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Restrictive immigration policies in the United States limit entry into the country while also limiting access to social goods and engagement inside the country. Throughout U.S. history, immigration policies limited entry to people based on race and country of origin through justifications of perceived worthiness to maintain a White nation. More recently, the U.S. has merged criminal law with immigration law, referred to as crimmigration, which has criminalized civil violations and provides monetary incentives for the detainment and deportation of noncitizens. Crimmigration is a multifaceted concept that consists of color-blind racist ideologies, negative portrayal of immigrants of color by the media, and psychosocial consequences of law. The White dominant group perceives immigrants of color as a threat, therefore supports policies that eliminate the perceived threat. I rely on racial-ethnic threat theory to frame immigrant's experiences of perceived threat in Alamance County, North Carolina— a historically White, rural community. Using in-depth semi-structured interviews, I inquire about the daily life experiences of immigrants of color living in Alamance County. Results show crimmigration law socially restricts the lives of immigrants and their families, makes immigrants feel fearful, and makes immigrants find ways to cope with fear, discrimination, and uncertainty. This research project highlights the health, legal, and social implications of criminalizing immigration law in a new-immigrant destination.

SOCIAL PARTICIPATION OF RACIALIZED IMMIGRANTS  
LIVING UNDER CRIMMIGRATION LAW  
IN NORTH CAROLINA

by

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Approved by

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Committee Chair

## DEDICATION

Para mi mamá, María Cholula y mi papá, Armando Cholula

Gracias por sus oraciones y apoyo que me dan la fuerza para perseguir mis metas.

To the immigrant community

Thank you for welcoming me into your spaces and entrusting me with your stories.

Thank you for bringing your culture, language, creativity, and love to new places.

APPROVAL PAGE

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## TABLE OF CONTENTS

CHAPTER	Page
I. INTRODUCTION .....	1
II. REVIEW OF THE LITERATURE .....	10
Crimmigration .....	10
Color-blind Racism and Media Representation .....	15
Racialized Enforcement and Detention .....	20
Psychosocial Consequences: Individual, Family, and Community .....	23
Internalization and Personal Identity .....	28
Crimmigration in New Immigrant Destination: North Carolina.....	32
III. THEORITICAL FRAMEWORK.....	41
IV. METHODS .....	47
Research Site .....	47
Participants.....	49
Coding.....	51
V. RESULTS .....	52
Knowledge of Restrictive Immigration and Criminal Policies:	
Perceived Threat and Isolation.....	52
Imposed Restrictions.....	52
Self-isolating .....	57
Trump .....	58
“I’m not afraid, but...” .....	60
Coping Strategies .....	66
VI. CONCLUSION.....	69
BIBLIOGRAPHY.....	73
APPENDIX A. INTERVIEW GUIDE .....	79

## CHAPTER I

### INTRODUCTION

The United States has a unique history of accepting foreigners and granting citizenship to non-European groups. African slaves, Native Americans, and other ethnic and racialized groups faced difficult situations and discriminatory experiences before gaining access to the citizenship process. Enslaved African and their descendants, for example, were ineligible for citizenship because of race— a social construction used to categorize people and justify maltreatment of non-whites. Citizenship was dependent on race, until 1868, when the fourteenth amendment granted citizenship to African Americans. Before then, Congress limited citizenship to “free white persons,” thus limiting women, enslaved people, and non-white people from becoming citizens. Native Americans, then, were not citizens until the 1920s. Although enslaved African and Natives were not migrants, these examples illustrate ways the U.S. explicitly limited access to citizenship by race and served as measures to maintain White dominance. The first example of exclusion in the U.S. is in 1790, when Congress enacted a naturalization law fourteen years after the country was established which limited naturalization to free white persons (Chomsky 2007). The social construction of race in the U.S. categorizes people who were “free” and “civilized” which led to religious and political justifications of exclusions and inclusions (Omi and Winant 2015). From the beginning of the U.S. then, race has been a part of citizenship and inclusion.

The racialization of non-White bodies in the U.S. is vital in understanding immigration enforcement and its targeted practices on immigrants<sup>1</sup> of color, which are a result of perceived racial-ethnic threat. Considering the historical practices of labeling and categorizing people by language, culture, religion, country of origin, and phenotype, immigrants of color<sup>2</sup> face different experiences in the immigration process and while residing in the U.S., as discussed below.

