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Extended Punishment: Criminalizing Immigrants Through Surveillance Technology

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Abstract

While the social costs of immigrant detention have been well-established, less is known about immigrants who continue to be monitored by Immigration and Customs Enforcement after their release from custody. Some immigrants are enrolled in Alternatives to Detention programmes and must wear an electronic monitor (EM). Drawing on 21 months of ethnographic observations, semi-structured interviews, and conversations with immigrants in Los Angeles who have been released from detention with an EM, this study examines how EM operates as a surveillance tool that influences the immigrant's relationship with the state, community, and self. Release from detention could conceivably provide an immigrant with the benefits of reintegration into a co-ethnic community. However, under surveillance, the immigrant loses access to co-ethnic social capital, as the state fractures their safety net. Thus, EM operates as a tool of legal violence, creating a new axis of stratification and producing the unequal distribution of autonomy and resources. EM generates a condition of 'extended punishment' that consists of material and social harms that affect immigrants, families, and communities.

The widespread criminalization and mass-incarceration of racial and ethnic minorities in the U.S. also targets immigrants (Stuart, Armenta, and Osborne 2015). The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) exemplifies this punitive turn. Under IIRIRA, the federal government retroactively expanded the definition of aggravated felony, criminalized civil immigration violations, and streamlined removal proceedings for ‘illegal aliens’ (Juárez, Gómez-Aguñaga, and Bettez 2018). Additionally, IIRIRA converged the criminal justice and immigration enforcement systems, instituting a legal environment of ‘cimmigration’ (Hernández 2019; Stumpf 2006) that is characterized by escalating border militarization, hyper-policing, surveillance, detention, and deportation. Socio-legal scholars have documented the harms of detention, including allegations of psychological, sexual, and physical abuse; exploitative labor practices; and substandard medical care (Ryo and Peacock 2018). Detainees’ relatives also face negative effects from civil and human rights violations, family separation, emotional trauma, and economic instability (Chaudry et al. 2010; Hagan, Castro, and Rodriguez 2010; Patler and Golash-Boza 2017). With limited earnings and uneven access to social services, entire communities with high detention rates are kept resource-poor (Menjívar and Kanstroom 2013).

After enduring detention, some immigrants are enrolled in Alternatives to Detention (ATD) program, such as the Intensive Supervision Appearance Program (ISAP) and released with GPS-enabled electronic ankle monitors (EM). As of July 2019, over 100,000 immigrants were enrolled, 46% of whom were monitored by EM (Singer 2019). Post-detention participation

within the community could offset some of the harms of detention and lead to a re-integration of the former detainee in the migration networks, boosting an immigrant's autonomy and access to employment, and providing opportunities to work on one's legal case. Like Gómez Cervantes, Menjívar, and Staples (2017), this study finds that EM is not a 'humane' alternative to detention. Beyond Gómez Cervantes et al.'s focus on state practices, I additionally document damage to immigrants' co-ethnic networks and sense of self.

EM works as a neo-Foucauldian surveillance technology invading the everyday life of marginalized groups (Garland 2001; Staples and Decker 2008). Vulnerable immigrants manage both the humiliation of wearing EM and the burden of being constantly watched by the state, conditions that generate anxiety and take a toll on individuals' well-being. Whereas Foucault's (1977) classic theory states that panoptic surveillance disciplines people into conformity, Bigo (2006) coined the term 'ban-opticon' to describe surveillance that seeks to proactively remove members of groups whose future behavior might be considered threatening (Bigo 2006; Franko 2020). I argue that immigrants under EM surveillance simultaneously endure panoptic and ban-optic supervision. Panoptic surveillance techniques (EM) enforce discipline while also monitoring for deviations. EM devices routinely malfunction, triggering 'violations' that can then be used to justify ban-optic removal practices (deportation). Under this regime, EMs become tools of legal violence (Menjívar and Abrego 2012) that yield a new axis of stratification among immigrants. Because EM unequally allocates autonomy, privacy, and resources, wearers find themselves more vulnerable and constrained than other immigrants.

Based on 21 months of ethnographic observations complemented with in-depth interviews with 30 immigrants released from detention with an EM, my study asks: How does EM operate as a surveillance tool that shapes immigrants' relationship with the state, their

integration in their co-ethnic community, and their sense of self? I find that intensive state surveillance creates a condition of ‘extended punishment’ that shapes the daily experiences of shackled immigrants. EM marks its wearer with a criminal stigma, leading that person to become shunned, including by previously supportive members of their co-ethnic community. The technology’s governmental surveillance power imposes state monitoring, social ostracization, and a stigmatizing label. This study extends the ‘cimmigration’ literature (Hernández 2019; Stumpf 2006) by analyzing a key technique of repressive government surveillance that constructs immigrants as ‘undocumented criminal aliens’. The term ‘cimmigration’ has been criticized for detracting from the criminalization of minority populations (Chacón 2012) and naturalizing the association between immigration and crime (Abrego et al. 2017; Melossi 2015). However, the term still captures the widespread, policy driven conflation of criminal and civil immigration law.

To cope with vulnerabilities produced by surveillance, immigrants may turn to co-ethnic networks for resources, according to segmented assimilation scholars (Portes and Zhou 1993; Zhou 2010). However, this assumption does not always hold, and other research reveals that economic inequality fragments immigrants’ networks (Menjívar 2000) and even facilitates exploitation (Cranford 2005; Rosales 2013). Furthermore, the uneven distribution of legal rights between undocumented and documented people normalizes subtle forms of exploitation that reproduce state legal violence (Menjívar and Abrego 2012) within immigrants’ intimate ties (Del Real 2018). By focusing on social mechanisms – malfunctioning technology, exclusion from co-ethnic supports, a stigmatizing label – that generate extended punishment within the spaces of government, community, and self, I argue that post-detention EM surveillance erodes immigrants’ main source of support: their social ties. EM-wearers are ostracized because the

device makes others vulnerable to surveillance and deportation. State agencies use malfunctioning technologies to construct immigrants as ‘non-compliant’, an orientation that blames immigrants, while off-loading responsibility from the state onto individuals and communities, thereby contributing to the criminalization of immigrants.

