border, does show that there is certainly an impact on people's journeys, usually though paying a toll to organized criminal organizations, and making sure to cross at specific times and places that will not cause problems for the trafficking of drugs (Slack and Campbell, 2016). There is also evidence of kidnapping for ransom and forced and voluntary work in smuggling (Correa-Cabrera chapter).

Characterizations involving criminality, however, are an important part of the political and moral debate. The U.S. state spokespeople have proposed that criminal smugglers induce the Central American flows. Anti-immigrant activists argue that Central Americans include dangerous gangsters. And pro-immigrant activists and advocates (e.g., lawyers) propose that Central Americans are often fleeing persecution by criminals without the willingness or capacities of governments to protect them. The truth value of these propositions often is questionable, and little good evidence is available about them, except for the one about criminal violence and persecution as inducing migration (Hiskey et al., 2016). Criminals are not part of the contentious politics as such, but have potential roles both as causative agents of the events and as debated moral and legal features of the situation.

The U.S. Federal State

The "state" has varied and complex roles in contestation and border processes. U.S. laws themselves have a particular logic, various state agencies choose if and how to enforce laws, and state actors often enter into the domain of political advocacy. Importantly, the "state" itself actually is an agglomeration of various agencies, individuals, and scalar levels, while the boundary between state and non-state (e.g., reporters, lawyers, even "non-governmental

organizations”) is blurry (the seminal work on state complexity is Abrams, 1988). In the present case, also, several states are involved—the United States most of all, but also Mexico and the northern Central American countries.

An important inherited assemblage at the U.S.-Mexico border is the interdiction and punitive deterrence system (officers, infrastructure such as holding areas, enforcement practices) aimed at adult unauthorized migrants (some of whom of course have had reasonable claims for asylum). The initial detection and arrest apparatus (Border Patrol, ICE detention and removal) is has been very heavily funded and developed, though south Texas initially had lower resources per person arrested and processed than the previous main crossing corridor, Arizona. It is reasonable to argue that inherited practices and physical structures (the Mexican interdiction model [Heyman, 1999]) set the U.S. government on the path of responding to arriving Central Americans through detection, arrest, short-term detention, reluctant provision of “credible fear” hearings (the first stage of an asylum petition), and rapid removal.³ When women and children, from Central America, not Mexico, arrived at the border in increasing numbers directly asking for asylum, they did receive some specialized handling, but the unstated assumption, literally built into the existing geographic site and system, was that they were aspiring “illegal” immigrants who needed to be repelled, and deterred from further entry, not aspirant refugees from intolerable conditions. We will examine this in connection with specific officer practices below. This web of practices interweaves with political xenophobia and racism, also discussed later. One inherited image of the border—highly varied and politically contested, of course—is a site of invasion by law violating illegitimate immigrants (Heyman, 2012). The arriving wave of asylum seekers entered into a political scene shaped powerfully by these images, discourses, and assumptions. As we move to delineate the state and the political struggle, we will take a more

micro and presentist perspective, but it is important to keep in mind the vast weight of these inherited assemblages.

A second inherited assemblage—presenting a striking contrast with the border interdiction assemblage—is the underdeveloped immigration court system, badly underfunded relative to the number of incoming cases. Arriving Central Americans who surrender and make a first stage request for asylum (a plausible fear claim), as well as having a deportation case against them, then are given dates for adjudication in immigration court. Because the courts are so out of balance with need, those potential deportees/asylees will either be released for reappearance in court at a much later date or held in an immigration prison (“detention center”) for adjudication. This question of release or detention is the very center of the political struggle for Central American family groups (the case of unaccompanied minors is determined by the Wilberforce Act, discussed just below). For example, the average backlog for Guatemalans in April 2016 is approximately 500 days; the other two northern Central American countries are comparable, and this is a long-standing issue, not just a recent aberration (the backlog is calculated on http://trac.syr.edu/phptools/immigration/court_backlog/apprep_backlog.php). The underfunding of immigration courts, a site where immigrants can both gain benefits as well as suffer penalties, by contrast with border enforcement (e.g., Border Patrol), an activity of a purely interdictive and punitive nature (e.g., many people arrested at or near the border receive expedited removal, a formal deportation given by the arresting officer without the person ever seeing an immigration judge), is a sediment of fundamental importance in understanding what follows. The contrast between the super-funded border interdiction apparatus and the stunting of immigration courts has not been explored by scholars as an important political fact. The Immigration Courts (Executive Office of Immigration Review), in the Department of Justice,

unsurprisingly do not take an open role in political contention except to promote its budget.

Individual immigration judges vary widely in granting asylum (the numbers are large enough in most cases to have confidence in the differences) (TRAC Immigration, 2014). The justice of their decisions is intensely debated among lawyers and other advocates, and clearly matters greatly to moral contention (Ramji-Nogales et al., 2011).