Harsh immigration enforcement practices in the U.S., I argue, limit immigrants of color social participation due to the racialization of immigration and increased surveillance by law enforcement and immigration authorities. Federal immigration policies affect more than the 10.5 million undocumented immigrants living in the U.S. (Pew Research Center 2019) by limiting access to education, workplaces, social resources, and healthcare that affect more than 22.4 million noncitizens (Wallace et al. 2019). I propose, then, that racialized immigrants of color in the U.S. face unconventional obstacles that hinder social participation, thus shaping their experiences as immigrants much differently than white immigrants.

Although undocumented<sup>3</sup> immigrants are the most vulnerable, increased immigration enforcement targets authorized immigrants who fall into the categorization

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<sup>1</sup> For this paper, I refer to immigrants as people who migrate to the United States with the intention to settle or return to their country of origin, including those who migrate “voluntarily” despite fleeing harsh living situations in their country of origin.

<sup>2</sup> In this paper, immigrants of color refer to immigrants who are from Mexico, Central and South America, Caribbean, Asia, Africa, and/or do not pass as White American or White European in the United States.

<sup>3</sup> Undocumented and unauthorized will be used interchangeably and refer to people who entered the U.S. without inspection or whose visa expired.

of what a “criminal alien” supposedly looks like. This means that immigrants of color with authorized status experience the consequences of racial profiling, discrimination, and stress associated with increased immigration enforcement. Indeed, part of the problem with criminalizing a group of people based on their immigration status is that it pulls in people who look, speak, or practice the religion of those whose presence in the U.S. has become criminal through exaggerated fears and racist justifications.

Terminology such as “illegal alien,” “criminal alien” and “illegal immigrant” become intertwined with racialized citizens because there is no way of distinguishing who is “illegal” and who is not. Although an authorized immigration status separates a noncitizen from a citizen, racializing people and portraying groups as an economic, political, or criminal threat has consequences for people of color regardless of immigration status. In response to perceived threat, law enforcement officers enforce immigration and racially profile residents depending on whether someone looks “illegal.” But, how can someone *look* “illegal”? In fact, there have been testimonies of U.S. citizens arrested by Immigration and Customs Enforcement (ICE) who await deportation to country unfamiliar to them (Koulish 2010). These cases of criminalization highlight the depths immigration laws have reached. An unjust consequence of criminalizing a group of people is that there is no limit to who can belong to that group of people. A limit does not exist because criminalizing people is for “national security” reasons.

The U.S. has a history of deporting people based off an assumed authorized status and *creating* undocumented immigrants. Ngai (2004) illustrates how race-neutral laws created “illegal aliens” by granting unequal access and creating pathways to legal

residency contingent upon factors such as nuclear family ties in the U.S., that automatically excluded Mexican workers whose families resided in Mexico. Undocumented European immigrants who had nuclear family in the U.S. were considered for legal residency and immigrants without family ties would remain undocumented and subject to deportation. Operation Wetback is recognized as one of the largest mass deportations of Mexican workers with an estimated 1.1 million people deported to Mexico, which included U.S. citizens and Mexican migrants who entered the U.S. to work under the Bracero Program. The Bracero Program ensured control over Mexican migrants—disposable labor that was supposed to be available when the U.S. wanted and disposed of when no longer needed (Chomsky 2007). When the program ended in 1964, migrant workers who decided to stay became residents without proper documentation, thus perpetuating Mexicans as “illegal immigrants” and other racial slurs such as “wetback,” which often refers to Mexican migrants who cross the Rio Grande.

Throughout history, racialized immigration laws target non-White members differently than White immigrants (Valdez 2016), which is most visible on the U.S. Southern Border. I understand that White immigrants were also alienated and deemed criminal in the early 1900s, however, the historical practices once used to exclude non-White immigrants resonate in current anti-immigrant rhetoric. Current language, whether racial slurs or legal terminology, used to describe immigrants of color are derogatory, dehumanizing, ostracizing, and presume criminality by simply inferring immigration status. Racialized immigration laws require a critical understanding of race and its social construction in the U.S. to navigate crimmigration—the merge of immigration and

criminal law, and life experiences of immigrants of color. I consider historical experiences of non-white immigrants and definitions of race and ethnicity in the U.S. because it is necessary to form a well-rounded understanding of race formation, race relations, and the consequences of racializing people in the context of the immigrant experience. Recognizing race formation and relations is necessary in understanding how the dominant group<sup>4</sup> views racialized immigrants and the ways immigrants view themselves in a highly race-based society as well. Race formation in the U.S. is particularly important to consider because of immigrants who come from places where the color of their skin is irrelevant to their social status and are unfamiliar with relations in the U.S. (Kusow 2006).