Theorizing Surveillance

Racial and ethnic minorities, including members of immigrant communities, have been subject to widespread criminalization and incarceration. Research overwhelmingly suggests that associating racial groups with criminality reifies racial markers as justification for policing (Armenta 2017; Kalhan 2014), institutional racism (Armenta 2017), and the expansion of social control over these populations (Gómez Cervantes, Menjívar, and Staples 2017; Menjívar, Cervantes, and Alvord 2018).

As criminal threat and immigrant status are conflated, anti-immigrant rhetoric and legislation fabricate the status of immigrant ‘illegality’, (Armenta 2017; De Genova and Peutz 2010; Hernández 2019; Stumpf 2006), which maintains the US racial hierarchy (Menjívar and Kanstroom 2013; Ngai 2006). The emergent ‘crimmigration’ system is an instrument to sharpen discipline and punishment, as individuals who were previously ‘undocumented’ are now considered ‘criminal aliens’ by the state. Immigrants are thus subject to both monitoring and exclusion on the grounds that their future behavior might pose security risks (Bigo 2006). Indeed, immigrants have been persecuted for minor legal infractions that were once considered civil matters (Armenta 2017). In response, immigrants develop strategies of self-preservation, such as staying indoors, avoiding public spaces that might make them visible to law enforcement (Talavera, Núñez-Mchiri, and Heyman 2010).

Immigration enforcement control within the US exacts a high human cost through policing and surveillance (Armenta 2017; Golash-Boza 2015; Golash-Boza and Hondagneu-Sotelo 2013), by making apprehension and deportation a constant threat (Armenta 2017; De Genova and Peutz 2010; Golash-Boza 2015). These pervasive psychological threats affect both the individual's sense of self (Willen 2007) and their community's relationship to the state. As detentions have skyrocketed, immigrants, their families, and their communities experience detrimental socioeconomic effects and mental health challenges (Hagan, Castro, and Rodriguez 2010). Detention disrupts family ties, aggravating already-high stress levels in families and communities (Hagan, Castro, and Rodriguez 2010). Additionally, children who have experienced relatives' detention or deportation are more susceptible to anxiety, stress, and depression (Chaudry et al. 2010).

When the state determines that incarceration is unwarranted, individuals may be released under ATD, which frequently features invasive EM surveillance. Foucault's (1977) panoptical theory asserts that the state deploys individualized control technologies to impose discipline. The panopticon induces in the individual a sense of permanent visibility and vulnerability, ensuring the functioning of power (Foucault 1977). Recent scholars have focused on how modern technologies enable the invisibility of the surveillance and active involvement of individuals in their own monitoring (Staples and Decker 2008). EM is Foucauldian in the sense that it is panoptic: it transcends geography; it surveils the wearer continuously; monitored immigrants alter their behavior to avoid punishment. EM not only increases conformity to state demands, it encourages 'potentially deportable immigrants [to internalize] the perception that their immigration status is constantly being monitored' (Kalhan 2014, 61).

However, in the context of immigration enforcement, the question arises as to whether the objective of the state is to discipline immigrants into conformity or to remove them. The state's primary goal is often deportation instead of reintegration (Kaufman 2013; as cited in Franko 2020). Didier Bigo (2006) describes this aim as 'ban-opticism', which prioritises territorial exclusion and 'moves the attention from ... the control of the soul to the control of cross-border movement' (Franko 2020, 93). Within this framework, my contribution is that surveillance technologies such as EM emerge as disciplinary tools that simultaneously control bodies (panoptic) and threaten to exile them (ban-optic). I argue that this dual-purpose surveillance imposes a new axis of stratification upon immigrants' mixed-status social networks. Burdened by stereotypes of criminality and constrained by the imminent threat of deportation due to device malfunction, EM-wearers in these networks have less freedom of movement compared to other immigrants.

Techno-utopian perspectives emphasize the benefits of monitored release over incarceration, but members of communities of color do not necessarily experience the benefits (Hucklesby 2013; May, Payne, and Wood 2014). EM increases their chances of being re-incarcerated (Kilgore 2013). Compared to whites, minorities are more likely to perceive the alternatives to detention as restrictive (May, Payne, and Wood 2014; Nellis 2013). People on monitored release also experience financial costs related to the technology, including set-up fees and maintenance fees. Furthermore, EM impedes their ability to maintain secure employment (Hucklesby 2013).

Few studies have investigated whether immigrants suffer similar setbacks when monitored with an EM (Gómez Cervantes, Menjívar, and Staples 2017). Compared to other vulnerable populations, immigrants could be expected to fare better, by drawing on strong co-

ethnic community ties. But under what conditions does the assumption of co-ethnic assistance hold true? Some previous scholarship has identified co-ethnic networks as sources of support (Alba and Nee 2003; Enriquez 2020; Portes and Zhou 1993; Zhou 2010). Immigrants have retained access to their communities by participating in co-ethnic economies, especially inside ethnic enclaves (Menjívar 2000; Zhou 2010). However, other scholars have identified that when the political climate is hostile, economic opportunities are scarce (Gomberg-Muñoz 2012) and communities' resources scant, immigrants' relationships can fragment (Menjívar 2000) and become exploitative (Coutin 2003; Del Real 2018; Gomberg-Muñoz 2012; Menjívar 2000; Rosales 2013). My study reveals how EM, as a tool of legal violence (Menjívar and Abrego 2012), strains ties among immigrants because it stratifies autonomy, restricting the mobility of EM-wearers relative to immigrants who have greater economic and legal resources or who have been spared this form of electronic surveillance.

