

## **"If you summon the fear, the fear beats you": The illegalization of migrant workers and its effect on their subjectivities**

### **"Porque si llamas al miedo, el miedo te friega": La ilegalización de los trabajadores migrantes y sus efectos en las subjetividades**

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#### **Abstract**

Through ethnographic research conducted in California and Mississippi (2005-2006, 2011 and 2013), I explore the ways in which the illegalization of migrants via immigration laws and other enforcement practices impacts the lives and subjectivities of migrants from Oaxaca and Chiapas who have been denied the possibility of becoming legal United States residents. The study concludes that the "deportation regime," through a series of laws and control techniques, produces both subjectivities marked by fear and practices of resistance based on solidarity, resourcefulness, courage, and fortitude among migrants who challenge the deportation regime on a daily basis and subvert the subjectivities imposed on them.

*Keywords:* international migration, management policies, illegalization, deportability, subjectivities and ethnography.

#### **Resumen**

A partir de una investigación etnográfica realizada entre California y Mississippi (2005-2006, 2011 y 2013), exploro de qué forma la ilegalización de los migrantes, vía las leyes migratorias y otras prácticas de control, impactan la vida y las subjetividades de migrantes oaxaqueños y chiapanecos a quienes se les ha negado la posibilidad de establecerse de forma regular en Estados Unidos. En el estudio concluyo que el llamado régimen de deportación a través de leyes y de diferentes técnicas de control produce subjetividades marcadas por el miedo, pero también, prácticas de resistencias basadas en la solidaridad, el ingenio, el valor y la entereza de los migrantes, quienes cotidianamente llegan a desafiar el régimen de deportación e incluso subvertir las subjetividades impuestas.

*Palabras claves:* migración internacional, políticas de control, ilegalización, deportabilidad, subjetividades, etnografía.

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For several decades, the tendency of nation-states has been to strengthen border security. Nations in both Europe and North America have promoted border enforcement and surveillance policies designed to increase the governability of migration (Aquino, Varela and Décosse, 2013; Castles, 2010; Fassin, 2011; Inda, 2006), leading to what some authors have called a *security state* (Fernández, Silveira, Rodríguez and Rivera, 2010). To justify such policies, the trend among some national governments has been to create a negative association between undocumented migration and national security, using arguments that merge the figure of the terrorist with that of the migrant or developing discourses that portray migrants as a "cultural danger" to the nation (Alarcón and Becerra, 2012; Herrera and Artola, 2011).<sup>1</sup>

These immigration policies have resulted in concrete actions that include the use of biometric technologies, workplace raids, stricter punitive systems, the criminalization of unauthorized migration, the creation of detention centers, and deportation (Estévez, 2013; Fernández, et al., 2010; Kobelinsky and Makareni, 2009; Squire, 2011). Thus, a world characterized by global flows and circulation has, in reality, continued to create filters and to develop enforcement and border surveillance devices (Brown, 2009).

Several authors inspired by the work of Michel Foucault (1975) have described the practices targeting migrant populations as biopolitics, or the development of disciplinary techniques adopted by governments to convert migrants into cheap labor that is docile, invisible, and largely deprived of rights (Coutin, 2003; De Genova, 2002, 2004; De Genova and Peutz, 2010; González and Chávez, 2012; Harrison and Lloyd, 2012).

Today, migrants are subjected to what De Genova and Peutz (2010) call a deportation regime, a system that governs migration and determines who is desirable and welcome in a society and who is not. The deportation regime does not seek to expel all migrants from the national territory. Rather, it wants to keep them under an extreme form of control, exclusion, and vulnerability while maintaining the option of disposing of them if necessary.

What concrete consequences have these state control measures had on the migrants themselves? How do those denied the possibility of obtaining legal status experience the deportation regime in their bodies and their subjectivities? This article seeks to answer these questions through an ethnographic study of migrant workers from Chiapas and Oaxaca who have settled in California and Mississippi, emphasizing the subjectivities produced by the experience of "illegality".