Finally, laws and court cases (or gaps therein) form an important part of the border assemblage, both inherited from the past (discussed in this passage) and emergent paths of legal contention (discussed later). In 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act was passed. Among many components of this Act--certainly not the core elements at the time--were provisions that clarified that unaccompanied minors from all countries except Mexico and Canada “in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child” within the United States (sec. 235 (c) (2)). This, plus other language in section 235 (e.g., limits on removal to home countries, provision of legal counsel for unaccompanied minors only [this is not always provided and is currently legally contested {Crow, 2016}]), strengthened the arrangements permitting unaccompanied minors to remain in the United States for sustained periods while their asylum or other immigration cases were adjudicated. These items were inserted in the legislation through inner corridor advocacy by national immigrant rights organizations, specifically ones focused on issues affecting women and children. This certainly was a case of moral politics, both generally (a law aimed at trafficking and named after the preeminent anti-slavery leader) and specifically (the provisions concerning unaccompanied minors). Those provisions were motivated by a combination of humanitarian commitment to perceived “vulnerable” people (children) and the business of some organizations as service

provider contractors to the Secretary of Health and Human Services, Office of Refugee Resettlement.⁴ At the time, the reason for exempting unaccompanied minors from Mexico and Canada from these protections was to enable them to obtain voluntary departure, which meant not having a formal removal and legal bar to return visits or migration on their record (but also precluded submitting an asylum petition, thought not to be relevant to those two countries because of safe third country laws, which in retrospect may not be the case for Mexico). Most minors at that time came from Mexico. Hence, an accidental but important effect of this legal and logistical logic from 2008 was the Central American minors in 2013 onward had a temporary protected and represented status in the United States. As limited as these legal provisions are, they are a sedimentation of a previous political struggle over legal process that partly set the pattern for events starting in 2013.

Family groups (adults with children) have fewer processual legal protections than unaccompanied minors. For example, the former do not have a right to legal representation in immigration court, by contrast with the latter. The moralized politics of this remain in contention. Family groups do have some legal protections in terms of detention and handling provisions. The “Flores Settlement” itself focused on the treatment of children, continuing the humanitarian theme. Among other features, Flores limits the ability of the government to detain children indefinitely. In *In re Hutto Family Detention Center*, the court acknowledged the application of Flores to children with families in detention (Lutheran Immigrant and Refugee Service, 2014). The Flores settlement language, its legal interpretation, and its application by the government in practice, is a key node in the current web of contention. The current struggles around Flores are discussed below to exemplify legal advocates. On another level, actual on-the-ground-practices are driven substantially by material constraints, showing a range of actions that

conflict with formal policies in both punitive and ameliorative ways. While conditions in family detention are hotly contested, fathers travelling alone with children are generally not detained because there is no dedicated family facility for fathers and children, making the treatment worse for women and children than for men and children. In summary, accumulated legislative and litigated frameworks, pushed by energetic legal advocates, comes into conflict with racist politics of isolating, immiserating, expelling, and thus putatively deterring refugees, materialized into practice by the executive arms of the federal government.

The upper levels of the central U.S. state, the Executive Office of the Presidency and the upper management of the Department of Homeland Security, evidently (by their actions) thus have sought to reduce drastically the numbers of Central Americans obtaining asylum in the United States. This can be seen in a number of decisions they took, such as replacing the release of Central Americans after immigration court dates were set with confinement in detention centers until such dates (in most cases—some continued to be released), which was publicly justified as a form of deterrence, and mobilizing Mexican authorities to interdict and impede Central Americans. A sense of the contentions of U.S. state elites can be found in a major statement by the Secretary of DHS (Johnson, 2014; also see a recent quotation in Burnett, 2016). “Humanitarian” concerns are briefly mentioned, as are poverty and violence in Central America, but “security” (defined as making the border an insurmountable barrier to previously unauthorized Latin Americans, asylum claims or not) is the principle value asserted in that document. At the same time, these upper state actors also strenuously argued that the U.S.-Mexican border was generally well controlled under their rule, and not in a state of crisis. Only future historians with access to archived internal communications in will be able to say definitively, but it seems likely that upper state actors in the United States pander (while not

using racist language) to politically strong xenophobic fears about immigrant invasion—specifically brown-skinned, Latin Americans, particularly reproducing women and children (see below); while at the same time seeking to project an image of overall state mastery and control. The move maintained the overall existing pattern of border enforcement (despite declining overall entry rates), and moved the state apparatus to the blockading and removal of Central Americans, rather than offering refuge, but it resisted the more dramatic border reinforcing politics of border crisis that emerge from further right, discussed below.

Interwoven with executive level decisions have been the interests of private correction corporations. The new family detention units at Dilly and Karnes City, for example, are operated by Corrections Corporation of America and the GEO Group, respectively (Del Bosque, 2014). The inside arrangements are cryptic from the outside but at least suggest important arrangements in bordering processes.