Building on these literatures, I analyze how EM limits the potential benefits of release from detention, as evidenced by Foucauldian insights and research on tech-enabled surveillance of communities of color. Given heightened immigration enforcement, EM may encourage stigmatization of immigrants as 'non-compliant criminal aliens'. It is important and urgent to investigate how the state transfers responsibility and risk onto marginalized immigrant communities. This research contributes a critical analysis of how networks respond to this surveillance tool. To the extent that monitored immigrants may face diminished freedom of movement and access to community resources, this research aims to understand how these individuals might endure extreme material, social, and emotional hardships, as the state fractures their safety net while further stratifying ethnic communities.

EM as a Tool of Extended Punishment

This article introduces the concept of *extended punishment* to examine how immigration enforcement's worst features of abuse and isolation are distilled to their essence and packaged into a small, portable tracking device. Confinement is no longer geographically and temporally specific: EM extends punishment such that shackled immigrants carry the surveillance of detention with them wherever they go. When one is attached to an EM, release from detention does not yield freedom. Instead, the eye of the state, infiltrates immigrants' everyday lives and social networks. EM is literally a beacon that may summon ICE into immigrant's lives and into their communities. It operates as an electronic leash attached to the deportation machine. EM functions as a tool of legal violence (Menjívar and Abrego 2012), enacted by the state, that lengthens the period of confinement and spreads its effects within a social network. Extended Punishment is manifested in the material and social harms produced by EM and the consequences for immigrants, families, and communities. I investigate the extent to which the increased reliance of immigration enforcement on electronic monitoring of immigrants released from detention impacts their relationship with the state, their relationship with their co-ethnic community, and their sense of self.

Context and Methods: Immigrants Under Surveillance

September 11, 2001 marked a shift in the state's approach from service to surveillance (Finnie, Guzik, and Pinales 2012). In 1997, supervision without EM emphasized assistance for participants, including legal counsel, language interpretation, transportation for hearings, medical care, and housing assistance (Finnie, Guzik, and Pinales 2012). In 2004, ICE awarded the Intensive Supervision Appearance Program (ISAP) contract to the private company Behavioral Interventions (BI) Incorporated and introduced EM. Limited detention capacity and an increasing detainee population spurred the decision to emphasize post-release supervision (Finnie, Guzik,

and Pinales 2012). ISAP functions as a flight mitigation program by using technology and case management to increase compliance with release conditions, court appearances, and final orders of removal (Singer 2019). Now in its third iteration, ISAP operates nationwide under a single contractor in over 100 locations (Singer 2019). In 2010, GEO Group Inc., the nation's largest private prison company, acquired BI Inc. and now operates ISAP (Finnie, Guzik, and Pinales 2012). Although the state does not manage ISAP, it has designated BI Inc. to enact social control on its behalf, as part of an emerging 'immigration industrial complex' described by Gómez Cervantes, Menjívar, and Staples (2017) as 'the interwoven network of social control that is created by law, the justice system, and private corporations' (1). ICE has championed EM as an alternative to detention that is both 'humane' and cost-effective. Whereas ICE spends an average of over \$200 per day to detain an individual, the cost of EM per day is as low as \$4.16 (Singer 2019). At the time I conducted this research, EMs technology was not prevalent in immigrant communities. However, as of 2018 EMs have increased dramatically, in 2018, Congress funded ATDs at \$180 million, an increase of \$66 million from 2017 (Singer 2019), and the extent of news coverage about this phenomenon grew as well. Thus, the period of data collection was on the cusp of this massive change in the use of EMs on immigrants released from detention. Currently, immigrant communities understand that EM does not signify criminality, but they still are aware of its power to attract the state (ICE).

This qualitative study draws its findings from 21 months of ethnographic observations and semi-structured interviews, follow-up interviews, and informal conversations with 30 immigrants monitored by an EM. As a participant observer, I collected data in the Los Angeles metro area between June 2015 and March 2017, during which time I built relationships with pro-immigrant community organizations and gathered fieldnotes as I accompanied participants to

their check-ins at the ATD offices. Los Angeles is an appropriate site for two reasons: first, in 2014 it had one of the highest numbers of individuals enrolled in ATD program at 2498 participants (USICE 2014); and second, it is an old destination for immigrants and is home to strong community networks (Logan, Zhang, and Alba 2002).

To establish and maintain contact with respondents, I facilitated and attended events at pro-immigrant community organizations. Through one organization's 'Accompaniment Program', I met families impacted by detention and joined them for their ATD check-ins approximately two times per week for nine months. My own positionality as an immigrant with now-acquired privilege, social capital, and citizenship (Emerson 2001) both facilitated a trustworthy relationship with the participants, and also allowed me to advocate for them. To the extent that my data collection process called for occasions of advocacy, this allowed me to collect richer data on participants, whose lives consist of far more than EM. Without a strong rapport, the interviews would have been rendered impossible. ATD offices are not neutral political spaces, so as ethnographic sites, navigating as a 'free agent' participant observer, interacting collegially with case workers, officers, and other agents of the state would have likely sewn distrust from and provoked anxiety within the people I wanted to speak with most: the immigrants themselves.