In recent decades, subjectivities have been considered a *locus* of social change and have become an important concept for academic research and for intervention in public life (Blackman, Cromby, Hook, Papadopoulos and Walkerdine, 2008). As Felix Guattari (1992) noted, the social forces governed by capitalism treat the production of subjectivities as more important than any other type of production. However, subjectivity production is not merely a question of ideas, meanings, or identities. For Guattari (1986 and 1992), it is a question of systems that directly connect large-scale productive machinery (structures of production), large-scale systems of social control (in this case, immigration policies and devices for controlling mobility), and the mental structures that define how we perceive the world (Tudela, 2001). In this article, I

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<sup>1</sup> Although there is no empirical evidence that migrants have been or could be a danger to the societies to which they have relocated, these discourses have caused confusion and enormous prejudice against them (Herrera and Artola, 2011), with serious consequences for the lives of migrant populations.

analyze how these "machines" of production and social control affect the subjectivities of migrant workers.

As demonstrated within cultural studies, to the extent that everyone experiences the world, subjectivity is a universal value and everyone exists as a subject, at least in a sense (Grossberg, 1996). Therefore, male and female migrants should be considered subjects and understood not only as agents of transformation but also as producers of meaning. This position is not adopted naively and is not a suggestion that the migrant is a totally free and all-powerful subject. As cultural studies theorists claim, the subject is not an autonomous and stable being that is fully endowed with conscience nor is it the independent and authentic source of action and feeling (Hall, 1997). In addition, subjectivity is unevenly distributed in society, such that some individuals or institutions may occupy more than one subject position or produce subjectivities that are more highly valued than others (Grossberg, 1996).

The information I present in this article was obtained during the course of two research projects conducted in the states of California and Mississippi with migrants from Oaxaca (from the Sierra Norte of Oaxaca) and from Chiapas (the municipality of Las Margaritas) during 2005, 2006, 2011 and 2013. Both studies adopted an ethnographic approach that included a long-term personal involvement with the migrants and sharing their living spaces, both in their places of origin and their destinations. The ethnographic approach was supplemented with 70 in-depth interviews about their migratory journeys that helped me understand how the migrants themselves felt about their experiences. As Velasco and Gianturco (2012) indicate, spoken and written words provide access to subjectivity, biographical events and social events.

The Oaxacan migrants originated from San Martín, a Zapotec municipality located in the Sierra Norte of Oaxaca. The Chiapan migrants came from Agua Clara, an *ejido* in the municipality of Las Margaritas, Chiapas<sup>2</sup>. Most of the Oaxacans settled in the city of Los Angeles and have a long history of migration. They have strong networks of support and have formed a significant community in Los Angeles, which is home to people from different generations who have a range of immigration statuses. Most of the men work in restaurants; almost all of the women do housecleaning in private homes and work as caregivers for children and the elderly.

In contrast, the migrants from Chiapas have a short history of migration. The interviewees are the first from their towns to have embarked on northward migrations. In addition, they have not been settled for a long period in one place, nor have they formed a community of fellow countrymen. None have residence permits, and they are scattered throughout the United States. They undertake a wide variety of jobs in highly precarious conditions. They have also been heavily exposed to the experience of deportation<sup>3</sup>.

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<sup>2</sup> The names and places of origin of the interviewees have been changed to ensure their confidentiality and security.

<sup>3</sup> Though my empirical material is based on the study of two different groups of migrants (Chiapans from the Lacandona Jungle and Oaxacans from the Sierra Juárez), this is not a comparative study, and comparison was not the aim of the studies in which I obtained these data. Moreover, the conditions during the fieldwork were significantly different with each group, which would have made a comparative study difficult.

## **Deportability as a producer of subjectivities of fear, frustration and illegitimacy**

When migrants settle in the United States without residence permits, they are legally considered "illegal"<sup>4</sup> and therefore are socially stigmatized as people "outside the law", "offenders" or even "criminals". As several authors have already shown, "illegality" is not a natural or automatic result of an unauthorized border crossing or other violation of immigration law (Castañeda, 2008, 2012; Genoa, 2004, 2005; González, 2010). "Illegality" is a state produced by the law itself. In other words, it is a provoked, ambivalent and controversial socio-political condition that is activated by a broad border zone (De Genova, 2004; Squire, 2011). Hence, Nicholas De Genova (2004) speaks of the "legal production of illegality," a formula that allows one to identify the role of law and legal discourses in producing the "illegality" that they supposedly combat.

The designation of migrants as "illegal" creates negative images and justifies the use of measures to prevent and repress this situation (Fassin, 1996, p. 77). Since 9/11, it has become common in political discourse and the media to equate or overlap the image of the migrant with that of the terrorist using meaningless, unproven metaphors and arguments (Herrera and Artola, 2011). The criminalization of migrant workers due to their migration status has had serious consequences on the subjectivities of these individuals—on the emotions, perceptions and aspirations that imbue their world and activities with meaning and shape how they communicate with others (see Ortnier, 2006).