Internal agency management and officers at CBP and ICE was overtly politically silent, in keeping with their formal bureaucratic subordination to upper leadership. Some of their actions were crucial to the bordering process, however. It is difficult to know if, and to what extent, these were intentional. Certainly, the two organizations were remarkably unprepared for the increase in unaccompanied minors and family groups. Central American flows, adult males and females, unaccompanied minors, and even some family groups, had long crossed the border, predominantly in south Texas; by 2012, advocacy groups pointed out growth in the flow of minors (Women's Refugee Commission, 2012). By September 2013, Customs and Border Protection (CBP) had noticed several trends: increasing Central Americans by comparison to Mexicans; increasing family groups and unaccompanied minors; and a shift from Arizona to south Texas (National Center for Border Security and Immigration, 2013). CBP commissioned a

university research center study that in turn identified legal, logistical, and tactical challenges in handling this flow in a report issued in March 2014 (National Center for Border Security and Immigration, 2014). The findings were available internally to CBP earlier. Notably, however, the Executive Office of the Presidency, Department of Homeland Security (DHS), CBP, and its front line enforcement branch, the Border Patrol, did not respond quickly or substantively to these warnings (Nakamura, Markon and Roig-Franzia, 2014). Specifically, the Border Patrol and ICE were underprepared for the “humanitarian” logistics of transporting, processing, housing, feeding, etc. women and children in relatively large numbers in a concentrated site, the Rio Grande Valley sector. Notably, this was not a detection or arrest challenge, since most entrants went to officers and surrendered. This was not for lack of resources; CBP had a \$12.4 billion budget in FY 2014 and ICE had \$5.6 billion (Department of Homeland Security, 2015b); and Border Patrol a workforce of 21,000 officers. Rather, it was likely a sedimented history of concentrated attention and action in the U.S. Border Patrol and the entire immigration system.

Arguably, the Border Patrol (and other entities, such as ICE) have specialized in adults, especially male adults, and particularly people from Mexico (hence, Central Americans are not Guatemalan, etc., but simply “Other Than Mexican - OTM” in Border Patrol jargon and statistics). That specialization was noted by Heyman (1995) in his ethnography of the Border Patrol and traced deep into history by Hernandez (2010). The new arrivals were framed legally and politically as requiring specialized “humanitarian” handling. The previous specialization perhaps made the Border Patrol unable to adjust quickly to the changed immigrant population. For example, there were not adequate holding facilities for families or minors in terms of numbers or quality (e.g., Cantor, 2015, Lyall and Rickard, 2015). Officers were not used doing effective (sympathetic and probing) credible fear interviews, the information gathered at the first

encounter, that initiates and via documentation influences all subsequent asylum hearings. While dated, Heyman's early 1990s ethnography found that many Border Patrol officers were skeptical of asylum claimants (many, even at that time, Central Americans) on the grounds that applicants are manipulative and are seeking to migrate via any sort of useful falsehood; the officers see themselves as guarding a special, valued right to be present in the country against illegitimate outsiders. On the other hand, scattered media reports indicate a "humanitarian" concern of officers personally to take care of women and children (such accounts are subject to presentation of self effects, of course). This deep historical accumulated infrastructure and habits came to have a weight of its own in the unfolding of struggles over treatment of migrants in south Texas. This failure to adapt by DHS, its management and officers, deliberate or not, helped constitute objectively and subjectively a "crisis" at the center of contention and reworking of the border. It also meant that some potential refugees were denied the first steps of the asylum process.

While DHS (CBP, ICE) line workers as individuals enter the bordering process through their work routines and attitudes, the DHS worker unions are major players in the political contest, especially the Border Patrol union (in other instances, the ICE Detention Officer union has had a similar role). A key spokesman has been Chris Cabrera, vice president of the National Border Patrol Council and officer in the Rio Grande Valley Sector. Cabrera has provided to the media, with energy, drama, and erstwhile authority as an officer, every single line of moral panic (Cohen, 1972) that has proven important to the construction of crisis on the border. These include (among others) diseases (ebola, etc.), terrorism, gangs, hatred of Obama, lack of control and insecurity, and so forth (a good example is ebola, which he discussed in this south Texas television appearance that was then widely diffused through right-wing internet narrow-cast media: Galindo, 2014). Cabrera's media outlets range from centrist media (e.g., NBC News),

through mainstream rightwing media (e.g., Fox News), to new internet-based, strongly right wing media (e.g., Breitbart). Cabrera and the National Border Patrol Council's motivation is clear; in an era of declining border arrests, they seek an increase in Border Patrol staffing of 5,000 officers (24% higher)—quite evidently a bordering outcome (Cabrera, 2015). The themes articulated by the union side have proven crucial for the construction of crisis on the xenophobic side, by contrast with upper government management that seeks a non-crisis though immigration-restrictive side (for more recent union activities promoting Donald Trump, see Graff, 2016).