I relied on key community informants to recruit an initial wave of respondents. I then recruited additional participants from interviewees' networks, through snowball sampling. I interviewed 5 men and 25 women. The sample consisted mostly of women because women immigrants – perceived by the state as less threatening than men – are more likely to be released back into the community. In contrast, immigrant men are more likely to be detained, incarcerated, and/or deported, reflecting the gendered character of punishment orchestrated by

the state (Golash-Boza and Hondagneu-Sotelo 2013). However, to ensure that men would be included too, I expanded my sample by recruiting respondents at community events.

Respondents were between 20 and 55 years old and varied in nativity: 16 Central Americans, 7 Mexicans, 2 South Americans, 2 Cubans, 1 Ethiopian, 1 Russian and 1 Filipino. Although this study was not designed to investigate differences across nationalities, EM was experienced as stigmatizing and burdensome across all groups.

The interviews lasted 1–2 h and were conducted in Spanish and English at a location selected by respondents, usually at their homes, coffee shops, or pro-immigrant organizations. The questions were open-ended and addressed topics including perceptions and consequences of ‘criminalization’ and ‘illegality’, encounters with immigration enforcement, the effects of EM, and return to society following release. Interviews were digitally recorded, transcribed, and Spanish interviews were translated into English. Respondents were assigned pseudonyms to protect their confidentiality.

Ethnographic observations and qualitative interviews constitute ideal data sources, given the study’s objective of highlighting how—from the immigrant’s perspective—EM, as a tool of technological surveillance, imposes a stigma that profoundly affects their interactions with state officials, their ties with co-ethnics, and their individual mental health. Furthermore, by using the hybrid ‘go-along’ ethnographic tool (Kusenbach 2003), I was able to document participants’ interactions with ICE representatives, caseworkers, relatives, and community members as they navigated EM surveillance. The transparency of the results and straightforward nature of the analysis allow for replicability of findings.

Using Dedoose, a qualitative analysis program, I applied an open-ended coding process and generated memos based on emergent patterns in fieldnotes and interview transcripts. The

analytical strategy relied on deductive and inductive coding approaches. Deductive aspects of the analysis involved coding notes and transcripts for themes of ‘punishment’, ‘criminality’, ‘illegality’, and ‘surveillance’. I noted instances where theories from the surveillance and crimmigration literatures appeared in the data. Further, I applied a grounded-theory inductive method (Charmaz 2006) to allow for patterns that were unanticipated by previous research, but rather, emerged from the data. Inductive methods created space for respondents’ own meanings and interpretations to move to the foreground. This yielded insights about ‘extended punishment’. The analysis focuses on phenomena that occurred repeatedly. Below, I discuss accounts that relate to relevant literature and theory, while also illuminating the data’s most prominent themes.

Findings

Signal to the state

Immigrants with an EM remain subject to tight state supervision. The state initially shackles immigrants because it sees them as noncompliant ‘illegal criminal aliens’. I show that EMs malfunction frequently, and these ‘violations’ verify the state’s assumptions of immigrants’ criminality. Accordingly, the state holds immigrants responsible for EM malfunctions that are beyond their control, and then uses those malfunctions to punish the wearer further, with the simultaneous application of panoptic (Foucault 1977) and ban-optic (Bigo 2006; Franko 2020) surveillance. Panoptic surveillance demands docility and compliance and takes the form of extended EM contracts and re-detention. Ban-optic surveillance threatens to remove the ‘noncompliant’ person via deportation. Thus, I argue that technological flaws are weaponized against this population, as EM establishes a punitive, hyper-regulated relationship between ICE and the wearer, producing ‘extended punishment’ mediated by a technology of fear.

Immigrants report that ‘agreeing’ to wear an EM (participation in their own surveillance) is a prerequisite for release. An ICE Director explained his reasoning for shackling immigrants as follows, ‘Otherwise they skip court. The low bond costs the same as getting smuggled across, so they can choose to lose that money and not show up’. Because the state anticipates ‘noncompliance’, immigrants are not given a choice but are pressured to wear EM, which they often accept because they want to be released from detention. For example, Anielka, a Cuban immigrant and mother of a toddler, described her ISAP enrolment as follows: ‘They didn’t even ask me if I wanted it. The officer told me, “If you want to get out, you have to wear this [EM]”’. Immigrants like Anielka are required to sign documents that misrepresent their enrolment as voluntary. The alternative ‘choice’ is to remain in detention. Further, the state requires participants to opt in, a contradiction in terms.

When immigrants first learn of their release from detention with an EM, they respond with a complex mixture of joy, relief, and disbelief. They equate release with freedom. For example, Birhan, an Ethiopian immigrant and a former college instructor in Addis Ababa, says, *The day I got out, I didn’t even believe when they opened the gate for me. [Joyous laugh] They told me that I was free. I cried! I didn’t care that they put a bracelet on, all I could think about was that I was getting out of detention.*

Birhan indicates that at the moment of his release, he did not consider EM a problem, a naive assumption that all respondents shared. However, the initial optimism of being released subsides when people realize the burdens and harms EM creates. Danny, an environmental activist from Honduras, exemplifies this realization, ‘This grillete [EM] is a mirage that, at first glance, wouldn’t bring you any problems, but it’s the same thing. I can’t move; I can’t go places’. EM creates an illusion of freedom, until the wearer realizes that they are nearly as confined as they were in detention. While respondents universally prefer EM surveillance to detention, EM

surveillance is more fraught and frightening than they anticipated. For this reason, many interviewees regard EM as an extension of detention.