The experience of "illegality" causes, for example, migrant subjectivities to be structured through emotions such as fear, insecurity and vulnerability, which clearly adversely affect the everyday lives and health of workers and their families<sup>5</sup>. These emotions are associated with the ever-present possibility of deportation because expulsion from the country means the end or at least a disruption of the migration endeavor (see Rocha and Ocegueda, 2013).

For migrants who do not have support and solidarity networks to protect them, as in the case of the Chiapas migrants interviewed, fear is the dominating emotion during the first months of their migration. To obtain work, many of them must follow contractors to other locations and settle far away from their group. Pedro, a 34-year-old peasant farmer who spent nearly a year working on different California farms far from his countrymen, explained,

The first few days when you're out on the street, you're always scared because you know that you are not legal, and people tell you that if you go out you'll run into "la migra" [immigration authorities]. They'll pick you up and send you back, and all that fear is there, all that shame from not having your documents, well... it just has to go away little by little (Pedro, Mississippi, 2006).

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<sup>4</sup> I put quotation marks around the term "illegal" to highlight that this is a label applied by nation-states to migrants without authorized entry or legal residence status to criminalize them and render invisible a situation that is expressly created by the laws themselves. As Noelia González notes, "In this manner, adjectives that should refer to the administrative situation of the migrants are turned into nouns, although only activities, not people, can be characterized as illegal" (González, 2010, p. 672).

<sup>5</sup> For an application of the anthropology of emotions to the study of migration, see Hirai (2013) and Asakura (2012).

As stated by De Genova (2004, 2005) and De Genova and Peutz (2010), deportation is one of the main mechanisms the state uses to control its borders. Deportation involves not just the physical expulsion of non-citizens but also the social and labor disciplining resulting from the state of "deportability", i.e., the permanent threat of deportation (De Genova and Peutz, 2010; Peutz, 2006). From this perspective, undocumented migrants are most affected, not by expulsion, which is selective and only affects some, but by living with the knowledge that they are potentially deportable. Therefore, the author concludes that "deportability" imprints border enforcement practices onto the bodies of migrants. In other words, "illegality" becomes a "way of being" in the world that forms part of their social identities (Willen, 2007).

The fear of deportation is exacerbated among mothers who give birth to children in the United States because they know that expulsion will mean separation from their children and a broken family. As explained by Leti, a woman from Agua Clara, Chiapas whose children were born in the United States, "I'm afraid for my children because it wouldn't be very hard for them to grab and deport me. Just imagine! What are my children going to do? What will happen to them?" (Leti, Mississippi, 2011).

Similarly, though the Oaxacans' solidarity networks protect them and mitigate the difficulties of their arrival to the United States, their first months are also marked by fear and frustration. Their classification as "illegal" produces in them what Fassin and Morice (2001, p. 265) call a sense of "potential statutory illegitimacy". This feeling of being a virtual carrier of violations causes them great distress. As explained by Itza, a young woman from Oaxaca interviewed four months after her arrival in Los Angeles,

At first, what you mostly feel, well at least what I felt, is frustration about not being legal. Even if the police aren't after you, it doesn't matter. You can even pass as a legal person, but you know that you're not. It is psychological, that is, you feel afraid, and you don't feel like you're in your own country. Lots of people tell me: "Don't worry, they're only after the gangs here." But since you know that you're not legal, that makes me afraid. Like, you feel insecure since you know that they can deport you at any time (Itza, Los Angeles, 2005).

As "illegals", the immigrant men and women quickly realize that though they strive to be "good citizens", they are always seen as "outside the law". This causes frustration, anxiety and insecurity. These emotions contribute to a feeling of illegitimacy or inability to make complaints. As a young Oaxacan puts it, "If we try to make any complaints, they'll say to us, Who are you to complain? If you don't like it, go back to your own country. And so for them, we're nothing, we're illegals" (Fredy, Los Angeles, 2006).

**Learn how to manage fear:  
"Because if you summon the fear, the fear beats you"**

Despite the strength and the violence of the deportation regime, migrant men and women have found various ways to manage the fears and other emotions that negatively affect their daily lives. Based on my fieldwork, I was able to identify three types of strategies: 1) confinement and isolation to reduce the risk of encountering the police and immigration authorities; 2) gaining knowledge about how the U.S. system works to find ways to be less exposed to risk; and 3) becoming aware of the role of fear in the deportation regime, which eventually allows them to produce counter-hegemonic subjectivities.