Non-U.S. Central States

The Mexican state (immensely complex, of course) plays a key role in the migration process of Central Americans, obstructing their movement on behalf of the executive (upper) U.S. state. The inner politics of negotiation between the two states has not been revealed, though it is evident. In July 2014, Mexico announced the Southern Border Plan and began increasing apprehensions and deportations of U.S.-bound Central American migrants (Isacson, 2015). Mexico's increase in apprehensions was tracked by a decrease in the United States' apprehensions—"migrants who in the past would have made it to the U.S. border and appeared in U.S. apprehensions data are now intercepted and counted in Mexican statistics" (Dominguez Villegas and Rietig, 2015: 2). Under the Southern Border Plan, Mexican authorities apprehended 62% more Central American migrants between October 2014 and September 2015 than they had the year before. The U.S. apprehended 57% fewer "Other than Mexican" migrants over this same period. This data suggests that the decline in U.S. apprehensions is due in large part to Central Americans being unable to successfully traverse Mexico, not a decrease in those

fleeing pervasive violence in their home countries (Dominguez Villegas and Rietig, 2015: 7).

The Mexican state also justifies its bordering role by portraying its southern border as a security risk while human rights advocates in and outside of Mexico have energetically documented and critiqued the treatment of Central Americans in Mexico (e.g., Knippen, Boggs, and Meyer, 2015). This has been part of a wider critical human rights movement in Mexico.

Little has been written about the role of governments of Guatemala, El Salvador, and Honduras in the arrival and asylum process at the U.S.-Mexican border. Here, we do not refer to internal conditions and policies that cause flight (e.g., policing and militarism), but only to the process of contention over U.S. border and asylum policy and practices. It is notable how weak and subordinate these governments are in the face of U.S. programs to expend money and propaganda in Central America to deter the flight of refugees (explicit in official language), as well as a modest expansion of the small (3,000 person) direct-admission refugee program in the region (Bersin, 2015; Edwards and Mohammed, 2016). Participant observation with immigrant advocates in Dilley, Texas (February, 2016) reveals some patterns about consular involvement with Central American refugees, although it is difficult to generalize. The Guatemalan consulate has largely been absent from the facilities. On the other hand, the Salvadoran consulate has actively supported efforts from legal aid organizations, instructing women to seek out the legal services offered in the facility. This serves as a counter narrative to the pessimistic vision delivered by CBP and ICE agents, who often urge people to sign their deportation order and not follow through on asylum claims. However, several incidents have shown the Honduran consulate to reinforce this narrative. A group of irate women approached the legal assistants at Dilley and complained that the Honduran consulate had instructed them that they had no legal recourse and should immediately sign their removals, adding “it’s not that bad,” and “together

we can make it better!” (Personal Communication, Slack 02/11/2016). It should be noted that, just as the individual agents enact state policies in a wide variety of ways, so too do consular officials. These are just two varying examples that may or may not relate to individual preference, political perspective or some more concrete internal state policy.

U.S. Subnational Governments and Politics

Political contention at subnational state scales has been particularly important in the Central American refugee case, part of a broader pattern of devolution of U.S. immigration enforcement and integration from the federal to the state and local levels (Varsanyi, 2010, Coleman, 2012). Local government voices have widespread media coverage, local governments have often assisted pro-immigrant NGOs, but in some cases have spoken out against refugee resettlement, and some state governments, particularly Texas, have been major anti-immigrant actors, indeed the main escalators of border enforcement. Border communities have been distinctly supportive of Central Americans, taking strong public positions, and in south Texas (e.g., McAllen, a major city) providing extensive material support to NGOs assisting released families. Interior sites with large Latina/o or other non-white populations (e.g., Dallas County, Texas) have also been supportive. On the other hand, demonstrators in Murrieta, California (not all locals, however) attracted widespread attention for blocking buses bringing refugees to be processed and released; this was at the urging of Murrieta’s mayor. An initial impression of the geography of subnational political contestation is that pro-asylee locations clustered along the border and a few large cities in the interior, while there was conflict belt of anti-immigrant actions in border states deeper into the interior. But this is tentative.

The political elites and politically strongest demographic segments in U.S. border states do not live in border communities. California as a whole tends to support immigrants, though the Murrieta case shows that patches of opposition remain. New Mexico is fairly evenly split, perhaps with a pro-immigrant lean. But the suburban and rural interiors of Arizona and Texas, majority white, override the Latino/a heavy borderlands and Latina/o and African-American core cities.