ICE claims to provide an extensive orientation about ISAP and EM. It consists of watching an ‘informational’ video about rules and regulations. But as Maria, a Honduran immigrant and mother of three children, explains, ‘The video says how to connect this thing to electricity and when it turns green or red. It doesn’t have any other information... it just keeps repeating itself’. As Maria reports, the video fails to warn wearers about device malfunctions—‘violations’—and the consequences they trigger. Perversely, these malfunctions are not caused by the wearer. Rather, the technology itself is faulty, and yet, the wearer is unfairly held accountable for these ‘violations’. State agents can then use the ‘violations’ to justify blame, scrutiny, and additional punishments.

Many respondents shared this frustration and reported that their devices constantly malfunctioned. Nora from Mexico said, ‘Last night, this thing [EM] would not stop chillando [emitting warnings]. I couldn’t sleep, and it kept all my children awake’. Teresa, from Guatemala, had a violation because she did not notice that her battery had died. She said, ‘They yelled at me, asking me where I was because I didn’t show up in their machine [computer]’. According to BI Inc., a fully-charged battery lasts at least 24 h, but respondents reported that battery life can be shorter or longer for no apparent reason, and the electronic signal gets lost unpredictably. These accounts make clear that wearers are sanctioned for ‘violations’ that are actually caused by malfunctioning technology.

EM gathers data and quickly recognizes patterns of activity, and any deviations (including unremarkable ones such as taking a different route to work) can potentially invite caseworker scrutiny. Thus, constant and intrusive monitoring creates an asymmetrical power

relationship that benefits the state while sanctioning the wearer. However, ‘noncompliance’ can be traced to flaws in the state surveillance apparatus. For example, Maria’s caseworker, Ruben, interrogated her about why her EM was not working. ‘Last Friday you weren’t showing up on my screen. What happened? You disappeared’. Maria explained she was showering when the monitor began beeping and then died, so she called him immediately and left a message. Ruben responded, ‘It’s good you called, so I know you didn’t disappear. If they [ICE] call me, then I can say you called me, but if this continues, we’ll have issues because disappearing is a violation’. Such irregularities often lead the immigrant to involuntarily violate program rules. Immigrants understand what is at stake: ‘violations’ can extend the period of surveillance, or worse, can justify deportation. This interaction demonstrates the extent to which the disciplinary power of the state permeates participants’ personal lives and coerces them, through technology malfunction, to be obedient bodies under panoptic state surveillance (Foucault 1977) or risk ban-optic removal (Bigo 2006; Franko 2020). ISAP typically makes immigrants liable to comply with extensive regulations without taking responsibility for the device malfunctions.

Immigrants strive to comply with the state’s directives and render themselves docile in desperate attempts to avoid expulsion and shield loved ones from detection. Monitored immigrants experience the power of the state as simultaneously panoptic and ban-optic. While under EM supervision and in detention, immigrants are subject to the panopticon, which disciplines their bodies into obedience. Immigrants commit to high levels of compliance because they fear deportation. But official orientation materials do nothing to prepare wearers for EM malfunctions or the consequences of these ‘violations’. As wearers accumulate ‘violations’, agents of the state choose whether to extend surveillance or to remove ‘noncompliant’ individuals. Seventy percent of this study’s respondents saw their EM contracts extended by

periods that ranged from an additional month to an additional year. Further, EM-related ‘violations’ can be weaponized to justify a shift from monitoring to expulsion at any moment.

Signal to the community

Conditional release with an EM also extends punishment within immigrants’ social networks because placement under ISAP harms their safety net. Often, immigrants can turn to co-ethnic networks for resources and community support (Alba and Nee 2003; Enriquez 2020; Portes and Zhou 1993; Zhou 2010). Research reveals the complexity of these relationships, which are beneficial in certain instances but detrimental in others (Coutin 2003; Del Real 2018; Gomberg-Muñoz 2012; Menjívar 2000; Rosales 2013). Immigrants navigate these ties against a backdrop of hostile anti-immigrant governmental policies and scant economic opportunities (Gomberg-Muñoz 2012; Menjívar 2000). I argue that EM has the power to destroy formerly healthy relationships with relatives, friends, and employers. Because EM is a beacon of surveillance that attracts ICE and endangers co-ethnics, wearers are excluded from their community, leading to isolation and social harms. Immigrants become hyper-visible, mobile panopticons when EM physically marks them. Consequently, EM, as a tool of legal violence (Menjívar and Abrego 2012), creates a new axis of stratification that places wearers at a disadvantage compared to other immigrants. Even though my sample is diverse and community-level networks may operate differently across racial and ethnic groups, the groups in this study are similar in that co-ethnics tend to regard EM as a criminal stigma, provoking shame for the wearer.

Although immigrants commit fewer serious crimes (Sampson 2008), they feel deeply stigmatized by EM. Birhan described a gathering with his extended family at which guests looked askance at his EM. He said, ‘They were all looking at me and asking my cousin if I had

problems with the law. They wanted to know if I was a criminal'. EM exacts costs as wearers endure the stigma of criminality even from members of their co-ethnic community.

Even long-time community members are not immune to the stigma of the monitor. They face questions, resistance, and wariness even from people who previously trusted them. For instance, when Nadia saw an old friend at the supermarket, he remarked that he had not seen her around lately. She showed him EM and described his surprise: 'He said, "What did you do?" I say, "I didn't do anything, I behave good". But yes, people think that because you have a shackle, they think, "She has a criminal record"'. EM is a highly-visible stigma that co-ethnics associate with 'criminality'. This divides monitored immigrants from members of their co-ethnic community, leading to social exclusion.