### ***Confinement and isolation***

When migrants do not have support networks or only have weak ones, the first strategy they rely on to manage their fears is confinement and isolation, as explained by a young man from Chiapas interviewed just six months after his arrival in California: "At first I stayed inside all the time. I preferred not to go out because of the fear of running into the "migra" [immigration authorities]. I was even afraid to go to the "marqueta" [grocery store] to buy food" (Julio, California, 2005). Their fear leads many migrant men and women to lead a discreet life and avoid public spaces. Leti, the mother from Chiapas, related,

That's why I don't go out. I only go from work to my house, and when I need to go buy something or run errands, then I buy for the whole week or two weeks. However, we don't just go out for a walk –that's the way it is here. It's as if we were locked up in jail because here it's from work to home, work to home. Then, we go out shopping or to do laundry, but with fear. We're afraid of being stopped by the police or somebody else. It is very sad and very difficult (Leti, Mississippi, 2011).

This strategy, while helping them manage their fear, reinforces the effects of the deportation regime because it keeps them invisible, disciplined, and away from the public areas of the city reserved for citizens. In fact, one of the effects of deportability on migrants is that it limits their use of public areas, controlling their mobility, not at the border, but in the cities in which they settle. They cannot travel with peace of mind. Each outing, however brief, is a risk because deportation and encounters with police do not occur in extraordinary circumstances; they happen in everyday life on trips to the supermarket, to the laundry, to wire money, while waiting for the bus to go to work, or simply when they are walking around on the street (see Rocha and Ocegueda, 2013). In addition, as several authors have noted, local legal initiatives have been enacted in recent decades that grant powers to the local police to take action against migrants in public spaces (Castañeda, 2012; Villaseñor and Acevedo, 2009). This severely limits the places where migrants can gather for fellowship and recreation and causes confinement and invisibility to dominate the lives of some.

### ***Understanding the system to manage the fear***

Remaining confined inside is not the only strategy that migrant men and women use to manage their fears. With time and experience, many come to thoroughly understand how the U.S. system works and develop tricks to reduce their exposure to risks or to better circumvent them.

Migration networks are central to migrants' ability to gain knowledge about the system because the information needed to better manage risk and to better understand one's rights is shared through these networks. As Carmen, a Zapotec woman, explains, "You figure it out as you go along, you have friends, you make friends on the bus and they tell you "don't let them –they can't do that to you". So you learn and the fear starts going away" (Los Angeles, 2006).

The networks that connect people with different immigration statuses are effective in protecting undocumented migrants because they disseminate a high volume of useful information. Furthermore, migrants can use this network to obtain support from U.S.-born generations that speak English and were socialized in the U.S. school system.

Undocumented migrants can also rely on new networks that are formed in the workplace and in recreational and educational spaces.

A privileged space for "getting to know the system" are English-language schools, where, in addition to learning the language, migrants can obtain valuable information about the rights of citizens and what the system expects of them. As explained by another Zapotec woman,

In school they tell you that you have rights; that just because you're "illegal" doesn't mean they can do that to you. They say "No, don't be afraid. They can't deport you here. Don't let them do this or that to you". And so you start learning what your rights are (Tere, Los Angeles, 2006).

Understanding the system is not limited to knowing the rights and responsibilities of citizens. It also includes knowledge about how to behave and dress in public spaces. Once migrants learn to follow these codes, some change the way they dress to conform to the predominant stereotype of a "legal" Latino. Their intention is to erase from their bodies any traces of the status imposed on them. This tends to work well in cities with large Latin American populations. A young woman from Oaxaca who arrived in Los Angeles when she was 13 explains,

Recently people heard that there were raids, but my cousin who was born here told me "Don't worry, you don't look "illegal". You look like an *American citizen*", and yes [...] I realized that what they [immigration authorities] focus on is someone's personality, and how they dress. I realized this because I've seen that they grab poor people, people who are dressed plainly, people who you can see come from small towns [...]. We look different now because of the time that we've been here and we look like Latinas that were born here (Los Angeles, 2005).

They also realize that it is essential to speak some English because when they encounter authorities, language is one of the main indicators of one's immigration status. During interviews, several youth commented that speaking English saved them from being deported because it allowed them to pass as Latino citizens.