The state of Texas has been the most important arena of political contention in this contention sequence. It has had extremely conservative and immigration-restrictionist governors (first Perry and then Abbot) and a Republican super-majority state legislature with no checks on border enforcement escalation politics. Perry, who was running for President, and Abbot, running for governor, found the arrival of Central Americans at the site of imagined external barriers to be a valuable resource in xenophobic symbolic politics. The moral panic of diseases, gangs, expectant mothers, etc., dominated Texas politics in 2014 (an election year), though with vigorous pro-asylee dissent. As discussed above, National Guard and the Texas DPS were deployed to the border, followed by a \$800 million special state police expansion and border deployment, even though crime hotspots were located in the interior and not the border. The Texas state actions were politically acts of interior domination against the express wishes of border communities and leaders, political, religious (e.g., border Catholic bishops), and business (e.g., the El Paso Chamber of Commerce took an unusual public stand against these deployments, preceded by the McAllen Chamber [Greater El Paso Chamber of Commerce, 2015, Quorum Report, 2015]).⁵ This symbolic political act was known in advance to be ineffective (National Guard had no clear mission and no powers to act; the DPS could only act on state criminal law violations, not federal immigration issues), so that these deployments were intended

to be visible and not materially significant. This constitutes an important pairing, but also contrast, in enforcement practices, since DHS often sought to be invisible but effective, such as locating new or renewed family detention facilities in remote areas away from metropolitan mass media, lawyers, and other advocates. The major symbolic Texas action was the strongest border-intensifying process (above and beyond DHS's border-reproducing process) to emerge from the contention sequence.

Activists and Non-Governmental Organizations on Both Sides

The field of pro-Central American actors is diverse and flexible, in geography, role, and character. Border voices (e.g., Sister Norma Pimentel, a shelter organizer in south Texas) have been important, as the initial witnesses and direct sources of information and access for the media. National organizations have come later (e.g., American Immigration Council, Washington Office on Latin America), but bring experts in media outreach with established news release capacities. While the regional/national distinction has divided advocates on some issues, that has not occurred in this instance. The sources of supporters vary, with distinctive clusters coming from faith based organizations, established secular pro-immigrant groups, and legal service providers, but there is overlap between those categories (e.g., faith-based legal service providers), and individual actors entered from outside these existing sources. The Catholic Church has been particularly important, with border Bishops acting as key national voices, as well as affiliated local organizations as discussed below. Non-Catholics were, however, significant components of the service and advocacy coalitions. Churches, religious homes, sanctuaries, schools, and so forth were important because of the physical infrastructure available

to house Central Americans after release and before moving to reunite with families, and likewise religious congregations, students, etc., provided key personnel and volunteered supplies.

A range of pre-existing immigrant service providers in the borderlands was particularly important as a base for rapid mobilization both of services and political advocacy. For example, in El Paso, assistance to thousands of Central American family groups brought from south Texas was coordinated by Annunciation House, which was founded to provide sanctuary to Central Americans in the 1980s and has established skill in both assistance and advocacy; they were able to mobilize over 5,000 volunteers and numerous locations for short-term housing, supply provision, transportation of the region (Guerra, 2015). A subtle but important connection facilitated this work. While Annunciation House is strenuously and radically critical of U.S. immigration policies, and takes no funds from the government, long before the current events it had developed a relationship with Border Patrol and ICE in which those agencies bring released migrants to Annunciation House to receive assistance and shelter. Heyman (field observation) witnessed the precise moment of activating this channel of assistance and mobility in summer 2014—an interesting illustration of the unexpected hybrids that form assemblages. Similar activities took place in south Texas, on an even larger scale, while organizations in the U.S. interior offered reception assistance, though most of the facilitation of reception was done by migrant kin networks. This web of assistance organizations and personal networks was key to the spatial mobility of Central American families from the border arrival to the diaspora across the country. However, mobility paths of unaccompanied minors has been governed by the Wilberforce Act and the organizational structure it created (initial CBP processing, turnover to ORR governance, enacted in shelters operated by NGO subcontractor, and release to sponsors such as relatives and charitable organizations in the interior).

Emily Guerra, in interviews and ethnography in El Paso, discerned several patterns of motivation of the people who advocated for and served Central Americans. Religious morality, particularly (but not exclusively) Christian, was often central; the centered on an idea of all humans (whatever national citizenship) as being God's creation, and a moral mandate of service toward others. Secular moral thinking about unbounded human equality paralleled religious ideas, often expressed as some variant of the "Golden Rule": treating others as you would like to be treated. A number of activists had had previous experience with migrants, Mexicans and Central Americans (as in the Sanctuary movement of the 1980s), and some had personal knowledge of Central America from time volunteering, working, or visiting there. This has been important in testimony about the dangers from which potential asylees are fleeing. The legal, media advocacy, and political frame required to contend on behalf of Central Americans favored (in legal ways, required) advocates representing them as objects of "humanitarian" care, passive victims of violence in home countries and Mexico, pitiful women and children. But the periods that refugees spent in transition often were brief but volunteers, most of whom spoke Spanish, had conversations with them as equals (within the frame of providing services like shelter and transportation). Guerra's research thus found that the front-line advocates and service providers had a richer, more equal human-to-human vision of their counterparts' life worlds in personal motivations, understandings, and interactions than the currently fashionable academic rubric of humanitarianism conveys.