As a tool of legal violence (Menjívar and Abrego 2012), EM's ability to stratify immigrant networks is so powerful that it can strain previously secure, reliable family ties. By restricting the shackled individual's movement, it creates an axis along which freedom is stratified, yielding a hierarchy among immigrants with EM-wearers at the bottom. Upon release from detention, Rosa felt relieved when her uncle Oscar offered her a place to stay. They live in an apartment complex in a predominantly Latino neighborhood. Furthermore, Oscar's wife is undocumented. Rosa soon realized that ISAP's weekly, unannounced, in-home visits were triggering anxiety throughout the complex. Rosa's EM threatened to curtail Oscar's wife's freedom, which is greater than Rosa's although both women are undocumented. Rosa explained she was having trouble with her uncle,

Oscar wants me to leave, and I don't have any other place to go. He is worried that la migra is going to come and find his wife. I don't know what to do because I don't have anywhere else to go.

Whereas some scholars have found that co-ethnic networks provide resources (Menjívar 2000; Portes and Zhou 1993; Zhou 2010), and others find that these ties can become toxic or exploitative (Del Real 2018; Rosales 2013), Rosa's experience shows the unique effects of EM on immigrants' access to support from co-ethnics. Specifically, EM is such an instrument of state terror and violence, penetrating immigrants' everyday lives, that it prompts Rosa's relatives to banish her from the household for the sake of their own safety and self-preservation, leaving her more isolated and vulnerable than before.

Rosa's account demonstrates that while immigrants are under ISAP supervision, they become a liability to their own household and their co-ethnic community. EM surveillance exposes an individual's relatives, friends, and associates to state monitoring. When ICE agents enter a home, for example, everyone in the residence becomes vulnerable to scrutiny. They may become a direct target of ICE because their location is monitored in real-time and any 'mistake' that ISAP's caseworkers report can trigger ICE agents to arrive. Agents make collateral arrests, since relatives and housemates are also undocumented. These real and reasonable concerns often lead members of the community to distance themselves from co-ethnic immigrants who are monitored with EMs.

Immigrants, especially undocumented immigrants, utilize their co-ethnic networks for the critical survival strategy of securing jobs (Menjívar 2000; Zhou 2010). Immigrants marked by an EM cannot successfully access these opportunities because they are a liability to other undocumented workers, who must avoid ICE. When Pedro, a Mexican national, recounted his attempt to get hired at a carwash where his cousin worked:

When I met the owner, to my bad luck, this thing [EM] went off and he didn't hire me. Later, my cousin told me it was because of the shackle, since most of the people there [carwash] didn't have papers.

These fears are not unfounded: EM collects data on the wearers' location, places everyone around the wearer at risk of detection. To preserve his business and the safety of his undocumented workers, the carwash owner denied Pedro this job. Here, EM, organized an axis of stratification that transformed Pedro into a bearer of state violence and placed him at a disadvantage even compared to other undocumented immigrants. His banishment from employment, in turn, produces greater economic uncertainty.

Although co-ethnic networks are complex, with ties ranging from supportive to toxic, EM deprives immigrants of support from their family and community. The surveillance technology constitutes a risk that is newly perceived – by previously helpful friends, relatives, and employers – as too dangerous. Only after being obligated to wear EM did immigrants witness their networks retract and their access to community resources dissolve. Exiled within their own community, these respondents became isolated from supportive networks because of EM's capabilities to attract ICE. Not only is the wearer's movement more constrained, even compared to other undocumented immigrants, the wearer is shunned for being an active liability to their networks. This restricted autonomy, combined with social exclusion, represents a new form of stratification. Further, the freedoms that might be associated with release from detention – finding a job, living with loved ones – are confounded by EM. Ultimately, because EM triggers legal violence (Menjívar and Abrego 2012), the device places others at risk of apprehension. It transforms individuals into carriers of the state's surveillance apparatus and creates a stigma of 'criminality', excluding immigrants from public spaces and societal institutions, again aggravating their punishment.

Signal to self

Against a backdrop of anti-immigrant policies and violent deportation tactics (De Genova and Peutz 2010; Menjívar and Kanstroom 2013; Menjívar, Cervantes, and Alvord 2018), individual immigrants bear the brunt of a humiliating label: ‘noncompliant criminal alien’. In this section, I examine three manifestations of immigrants’ experiences with the extended punishment produced by EMs: first, individuals show evidence of mental health stressors when EM reifies a dissonant and stigmatized identity; second, they challenge the label of criminality ascribed to them in order to maintain their self-respect; and third, some engage in survival tactics to preserve themselves against ICE surveillance, such as absconding or considering the removal of EM. While the first and second reactions to EM relate to an individual’s self-respect, the third reaction relates to an individual’s survival in the face of perceived imminent threat. Immigrants who try to comply with ISAP regulations realize that the surveillance system is designed to create noncompliance and to trigger ongoing intimidation and punishment. This, in turn, reinforces feelings of fear and vulnerability. During immigration enforcement crackdowns, some immigrants may choose to skip check-ins with ICE and ISAP or remove their EM. Thus, the fear of detention and deportation coerces individuals to become noncompliant. This section emphasizes the toll that EM imposes on the minds and bodies of individual immigrants.

Bearing the brunt of a visible criminal stigma is emotionally taxing. For example, when Karen, a Salvadoran mother of three children, wore shorts to her neighborhood liquor store, bystanders stared at her. A group of customers ogled her ankle and began murmuring. She explained, ‘I’m tired of people looking at me like that...I feel discriminated against because I carried this thing [EM]. My self-esteem is low; I feel desperate’. She struggles to maintain self-respect in the face of others’ apparent judgement.