I also reflect on the importance of language, specifically as it relates to language discrimination and the idea that certain languages carry prestige over others. Ayón (2015), for example, notes that Latinx people experience discrimination due to their language abilities and assumed legal status as Latinx ethnicity often conflates with unauthorized status. Physical features, such as skin color, and language abilities make immigrants prone to discrimination in the workplace and limits access to public resources. Among Asian immigrants, Yoo, Gee, and Takeuchi (2009) found that recently arrived immigrants reported the highest levels of racial and language discrimination than U.S. born Asians and less recent immigrants. The presence of non-native English

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<sup>4</sup> For the purposes of this paper, I will refer to the dominant group as whites—the group that holds economic and political power over other groups, and who have the largest population size.

speakers coupled with the racialization of black and brown bodies can be perceived as a cultural threat because it challenges American identity.

Social constructs, such as immigration status and race, influence how immigrants view themselves, therefore I take into consideration that race and illegality may shape how immigrants internalize laws. This perspective contributes to my proposal because it can shed light on the internalization of laws and the personal impacts of racialization. Historically, immigrants of color have experienced adaptation much differently than European immigrants (Chomsky 2007). “Racial inequality is so deeply embedded in the national culture and social fabric of the United States that assimilation has historically meant finding, learning, and accepting one’s place in the racial order” (Chomsky 2007:104). These national cultural norms suggest that race, in the context of U.S. beliefs, is an important component of how immigrants not only adjust but come to develop or reshape their understanding of self. Racial profiling and other forms of discrimination, for example, shape how immigrants view themselves in a highly race-based society (Umaña-Taylor et al. 2014). Additionally, reasons for relocating to the United States are important to acknowledge and implement into understandings of racial/ethnic identity as increased immigrant surveillance can alter social adaptation and participation.

“Illegal alien” and other derogatory terminology associated with immigration status, also serves as a master status; society excuses or justifies immigrant detention and removal because immigration status becomes the primary identifying characteristic of their existence. Garcia (2019) adds that immigrant’s undocumented status can also serve as a master status within their own identity, which suggests that the U.S. immigration

system is more than a set of laws, but rather an apparatus that functions as a controlling mechanism in an immigrant's life and their family. For noncitizens, an understanding of law is a part of how they see themselves inside of the U.S. that makes them legally vulnerable. Both stigmatization and law limit immigrants of color social participation as either can serve as barriers due to the negative associations attached to being from a particular country or speaking a particular language. The social construction of immigrant illegality and perceived threat by the dominant group allows the government and its institutions to limit opportunities and availability to social goods. Living undocumented in the U.S. has social consequences that create a "new axis of stratification" (Garcia 2019:4) by excluding immigrants from social goods, resulting in systematic disadvantage that has long-term consequences for noncitizens and their families. Those who look like they belong to a criminalized group in the U.S. receive inhumane treatment, considering the vocabulary, restriction from social systems, and enforcement practices associated with the removal proceedings of noncitizens of color.

Recently, scholars have used the term crimmigration to describe the merge of criminal and immigration law that has led to an increase of removal proceedings of noncitizens for nonviolent offenses and immigration violations expanding the list of convictions for detention and deportation (Stumpf 2006). Another component of crimmigration are the financial incentives for local law enforcement departments, ICE, and private prisons that, in part, drive increased detainment and deportation of immigrants of color.

The proposed research project relies on this scholarship as a foundation to understand the problem of criminalizing a group of people based on their perceived racialized immigration status and the depths of immigration enforcement at the local level that affects the social life of immigrants of color. Again, one of the consequences with criminalizing people is that it reaches those who *appear* to belong to the criminalized (Armenta and Valdez 2017). Whether someone is “illegal” or a “terrorist,” then is irrelevant because the appearance of *otherness* shapes, and later justifies, the violent forms of control and enforcement. I am aware that criminalization exists for citizens as well; however, my thesis proposal focuses on contemporary immigrants and the implementation of crimmigration at the local level. To give context on current crimmigration practices and immigrant experiences, I consider historical accounts of criminalizing and restricting black and brown bodies inside the U.S. and across the country’s borders.