Legal work constitutes a distinctive segment of the pro-immigrant coalition. This ranges from personal volunteering of some lawyers, dropping the rest of their lives, moving to detention camp sites to represent families; organizational coordination of volunteers into the CARA Family Detention pro bono project with over 700 volunteers at various times at the major

detention centers (<http://www.aila.org/practice/pro-bono/find-your-opportunity/cara-family-detention-pro-bono-project>) a joint program of the Catholic Legal Immigration Network, the American Immigration Council, the Refugee and Immigrant Center for Education and Legal Services, and the American Immigration Lawyers Association; to a fundamental Flores class action lawsuit put forward by the Center for Human Rights and Constitutional Law with many collaborating organizations, law firms (working pro bono), and law professors.⁶ A number of key points have already been made: lawyer managed and narrated asylum cases have a fourteen times higher level of success than ones without lawyers, even if this involves bounding and controlling the personal voice and agency of migrants themselves. This point, and others like it, illustrate how the basic moral claim of immigrant advocates to the equal standing of all human beings becomes, in the advocacy process, reduced a “humanitarian” frame, representing silent, suffering refugees.

Nevertheless, legal action has had profound effects in the field of contention. The application of the Flores settlement to current issues (the Flores v. Lynch case) has moved through litigation at the District and Circuit levels. The District decision sustained on appeal at the Circuit level is that the Flores settlement forbids the government from holding minors indefinitely in detention centers (with rare exceptions). An important aspect, however, is not yet decided: if children cannot be held indefinitely, does this imply that parents in family groups must also be released from detention to be with their children? This implication of the court decision promises to end largely the core government policy of imprisoning Central American families with asylum requests pending their immigration court hearing. Alongside this, other legal advocates are attempting to decertify the state of Texas’s licensing of federal family detention centers as “child care facilities.” Another legal process, the successful appeal for

review of families facing final deportation (after asylum denial without representation) also has slowed down the expulsion drive by the U.S. government, although such families continue to be arrested and processed for removal. The legal element of political contention is a product of the consolidation of organizations and networks in immigration law generally, especially immigrant advocates, the development of a strength in asylum law advocacy in particular, and a “humanitarian” specialization in issues of women, family groups, and unaccompanied minors. Receiving this legal contention is a complex array of federal judges of varied degrees of sympathy toward immigrant rights or central government prerogative, and the actual accumulated legal statutes and common law, so far leading generally to pro-immigrant decisions.⁷ While the broad tendency of the politics has been enforcement-oriented, the pro-Central American networks of advocates, service providers, and lawyers has had significant effects in lessening this; in some ways, with limits, resistance has worked.

The central perspective of critics of Central Americans is that they are the latest wave of unauthorized Latin American invaders of the imagined white national community. That they are acting on a legal opportunity (request for asylum) is largely ignored; the core is inherited moral and political ideas from opposition to unauthorized Mexican immigration, and relatedly, fear of harm coming from the United States through the threatened outer border, particularly the one with Latin America (Mora and Christianakis, 2015). The opposition to Central Americans revitalized the anti-immigrant activist movement residing near or (more often) traveling to the border region, who had been in decline because of bad, often bizarre behavior by key “Minutemen” activists from 2008 onward (murder, murder-suicide, child molestation [Southern Poverty Law Center, n.d., Neiwert, 2014, Lemon, 2016]). The Central American influx gave them a new “folk devil” to mobilize against (Cohen, 1972).

As described earlier, the key opponents have been demonstrators mobilized at attempted transfer and release sites in the early summer 2014 (more needs to be learned about the particular actors in these mobilizations),⁸ Republican politicians (above all in Arizona and Texas [Mora and Christianakis, 2015]), and the alliance between officers of the National Border Patrol Union and internet right wing media. Opponents, of course, do not have to organize to provide direct services in actual sites of arrival, transfer, detention, and release; their main action is media-visible and micro-media (internet media) delivered public protests. Their main goals have been to block actions by the federal government to transfer and release families and unaccompanied minors, and to promote policies such as the deployment of the Texas National Guard and expansion of the Texas Department of Public Safety. Their main role, then, has been to make public moral-political arguments in the field of contestation.