While an understanding of the system and the strategies of resistance migrants learn as they become familiar with it can make daily life more bearable, they have limitations. As De Genova (2004) argues, in hegemonic discourse, migration status has become so imbricated with national origin that being and looking like a Mexican have become synonymous with being "illegal". Therefore, even Latin Americans born in the United States suffer from the same stigmatization and persecution as migrants, though the consequences are completely different because these individuals are not deportable.

### ***Awareness of the function of fear in the deportation regime***

In addition to the strategies used by migrants in their daily lives to manage fear, there are other processes of awareness that help migrants produce other types of subjectivities and affirm themselves as people with social rights and value. For example, migrants become aware that fear is an instrument used by the deportation regime to intimidate and discipline them. One migrant from Chiapas who had been in the United States for two years stated,

In reality, it's not that there are so many dangers, it's all just...I don't know how to put it... it's to make you afraid. The foremen and even your coworkers tell you things so you will get intimidated and will say to yourself "I'm not going out; I'm not walking around on the street; I'm not going there". Like, what they do is make you afraid, they shut you down. Do you know why? So that you don't broaden your mind and your knowledge. They look for a way to make you remain stuck. So you're intimidated, but what you do is just "dive right in" and you get out some other way. You don't listen to them – you take a chance and slip out of there. That's how you learn and get ahead (Pedro, Mississippi, 2006).

The following testimony is from a woman who has been in the United States for several years and who has suffered the violence of illegalization in her own body. Her statement clearly shows how, over time, migrants become fully aware that fear limits their chances of improving their lives. It also reveals how migrants draw strength from their experiences –often violent ones– to confront and overcome this paralyzing feeling.

Because if you're like "No, I can't drive because I don't have a license", or "No, I can't drive because I don't have *insurance*", then just stay at home, don't go out, don't live, don't experience anything. Just stay there stagnating –yes, stay there. Because what else can we do besides give it our best effort? I know that "fear comes quickly; it's already upon us", ha, ha, ha, ha. Just kidding, but yes, the truth is I'm not afraid anymore. The police already got me once; I know what a ticket is. I know what jail is –I'm not afraid anymore. If immigration gets me now –oh boy! What would hurt me the most is sending me back to Mexico. However, the coldness of a jail cell, I already know what that is (Elena, Mississippi, 2011).

One of the reflective processes through which migrants lose their fear and their feeling of illegitimacy is becoming aware of the function they perform as workers in the host society. Although the hegemonic discourse represents migrants as a "problem" for the host societies, various authors have demonstrated that "irregular" migration is enormously beneficial to host countries because it supplies them with cheap labor (Calavita, 2005; Castles, 2010; De Genova, 2004).

As Kitty Calavita (2004, 2005) notes, an "economy of alterity" is formed in industrialized countries that receive migrants, one that socially excludes migrants (the "others") and constructs them as a cheap, flexible labor pool. In other words, the presence of migrants is accepted and promoted by the deportation regime so that migrants can perform jobs that local workers do not want because they are difficult, degrading and do not pay well. Nevertheless, the regime rejects the worker as a person and citizen with rights (Berger and Mohr, 2011). Undocumented workers suffer this contradiction in their bodies and have difficulty accepting that they are produced as "undesirable" by the discourse of power while in reality being "accepted" and even "valued" as a highly exploitable worker ideal.

Although the system disguises this paradox, many migrant workers become aware of this situation as they reflect on their experiences. This is true of Abigail, a Zapotec woman who immigrated in 2000 with her two young children to join her husband, who had been working in Los Angeles, California for several years. Once she arrived in Los Angeles, Abigail began working in a chocolate factory. She relates that she adapted well to the job and that her lack of papers and even of a valid Social Security number did not create a problem.



I'm fine with my job right now. My boss knows that I'm undocumented and she keeps me working there. Actually, several of us are undocumented, but she knows that we do good work. I even will never forget that she told us "I prefer undocumented workers because you are more responsible and you don't complain about the work. I give you more hours or take some away and you don't complain" [...] People with papers ask for more pay, much more than what she gives us. I know that we are cheaper for her and she counts on us more because we respond well to her (Abigail, Los Angeles, 2013).

Notably, though the United States demands that "irregular" migrants be kept out, they turn a "blind eye" to their exploitation (Castles, 2010). It is also a glaring contradiction that while the public discourse of host societies criminalizes migrants, the employers or companies that hire undocumented workers do not. Finally, while legislatures in several countries have considered punishing employers, in reality this is almost never done, and the weight of the law rests almost exclusively on unauthorized migrants (Alarcón and Becerra, 2012).