For these reasons, my research aims to understand the social implications of crimmigration laws through the everyday experiences of documented or undocumented immigrants of color who live in a county that collaborates with ICE (Immigration and Customs Enforcement). Specifically, how does crimmigration affect the daily life experiences of immigrants of color living in a place that collaborates with ICE?

To understand the effects of increased enforcement better, I seek to investigate the consequences of racialized enforcement at the local level and use racial/ethnic threat theory to understand immigrants of color experiences of being perceived as a threat. Scholars have long examined the roles of immigration status and over-all health

consequences of deportations and family separation (Becerra et al. 2012), but often do not focus on cities or counties that collaborate with ICE and the ways it effects immigrant's social life. With an understanding of race and its impact on laws, this research seeks to understand the challenges immigrants of color face in their daily activities in North Carolina, a state that heavily relies on migrant labor yet collaborates with ICE. The increased attempt to remove immigrants from North Carolina serves as an example of the way the U.S. dehumanizes and criminalizes people through racialized enforcement, which comes to affect the daily lives of immigrants of color.

## CHAPTER II

### REVIEW OF THE LITERATURE

Labels of exclusion serve as master statuses. No matter an immigrant's background, their violation of immigration or criminal law serves as a reason for detention and removal (Wang 2012). The local, state, and federal police function as gatekeepers who control who enters and exits the U.S. by operating along the 2,000 mile U.S. Southern Border or the 328 ports of entry. The merge of criminal and immigration law allows the criminal legal system to funnel noncitizens as criminal through detention and deportation procedures (Urbina and Peña 2018). The merge of two laws increased the detection of noncitizens at the city and state level. With the help of the criminal legal system, law enforcement agencies who enforce federal immigration law have the power to apprehend noncitizens miles away from ports of entry.

#### Crimmigration

The merge of both laws—criminal and immigration—empowers federal and state governments to function as “gatekeepers of immigration enforcement,” known as crimmigration (Pickett 2016). Under crimmigration, local and state law enforcement agencies act as enforcers of criminal law and immigration law. Crimmigration is the policing of noncitizens that created the immigration control industry, which offers incentives to for-profit detention facilities, politicians, and local and state government to detain and deport noncitizens (Misra 2016; Pickett 2016). Outside of the legal realm,

crimmigration has implications on communities of color and immigrants on an individual, personal level. The mass media perpetuates and normalizes the criminalization and dehumanization of immigrants by highlighting unlawful entries into the country and working without documentation, for example. Similarly, crimmigration also affects immigrant identity, sense of belonging, and interpretation of immigration status (Abrego 2011), therefore making crimmigration a social-psychological matter.

According to crimmigration scholars, “immigration law today is clothed with so many attributes of criminal law that the line between them has grown indistinct” (Stumpf 2006:376). Due to the characteristics of crimmigration, the consequences of immigration and criminal law have a larger and deeper social impact for racial/ethnic minorities who are often targets of increased enforcement at the local level. The criminalization of immigration violates constitutional rights and does not account for harmful consequences families and community experience. The merger of both systems became increasingly clear post-9/11, specifically in law enforcement. For instance, after 9/11, the Department of Homeland Security (DHS) entered civil immigration warrant information into national law enforcement databases, allowing state and local police to enforce civil immigration law.

While the criminalization of immigration started before 9/11, Koulish (2010:40) notes that the attack “injected steroids into the beast, bulked it up with one initiative after another, and helped justify the immigration control industry that came to the fore during the Bush years.” According to Pickett (2016) and Stumpf (2006), crimmigration dates back to the 1980s, when Congress added “aggravated felonies” to the list of deportable

offenses, making it easier to deport immigrants, including legal permanent residents (LPR). “Almost every immigration statute passed since then has expanded the list of crimes leading to social and legal exclusion and deportation” (Stumpf 2006:383). In the 1990s, for example, Congress loaded the list of aggravated felonies with non-violent offenses. Most notable are the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-terrorism and Effect Death Penalty Act (AEDPA) of 1996. Both legislations made it possible to deport LPR for misdemeanor and felony offenses that carry one year-sentences (Pickett 2016).