Dangers form the core of explicitly articulated concerns for opponents about Central Americans. These include diseases and violent gangs; the former, altogether unfounded panic, the latter, with some element of truth, though as much a presence within the United States as outside of it. The border as an entrance for terrorism was also raised, not because of the Central Americans themselves, but because their entrance indicated supposed weakness in the southern border. Because the specific wave of arrivals were women and children, moral contention also hinted at the reproductive capacities of foreign, brown-skinned people, a theme that has sometimes cropped up with Mexicans also (Chavez, 2004, Wilson, 2000). This fits with anxieties about the changing demographics of the United States. The central contention, then, was that the United States is a unitary nation, protected against threats that come from outside by its border, with the nation by implication being racialized as white, continuing past fears of Latin American immigration (Chavez, 2001, Santa Ana, 2002, Abrajano and Hajnal, 2015). The wider

context also is relevant; Central Americans have served as valuable symbols in the struggle around comprehensive immigration reform, which has been a looming possibility from 2006 onward. Opposition to legalization of existing unauthorized immigrants and additions of new legal immigrants often is encoded as a question of border security. With declining border arrivals from Mexico, Central Americans now at the border provided new energy for opponents to overall immigration.

Media, Mass and Micro

The supporters and opponents of Central American asylum migration have contended, in substantial part, through the media. The media, in turn, help shape the politics within which the government sets policies (though the government through formal statements and unofficial releases also shapes media stories). An important feature of contention in this recent period has been the diversification and narrow-casting of media, especially via the internet. Politically right and left internet media have apparently had significant effects on increasing attention to the Central American wave, but this needs closer study. The left narrow-cast media, in particular Catholic and other religious media, Latin@ media, and human rights media, were significant in recruiting volunteers to come to detention centers and border sites to provide assistance to migrants. Through stories of the risks in Central America and Mexico, and the poor conditions of detention centers, they have also pushed for policy measures—not successfully—such as releasing rather than imprisoning family groups. The right narrow-cast media worked in alignment with the unofficial voices of the enforcement apparatus, e.g., the Border Patrol union (as detailed earlier) to push stories of border invasion, lost control, and dangers from outside. These processes of moral panic, in turn, shaped federal policy to detain rather than release a

higher proportion of family groups, starting in mid-summer 2014. It also prepared the political ground for Texas state decisions to deploy the National Guard and the Department of Public Safety. Texas is particularly subject to narrow-cast right wing media because the Republican primary, dominated by the right-wing base, is effectively the state-wide election and the election in many legislative districts.

The mass media in terms of content has seemed fairly careful and comprehensive, at least on first impression—but much more needs to be learned. Reportage has included visits to Central America and Mexico, personal interviews with Central American women, visits to short term and long term detention centers, visits to volunteer assistance centers, interviews with Border Patrol officers, visual imagery of crowds of migrants in the south Texas landscape, and so forth. Proponents and opponents both were quoted. A reasonable amount of context has been supplied. The issue, then, was not extensive overt media bias. Rather, this sort of reporting, informative on the surface, amplified the sense of a sudden and threatening crisis, specifically at a loaded site, the border. For example, pictures of children or family groups in short-term detention areas, meant to indicate the failure of the central government to treat people in a “humanitarian” manner, also communicated the impression of invading masses of immiserated foreigners (reinforced by news stories of Mexicans fleeing violence internally and externally [chapter by Durin]). However, there has been a pervasive discursive trend to describe the Central American population as migrants and not refugees, relying exclusively on “apprehension” (arrest) statistics that mix arriving aliens openly presenting themselves for asylum with interdicted covert entrants (Mora and Christianakis, 2015). Likely, these meaning-effects pushed the Executive Office of the Presidency and the leadership of DHS to move rapidly

toward a detention-first response to family groups. So even conscientious reporting strengthened bordering processes.

How Contention Makes Borders

This process of contention had “crisis” as a core product. The moral evaluation of that crisis differed, of course, in important ways. For some, a crisis of children and families needing assistance evoked powerful feelings of service and solidarity. For others, a crisis of disease bearing, gang ridden Latin American border invaders. Crisis is, of course, overstated; the phenomenon was substantial but much smaller than unauthorized southwestern border entries a decade earlier (and if that wave of unauthorized Mexican migration was a “crisis,” or a functional byproduct of the U.S. bubble economy, should also be also subject to debate). The actual migration movement in 2013-present has been modest in size—not trivial, but around 100,000 in FY 2014 and 50,000 in FY 2015.⁹ Fiscal Year 2016 numbers are still incomplete, though possibly increasing again. Foreign migrants, particularly Latin American peasant-workers, feed into U.S. fears of mass invasion, and the border is a symbol of danger from external penetration (Heyman, 2012). The “border as crisis” discourse has been reinforced by U.S. public awareness (in a displaced and confused way) of governmental and criminal violence in Mexico, especially along the border with south Texas, as well as victimization and flight of Mexicans and Central Americans, as described in chapters by Durin, Flores, Correa-Cabrera, and Correa-Cabrera and Clark. But contention promotes attention, thus promoting the crisis discourse, and in turn the crisis discourse raises the level of excitement and engagement in contention.