Though greater awareness among migrants may not improve their employment situation, it does allow them to question the image of migrants portrayed by host societies as undesirable people, as a "problem", and as criminals. Their awareness allows them to develop their own discourse on their migration and themselves. Two Zapotec women offered the following explanations:

I don't think we take any jobs away because an "American" isn't going to do the work we do [...]. They sit down and give orders, and unfortunately it's an undocumented worker that serves them, paints their little house, cleans their house and works in their factory. And so, on the contrary, they benefit more considering what they pay us and what they get in return (Milagros, Los Angeles, 2006).

They say we're undocumented and that we don't have the right to be here, that we're some sort of criminals and that we're just here to invade their territory. But still, without us this country is nothing, plain and simple (Los Angeles, 2006).

Another element that is crucial for managing fear is faith. Although faith may seem contradictory to "gaining awareness", the two are complementary and allow migrants to find some peace in a deportation regime whose guiding rules and logics are opaque and cannot be fully understood. This is because the enforcement of its rules depends heavily on the personal decisions and whims of the officials responsible for the deportation apparatus. Therefore, in an environment in which chance plays a significant role, awareness must be accompanied by faith; consequently, migrants frequently rely upon religion. Rosa, one of the women interviewed in Mississippi, clearly affirms that to manage the fear of deportation one must draw upon both logics at the same time:

I have driven 11 hours, admittedly with fear because I don't have a license, but I drive because I have to go out. I believe that you shouldn't be afraid because if you see the immigration authorities and you're already getting under a car or in the back of a trailer, immigration is going to realize it, and so it also depends on you. Because if you summon the fear, the fear will beat you. But, you can say "No, immigration authorities are just doing their job, the police are doing their job, and I'm doing mine". Well, if you're always afraid then something bad

is going to happen. But, if you focus on something positive and you say, "well, in the name of God or Mary the most holy, and God please help me because I don't have papers" (Rosa, Biloxi, 2011).

### **In the circle of "illegality": Restrictions on obtaining a driver's license**

In addition to the immigration laws that illegalize migrant workers who do not have papers, numerous laws and administrative restrictions complicate their daily lives, limit their future plans, and force them to do other things that are considered "illegal" and are criminalized, including driving without a license, carrying falsified identification documents, and using a fake Social Security number. For migrants, "Each legal detail and each word can transform a person from someone who violates traffic rules to someone classified as a criminal, thereby changing their political and social subjectivity" (Castañeda, 2012, p. 311).

Since the 1990s, many U.S. states have established their own immigration policies. These policies affect various aspects of the daily lives of the migrant population, including their participation in transactions and procedures, their access to social programs and public services, and job placement (Villaseñor and Acevedo, 2009, p. 436).

One of the restrictions that has the greatest impact on the daily lives of undocumented migrants is their inability to obtain a driver's license. This has caused many to reluctantly commit a "crime" in addition to being unauthorized United States residents. It is not a coincidence that most of the laws enacted in recent years address the requirements for obtaining a driver's license or identification documents (Villaseñor and Acevedo, 2009, p. 423).

For many migrants, having and driving their own car is essential for getting a job. Most of the locations in which the interviewed migrants settled do not have good public transportation and are more conducive to travel by car. In addition, the migrants generally live in neighborhoods far from their workplaces, have complicated work hours, and some depend directly on their vehicles for their work. As one young man from Chiapas explained, "Here in the United States, not having a car is like not having a machete in Mexico because without a car we can't work here —our workplace is far away. In the fields or in the factories, wherever we work it is difficult" (Luis, Mississippi, 2011).

However, having a car —although risky— reduces their confinement and allows them to make limited ventures into the public areas of the city. For example, Claudia, a young mother of two small girls, says that she learned to drive because she was tired of being confined and desired to return to a "normal life". For her, this meant being able to go out with her daughters.

However, an activity as simple and commonplace as driving is risky for migrants and exposes them to distressing, stressful and fearful situations. Another young woman from Oaxaca who has to drive to work without a driver's license said,

The problem with having a car without a driver's license is that you're playing the lottery every day. You don't have a license and you don't have documents to be here. So you're afraid, but you have to drive so you can eat —we have to work. Just imagine! We have to move around. So now the police get you and

what can you do –deal with it: a ticket, jail and then what? Because that's what we are exposed to because we don't have a license, papers, we don't have anything (Elena, Mississippi, 2011).