With an expansion of what it means to be a felon, there is an increased chance of deportation for immigrants who are exposed to the criminal legal system. Increased efforts to detect noncitizens pushes more and more immigrants of color into marginalized spaces in a society where they already hold a number of limited rights. By merging criminal law with immigration law, immigrants become outsiders in society as both laws are at their core systems of exclusion. In addition to making noncitizens a vulnerable group, immigration and criminal policies control immigrants through fear of deportation and apprehension (Abrego 2011). Criminal behavior, for immigrants, holds a very different meaning with very different punishments than for citizens. Although immigration violations fall under administrative law, states have worked toward criminalizing essential parts of everyday life for noncitizens. Examples of criminalizing immigrants include transporting, concealing, or harboring an undocumented immigrant, hiring a day laborer, and failure to provide immigration status documents, which are all part of Arizona’s SB 1070 (Ackerman and Furman 2013). The expansion of criminal

means noncitizens can be detained and deported for behavior not considered unlawful or criminal for citizens. In immigration law and criminal law, the state controls what is criminal, who is criminal, and how to include individuals as members of society (Cházaro 2016). Combining immigration enforcement with criminal justice procedures empowers the state's ability to control and punish immigrants in a system that conceptualizes immigration and racialized immigrants as a social ill.

Crimmigration allows for state and local agencies to expand on the criminalization process by “targeting behaviors such as loitering, failing to register employment of day laborers, and using a false identity,” all of which are actions immigrants do to survive while living undocumented (Pickett 2016:105). Crimmigration also began “charging undocumented entries with conspiracy to commit alien smuggling” (Koulish 2010:40) if caught crossing into the U.S. without lawful documentation. Criminalizing border crossings further reinforces negative connotations and myths associated with immigrants, violence, and crime because the majority of people who cross without documentation migrate from Mexico, Central and South America, and the Caribbean (Golash-Boza 2015).

Here lie the dangers of criminalizing a group of people contingent on citizenship: the criminalization expands so that those who *look* like a “criminal alien” or “illegal immigrant” become targets of discrimination, policing, surveillance, and detention. Although naturalized citizens and 2<sup>nd</sup> generation immigrants are less vulnerable than undocumented and LPR in the crimmigration system, the consequences of

criminalization have the potential to reach the lives of racialized residents despite citizenship status.

Truly, there have been cases where U.S. citizens detained by ICE await deportation to a country foreign to them. In January 2019, ICE arrested Jilmar Romas-Gomez, a U.S. Marine vet with PTSD, after his release from Kent County jail in Michigan. Kent County Sheriff's Department reported Romas-Gomez to ICE on the *suspicion* of being in the country without documentation; as a result, he awaited possible deportation for a few days before being released from ICE custody. ICE waited for Romas-Gomez's release outside the county jail. This is just one example— even (racialized) citizens do not escape immigration's reach. Romas-Gomez experience with ICE and the Sheriff's Department is part of DHS immigration control system that targets racialized immigrants internally, hundreds of miles away from a U.S. border.

With the merge of the criminal justice and immigration system, it is easier for ICE to detect noncitizens inside jails and through law enforcement officers. The immigration and criminal legal system implemented its procedures into each system, thus creating a system that punishes administrative violations as criminal violations. The immigration system inserted its practices into the criminal legal system by requesting notifications of noncitizen arrests, implementing immigration databases into fingerprinting procedures, and making law enforcement officers enforcers of immigration and criminal law. Similarly, the criminal legal system implemented punitive sanctions for non-criminal violations in immigration law and expanded deportable offenses for noncitizens (Cházaro

2016). In short, the criminalization of immigration laws made immigration violations a federal criminal violation thus shaping deportation laws under criminal law.

### *Color-blind Racism and Media Representation*

Failure to recognize how race plays a role in immigration ignores or dismisses the experiences people of color. Regardless of immigration status, immigrants of color in the U.S. became increasingly subject to racial profiling and discrimination post-9/11 because of the constructed association between nationality, language, and religion with national security and illegality (Rivera 2014). Media representations of cultures and religions displayed immigrants of color as a national threat thus requiring policy change to keep the country safe. A part of the merge between criminal and immigration law is race, specifically as it relates to the media portrayals of immigrants of color.