Crisis enters into the wider political struggle over the future of immigration in the United States, akin to that in most wealthy countries in the world. Of course, this context is far too complex to summarize here. But an important feature of it is white racism against Latin American immigration, interwoven with anxiety about social and economic change (Abrajano and Hajnal, 2015). The Central American “crisis,” involving women and children with their evident reproductive capacity, arriving on foot at a putatively imperiled border, gains discursive strength in this political setting. This explains, in part, how a relatively small, largely regional phenomenon in south Texas came to have significant pro-Republican party political effects in Texas in 2014 and possibly the United States as a whole in 2016 (the continuing pattern of contention described here, with all the same contending actors and positions, can be found in the most recent reporting from the border: Burnett, 2016). That, in turn, has reproduced interdiction-oriented border policy and in Texas, added to it: to wit, “bordering processes.” At the same time, the counterpart position was one of shared humanity with Central Americans fleeing violence and suffering. It is important, then, to emphasize that U.S. opinion is sharply divided over immigration, including from Latin America, as exemplified by the contentious politics described here, and there is potential for change.

The processes of migrant-driven action and then political contestation have for the moment strengthened the interdiction version of U.S. border policy, both in practice and in perception, even in a period where overall arrests of unauthorized migrants has fallen to levels last seen in the early 1970s. Notable has been the ICE shift toward mass detention of families, as well as the mass deployment of police and National Guard by Texas. A significant recent development is ICE locating and deporting family groups whose asylum cases received final denials, although critics argue that some of them have had inadequate representation and

understanding of the process (Wagner, 2016). Overall, the outcomes of contestation have substantially reproduced and reinforced the border. But there are counter processes, such as the still unfolding *Flores v. Lynch* court case that may result in the release of most Central American family groups pending their immigration court hearings (of course, the rate of asylum in such hearings is inconsistent and often low). The various bordering processes are enacted by the active struggles of distinct groups of people, in some cases shaped also by the presence of infrastructure, laws, and other “objects.”

This unfolding current history shows the value of attending to the productive role of contention, a point well established in some traditions in the social sciences. Here, we have aimed to encompass a wide and often disparate set of contending elements, which allows for complex formations and sometimes unexpected outcomes (e.g., the recourse of government agencies to their strong opponents to provide services to released migrants). Although we approach contention as an open-ended process, it must be emphasized that it is highly unequal; the executive and major agencies of the U.S. state, the main patterns of border and immigration law, and the current relatively anti-immigrant and racist balance of politics certainly makes the aims of Central Americans and their supporters difficult to achieve. We also have taken note of the moral ideas and actions on a variety of sides in this contentious process. Moral justice is not unitary and obvious to all, as the struggle shows, but from our perspective, we share humanity across borders, including migration and refuge as protection from harm.

¹ Another theoretical approach that influences us is versions of Marxism that examine the “making” of social formations through contingent historical struggles (Thompson, 1963). However, the topic we address here does not relate closely to other Marxist concerns.

² CBP does not split Central Americans from Mexicans in the family unit data for Fiscal Year 2013, so we use the total. Most arrestees in Fiscal 2014 were Central American, not Mexican

(61,344 to 5,639). Central American here includes only the three countries of Guatemala, Honduras, and El Salvador.

³ In 2016, Homeland Security Secretary Jeh Johnson traveled to Central America to say "I am here today to send a message that our borders in the United States are not open to irregular migration" (Burnett, 2016). This is in spite of the fact that many such people have a credible legal claim to admission as asylees and present themselves openly at the border, and are thus not irregular.

⁴ Office of Refugee Resettlement, which is in the Department of Health and Human Services, not Homeland Security, is another agency of the federal government that has dealt with some of the Central American migrants (unaccompanied minors). There is no significant evidence that ORR enters political contention, but ORR contracts with non-governmental organizations for service provision that also are major public pro-immigrant political advocates (e.g., Lutheran Immigration Refugee Service and the United States Conference of Catholic Bishops).

⁵ This almost certainly represents the large majority of opinion in the borderlands, but obviously not uniform opinion; see Aguilar 2014 for pro-deployment voices.

⁶ Many academic social science experts in Central America and immigration processes, including Heyman, have contributed to amicus curiae briefs.

⁷ Federal courts rule on the main legal structures governing the immigration system, while immigration courts rule on specific deportation and asylum cases.

⁸ One of them at Murrieta, California, is right wing internet "reporter" Pete Santilli, who later became one of the anti-Bureau of Land Management activists who seized the buildings at the Malheur Wildlife Refuge.

⁹ For the Rio Grande Sector, 52,326 in family groups and 49,959 unaccompanied minors (some of whom are Mexican) in FY 2014 and 27,409 and 23,864 respectively in FY 2015. (U.S. Customs and Border Protection, n.d.f).