When they get behind the wheel, migrants know that the possibility of having an encounter with the police increases considerably, and any trivial incident or "error" could trigger a series of fatal events, including fines, required court appearances, impounding of the vehicle, jail, and even deportation.

Abel's case illustrates the types of situations facing migrants when they drive. Abel is 27 years old and the father of four children. Although he came to the United States as a minor and is married to a U.S. citizen of Oaxacan heritage, he has not been able to obtain residence documents. He has been working since he was 12, specializing in carpet installation. However, because he does not have a Social Security number and cannot issue invoices in his own name, he has to subcontract for another company. Not having a driver's license forces him to commit what is considered a "crime" according to transit law. In addition to keeping Abel and his family in a state of permanent stress and worry, driving without a license has caused him problems with the police. His wife relates,

He's been stopped several times and has had his car seized. Once he was stopped because one of his headlights wasn't working well. That time, the police said, "Get out of the car and show me your papers and your license". Abel said, "I don't have any" and the police began to reprimand him. "Then, why are you driving? Do you know that you've committed a crime? It's already a crime that you're in this country and on top of that you're driving a car". "Please don't take my car, I'm just going to work. I'm not going to do anything bad" said my husband. However, he replied, "No, I can't. I have to enforce the law" [...] Another time he was stopped and he was fined \$1,500 and the car was impounded for 30 days. No choice! We couldn't get it out earlier. I said, "Goodness, how are we going to pay so much money?" It's a problem for us to lose the car because his job uses the car. It's a tool of his trade because how is he going to transport the rolls of carpet? Also, when your car is impounded, you have to pay the towing fees and fines for driving without a license, among other things. That time, he had to go to court but even that wasn't so bad. The judge just put them in line and said to them, "Under state law, you should not be driving without a license, blah, blah, blah, don't drive again and please obey the law". He was given a choice between paying the fine in cash or community service. Abel chose the community service, which turned out to be about 1,000 hours of work. He had to clean the freeways; some others had to clean parks or the metro –it depends on where you committed the offense. It was a lot of hours –worse than the village "tequio" [unpaid communal work] (Mónica, Los Angeles, 2013).

Many immigrant workers do not appear before the courts because they fear an unfamiliar justice system and because they are afraid the legal process will lead to deportation. Problematically, by not complying with court appearances, they become "fugitives" in the eyes of "the law". If they are re-arrested, it is likely that they will be jailed and deported, even for a minor infraction such as driving without a license.

Fortunately, none of Abel's arrests resulted in deportation. However, Alarcon and Becerra (2012) interviewed 3,457 people deported from the United States and found that many of these deportations originated in automobile-related incidents. For

example, they note that more than a third of those interviewed were deported for traffic violations (36%). The next highest cause of deportation was being arrested during a routine police inspection at a checkpoint (27%). The remaining interviewees (24%) were deported for having an outstanding arrest warrant (24%) or for being caught in the act of committing a crime (13%) (See Table 1).

**Table 1. Causes of deportation**

Traffic violations	36%
Arrest during a routine police inspection	27%
Outstanding arrest warrant	24%
Caught in the act of committing a crime	13%

Source: Alarcon and Becerra (2012, p. 135).

The qualitative interviews conducted during my research in California and Mississippi between 2005 and 2013 confirm the findings of Alarcon and Becerra (2012). However, they also revealed that the routine police checkpoints and outstanding arrest warrants (the second and third most frequent causes of deportation) were usually also linked to automobile-related incidents.

For example, the police inspections that led to 24% of the deportations occurred when people were driving because the checkpoints are typically placed along main roads. Although laws prohibit police from making arrests based on how a person looks, many arrests are based on "racial" stereotypes. For this reason, many migrants know that they are always in danger and that everything about them may seem suspicious to others. As one Oaxacan youth noted, "We look like we just crossed the border and there are lots of racist police". Another young woman adds,

Sometimes you can drive very well, but then the fear starts to affect you. Your nerves betray you, and because of fear many people...have even been deported. Because when you're driving and a police car is passing by, then you can see who has a license and who doesn't. Those who don't drive at a snail's pace because they're afraid to speed up a little. Because you can be stopped for having brown skin. Then, things get worse, and the first thing they're going to ask you for are your papers (Ana, Los Angeles, 2013).