Basic dignity becomes nearly impossible to sustain when an immigrant is brutalised by the state's legal violence (Menjívar and Abrego 2012), as was the case for Nadia. She was driving her children and siblings to school when ICE agents intercepted her car, broke her window, and dragged Nadia out. The children screamed and pleaded for the officers to stop. Nadia and some of the children were handcuffed on the ground. Her teenage daughter captured the arrest on video. When Nadia watched the video online, she felt humiliated as she read comments such as, 'Only a criminal gets arrested like that'. Following this episode, she had frequent nightmares that ICE would return to seize her. Living in perpetual fear alters how immigrants inhabit the world and understand their place in it.

And yet, immigrants resist the meaning of EM, which frames them as 'criminals', a label that produces profound cognitive dissonance, in addition to deep shame. When Nadia showed me her EM, she broke into tears and said, 'When they put it on, I felt humiliated because this is what they put on criminals, and I'm not a criminal'. Burdened with the stigma of the monitor, Nadia's sense of herself – as someone who poses no threat to society – is violated under repressive anti-immigrant state monitoring. EM even constrained activities such as Nadia's ability to work and to attend parent-teacher conferences. EM obligates the wearer to accept the consequences attached to the state's label of 'criminal alien', even as the individual attempts to preserve their self-respect by rejecting this label as inaccurate.

In addition to fighting to maintain self-respect despite the 'criminal' label, immigrants sometimes engage in survival tactics to protect themselves from ICE surveillance by contemplating absconding or removing EM. When reports of raids surfaced in Los Angeles, Maria, the Honduran mother, considered skipping her upcoming ISAP check-in. She was afraid to attend because ICE recently apprehended her friend:

I might just cut this thing [EM] and throw it away – go to another state. I'm desperate. Now, things are just getting worse with this devil [Trump], but if I go, what am I going to do with Sofia [Maria's six-year-old daughter]?

Maria's account confirms the vulnerability EM-wearers experience. Although Maria has complied with the requirements of her conditional release, she reported feeling coerced to take drastic steps to avoid apprehension for the sake of self-preservation. When the state frames monitored individuals as noncompliant and risky, this may encourage behavior that helps the immigrant survive by avoiding detection and deportation.

When EM-wearers feel that the state is threatening to re-detain or expel them, they may decide to become noncompliant (i.e. miss their appointment or remove EM). This choice makes them 'fugitives' in the eyes of the state. As news of recent raids circulated, EM-wearers grew hesitant to attend their check-ins. Outside the ATD office, Fatima, in her mid 30's, grew nervous when she answered her ringing cell phone. She said, 'My husband says don't go in. Our compadre told him that they [ICE] are taking people from here...he is coming to pick me up'. Fatima mentioned that all her children and family were here in the US, and she cannot be sent back to El Salvador. For immigrants that have been in the US for a long time, the threat of deportation creates the deep fear of family separation. A few minutes later, a truck pulled up, and Fatima left. Immigrants like Fatima face a difficult choice, absconding and/or removing EM. She considers this choice within a heightened anti-immigrant political context; Trump's executive orders were producing rapid, extreme policy changes (i.e. Muslim ban, zero-tolerance, refugee restrictions, expansion of ICE detention). Her previous strategy for self-preservation had been to comply with the terms of her release, but she now felt endangered and changed course. Fatima does not see herself as a criminal but rather as someone who is attempting self-preservation when threatened with the possibility of ban-optic removal (i.e. deportation).

Some immigrants, such as Maria, comply with ISAP despite their fear, because they know that the monitor records their current location, and they want to protect their associates. Others, such as Fatima, coerced by the threat of family separation through deportation, decide to abscond and risk the possibility of ICE agents apprehending them. EM is quite literally a technology of fear, that either scares the wearer into compliance or provokes so much terror that the wearer feels that the only safe choice is to abscond. Fatima's decision will drive her deeper into the shadows, heightening her vulnerability as a 'criminal alien' and her exclusion from public places and societal institutions.

The threat of surveillance is as traumatic and constraining as actually being watched constantly (Foucault 1977). EM imposes the disciplinary power of the state by creating a consciousness of permanent visibility. The mere possibility that ICE could be around instilled fear and shaped actions just as completely as if they had actually been present, as shown by Fatima's decision to skip her check-in. Together, these examples suggest that immigrants experience the state's stigmatizing labels as distressing and confusing. Individuals are required to assume the liability, inconvenience, and trauma of being identified as a 'risk'. In response, they refuse the state's efforts to construct them as 'non-compliant criminal aliens' by questioning the label, absconding, and—as a last resort for self-preservation—removing EM. In every case, individual immigrants reject the state's characterization of them and, in this sense, EM does not succeed in supplanting or usurping the immigrant's identity or sense of self. However, they remain burdened by the real consequences of bearing this label and the visual stigma of EM.

Concluding Discussion: Extending Punishment Through Surveillance

Under the emerging 'crimmigration' system (Hernández 2019; Stumpf 2006), immigrant vulnerabilities to criminalization do not stem from federal immigration policy alone. State

institutions have extended immigration control's disciplinary power into co-ethnic communities and the lives of the legally liminal (Coutin 2003; Golash-Boza and Hondagneu-Sotelo 2013; Menjívar and Abrego 2012). I argue that a new system of visual stigmatizing (EM) reinforces immigrants' subordinate status. I consider how punitive practices continue to shape immigrants' everyday lives even after release from detention, creating a condition of extended punishment. I have mapped the distinctive consequences of extended punishment that EM surveillance produces for the individual's engagement with state, community, and self.