When the police arrest a migrant for driving without a license, several actions can be taken: 1) the police dismiss the infraction and release the immigrant; 2) the car is impounded; 3) the migrant is taken to jail; 4) the migrant is ordered to appear before the court; 5) the police call in agents from the Immigration and Customs Enforcement agency; or 6) the immigrant is deported. It is difficult to understand the logic that is applied in each arrest. Some migrants have been arrested numerous times, but the migration authorities have never been called in. However, others are immediately deported during their first arrest, even though they do not have a criminal record.

Even when deportation does not occur, the arrests have a deep impact on the lives of migrants and their families. For example, the fines they have to pay are high relative to their income, which makes their lifestyles even more precarious and traps them in a vicious cycle of saving for a car, paying for it, and then losing it. This was the situation of several migrants from Chiapas that I interviewed who were farmworkers in the

Central Valley of California. Soon after arriving in California, these young men decided to move to other states to find less demanding work than their agricultural jobs. Leaving the Central Valley took many months because they were arrested several times by the police, and each time, their car was seized. As one of them explained,

It was crazy what we did, buying cars that the "placas" [cops] would then seize. One day we were going to Sacramento to cash a check and the "placa" took our minivan. We then bought a small van, and a few days later the cops "hailed" it off again. Once again, we didn't have a car and went back to work. When we got enough together, we bought another car again. Would you believe me if I told you that the cops stopped me seven times! (Pedro, Mississippi, 2006).

However, the qualitative information that I gathered confirmed that in some cases, the arrests were first triggered by driving violations, which were then compounded by lack of a license, an existing unpaid fine, or failure to appear before the court. There are also cases of arrests for hit-and-run traffic accidents involving undocumented migrants, who often prefer to run away because they fear encounters with the police.

As of January 2015, *Bill AB60*, which was approved by the California Senate and Assembly in September, 2013,<sup>6</sup> allows migrants in California to obtain a driver's license regardless of their immigration status. Though this new law permits undocumented migrants to drive without violating traffic laws, their licenses are labeled differently than those of citizens. Instead of saying "DL" (for "Driver's License") they are tagged with "DP" (for "Driving Privilege"). Therefore, though the law establishes that these special licenses cannot be used for federal purposes (such as persecuting migrants), it is inevitable that this policy will become another biopolitical initiative designed to limit migrants' mobility and brand their bodies.

## Conclusions

This article seeks to contribute to the anthropological and ethnographic literature focusing on the measures used to control borders and migrant populations, including disciplinary technologies designed to produce docile bodies that are easily governed. Foremost among these are biometric surveillance technologies, laws that criminalize, restrictions on the use of public services, random arrests, incarceration and deportation.

Based on the experiences of migrants from Oaxaca and Chiapas who have settled in Los Angeles and Mississippi, I reveal the ways in which the legal status imputed to migrants without residence permits has an impact on the deepest parts of their being and the most intimate features of their daily lives. This leads them to construct a subjective understanding of life based on the status imposed on them, which translates into emotions such as fear, vulnerability, illegitimacy and anxiety, all in an environment of confinement, precariousness and instability. Furthermore, the biopolitical practices of migration are not only designed to constrain the mobility of migrants, exclude them and produce a cheap labor pool but are also designed to produce subjectivities that serve the system. The prohibition on obtaining a driver's license is an important example of how an administrative ban of this type can expose

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<sup>6</sup> In some states, such as New Mexico, Utah, Nevada, Oregon, Colorado (western U.S.), Washington, Illinois, Maryland and Connecticut (eastern U.S.), migrants can obtain a driving permit. In Mississippi, as in most states, applicants for a driver's license must present a Social Security card or other document proving legal residency in the U.S.

male and female migrants to risk daily and provoke the aforementioned negative emotions.

In this article, I also demonstrate that despite the difficult situations in which the migrants live, over time they develop a variety of personal and collective coping strategies to make their lives more bearable. These strategies allow them to subvert the subjectivities imposed on them. For example, they become aware of their contributions to society, no longer seeing themselves as illegitimate people without rights. They even lose their fear.

The experiences of migrants recounted in this article allow us, in some small measure, to approach and understand life under illegalized circumstances. Nevertheless, we still face the challenge of applying what Sarah Willen (2007) termed "a critical phenomenology of illegality", which examines this imposed condition as a legal status, as a sociopolitical condition, and as a way of being in the world.

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