Anti-immigrant laws and extended punishment function together to generate and reify ideas about immigrant illegality, reinforcing the construction of immigrant criminality (De Genova and Peutz 2010; Menjívar and Kanstroom 2013; Menjívar, Cervantes, and Alvord 2018). I demonstrate how the 'criminal alien' identity works in tandem with EM to produce this condition of extended punishment. The state presumes an immigrant's criminality, providing the initial justification for surveillance via EM and yielding a sense of entrapment for the shackled individual. Technologically unreliable, EMs malfunction (i.e. battery dies, loss of signal, disconnection) frequently, and these 'violations' operate to affirm immigrants' criminality in the eyes of the state. EM imposes two distinct forms of surveillance upon immigrants' lives. Panoptic surveillance (Foucault 1977) demands docility and compliance, and takes the form of extended time with EM and the possibility of re-detention. Ban-optic surveillance (Bigo 2006; Franko 2020) threatens to remove the noncompliant person via deportation. Immigrants shackled to EM realize that enrolment under ISAP is a punitive, hyper-regulated extension of the punishment they endured in detention, as the state weaponizes technological flaws against them. I contribute an analysis of how ICE and ISAP use faulty technology to actively construct immigrants as 'non-compliant', an orientation that blames immigrants, while simultaneously off-

loading the risk and responsibility from the state onto individuals and communities, thereby punishing many more persons.

This highly visible stigma is embodied against the person's will and travels with them everywhere, disrupting their lives and endangering members of the co-ethnic community. EM operates as a tool of legal violence (Menjívar and Abrego 2012) that creates a new axis of stratification and inequality within the immigrant population, as it restricts the wearer's autonomy and access to resources, making them more vulnerable than other immigrants, including undocumented immigrants without EM. My study adds to previous literature on the far-reaching effects of the 'criminal alien' label, which curtails the 'illegal' individual's access to public education, housing, welfare benefits, college admission, financial aid, health care, and stable work (Gomberg-Muñoz 2012; Menjívar and Abrego 2012). I show how EM creates obstacles to social re-entry for formerly detained immigrants. I argue that EM itself destroys the potential 'humane' benefits of release from detention, punishing the wearer by restricting access to numerous resources and necessities including employment, housing, and the co-ethnic safety net. The stigma of EM emerges relationally. The device extends punishment by damaging the wearer's reputation, as it prompts other immigrants to perceive them as someone who attracts danger to the community.

Accordingly, EM-wearers are shunned by their communities, which strains relationships among immigrants and intensifies stratification by restricting access to co-ethnic resources. I offer a theoretical contribution to immigration studies by arguing that 'extended punishment' erodes the collective efficacy of co-ethnic communities. Although co-ethnic networks are complex, with ties ranging from supportive (Alba and Nee 2003; Enriquez 2020; Portes and Zhou 1993; Zhou 2010) to strained and toxic (Coutin 2003; Del Real 2018; Gomberg-Muñoz

2012; Menjívar 2000; Rosales 2013), I show that EM deprives immigrants of support from their family and community, by fracturing previously healthy co-ethnic networks. In the present study, ICE surveillance threatens immigrants' access to co-ethnic social capital. The network, which initially was willing to help until learning about EM, responds by excluding the person from the community safety net, including resources they could previously access, such as shelter and jobs.

Consequent isolation from the community obligates EM-wearers to cope with the harms of stigma. This takes a palpable toll on their emotional health and sense of self. Individuals experience feelings of confinement, humiliation, and helplessness. EM-wearers show evidence of mental health stressors (Dreby 2015; Gómez Cervantes, Menjívar, and Staples 2017) as they reject and challenge the state's characterization of them as 'criminal'. Ultimately, the state fails to supplant the immigrant's sense of self but succeeds in imposing the burden of stigma. Under these conditions, immigrants struggle to maintain self-respect and sometimes face threats so extreme that they feel coerced into noncompliant survival tactics (Menjívar 2011; Talavera, Núñez-Mchiri, and Heyman 2010) such as absconding or considering the removal of the EM for the sake of self-preservation. The surveillance apparatus imposes state disciplinary power by creating a consciousness of permanent visibility (Foucault 1977). Thus, ICE does not have to be physically present to instill fear and shape behavior (Talavera, Núñez-Mchiri, and Heyman 2010; Willen 2007). Terrorized by the state and isolated from the community, EM-shackled immigrants face the extreme vulnerability of extended punishment.

My work builds on scholarship that shows how EM functions as a neo-Foucauldian surveillance technology constraining the everyday lives of marginalized groups (Garland 2001; Staples and Decker 2008). The effects of state surveillance stem from a long tradition of preserving the American racial hierarchy, which bears relevance for critical race and ethnic

studies, and for crime and punishment among communities of color. Prior literature establishes that minority groups' racial identities are constructed as deviant and thus require monitoring by technology-enabled law enforcement (Armenta 2017; Gómez Cervantes, Menjívar, and Staples 2017; Kalhan 2014; Menjívar, Cervantes, and Alvord 2018).

However, under regimes of electronic surveillance, immigrants may fare as badly or worse than other marginalized communities, given that supervision is coupled with the ever-present threat of ban-optic removal by deportation. As entire communities perpetually fear potential ICE raids (Menjívar and Abrego 2012), any added surveillance makes them even more vulnerable (Gómez Cervantes, Menjívar, and Staples 2017). Although it is easy to overlook the damage to the fabric of society that this technology of surveillance produces, it is even more important to recognize that the discipline of the state is taking new forms. Although the forms are subtle because of their 'hidden' and misleading existence, they are creating new damages to ethnic communities.

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