In the U.S., race and skin color play an important role in the exclusion of rights and removal of noncitizens. “Prior to the Civil Rights era, legislators overtly worked to preserve the racial status quo through the formation of immigration policies” in such a way that it reserved access to citizenship based on race (Douglas et al. 2015:1430). Immigration restrictions were racially motivated where Jews, Italians and the Irish were the racialized *other* linked to criminality and disease (Douglas et al. 2015), or when Natives received citizenship in the 1920s and Asians in the 1950s (Omi and Winant 2015). Since the Civil Rights era, however, race relations have looked very different, as does discrimination and racism. The U.S. immigration system has immensely shaped means of exclusion and inclusion based on race (Omi and Winant 2015), thus a critical

perspective of immigration law is essential to framing the ways the U.S. is preserving a White nation.

“The U.S. operates along a racialized social system where racial categories are created, maintained, and used to place people along economic, political, social, and ideological hierarchies” (Douglas et al. 2015:1431) to maintain the nation’s whiteness. Indeed, immigration law serves as a function to move non-White immigrants and citizens into marginalized spaces where subtle racism hides and thrives. There is a distinguishing feature between marginalized immigrants of color and citizens of color in that immigration law restricts who can enter the country, then limits the social goods accessible to noncitizens. Although immigrants and citizens of color experience marginalization through criminal law, people seeking to enter the country experience exclusion at the beginning of the immigration process. On one hand, the U.S. Southern border wall and military equipment symbolize the exclusion of certain bodies and on the other, the inspection process of visa applicants determines worthiness of entry and inclusion. Moreover, the combination of immigration law and color-blind racism are key components that led to the expansion of surveillance, detention, and deportation of immigrants of color across U.S. borders and within the nation.

The subtle ways of restructuring race and law is what Bonilla-Silva (2014) refers to as “color-blind racism,” where the dominant group explains away racial inequalities through non-racial factors such as cultural differences or minimization of racism. The critical perspective of race and color-blind racism is fundamental to understanding the racialization and violent enforcement of immigration policies. Discriminatory

immigration laws and enforcement practices amplified post-9/11 and created a new group to criminalize: Muslims and Arabs—along with the conflation of other South Asian identities. Post-9/11 immigration enforcement expanded the criminalization of immigrants, reached beyond the realm of race, and stepped into religion, coupling a racial threat with a religious one. It also increased surveillance on non-White immigrant communities by expanding federal government’s power to state and local law enforcement agencies (Arriaga 2016). The U.S. Southern border was militarized with 649 miles of fencing in 2011 and equipped Border Patrol with mobile surveillance, floodlights, radio towers, and other wartime technology to deploy on immigrants (Urbina and Peña 2018). The federal, state, and local department’s overreach continues to be justified in the name of national security, which has detrimental implications for police and community relations (Arriaga 2016). Events such as 9/11 and increased migration flows from Mexico and South America in the late 1990s influenced policy internally and across U.S. borders. Mass media, however, also influences policy change. Mass media messages and images circulate often enough to (re)produce fear about terrorism and unlawful entries into the country.

The media informs White people’s attitudes toward immigrants and immigration policy in such a way that “portrayals of immigrant criminality negatively influence White attitudes about immigration policy” (Farris and Mohamed 2018). Since the 2000s, the media has increasingly associated criminality with immigrants and immigration status, in particular with Latinx immigrants, consequently shaping White attitudes on current Latinx immigration and related policy. Mainstream media, more recently the internet and

pop-culture television series, play a key role in creating specific racist images to maintain White dominance. Pop-culture movies like *Sicario* and television series like *Narcos* produce racist stereotypes and interpretations of Latinx culture that “are central to the operation of systemic racism in the contemporary United States” (Feagin 2014:140). The media increasingly portrays Latin American immigrants and especially Mexican immigrants as a danger to American society and culture. According to Massey and Sánchez (2010:69) depicting Latinx people as a threat “began to gain particular traction in the 1980s when President Ronald Regan framed immigration as a question of ‘national security,’” warning Americans that terrorists were a driving distance away from crossing the U.S. border. Although explicit racist language is no longer embedded in immigration law in the U.S., colorblind-racist messages from politicians and the media produce images of who is a threat to American culture and society. The racial language, as mentioned by Douglas et al. (2015), once at the forefront of immigration law transformed into a system appealing to play fair and promote equality. Race is still very much a part of immigration law, specifically in its enforcement practices that target non-White immigrants and centers “illegality” around racial/ethnic minorities.

The removal of explicit race-based immigration paved the way for subtle use of violent enforcement and removal proceedings for violating immigration laws that are intentionally set up to maintain the nation’s whiteness. Like pre-Civil Rights days, citizenship is still heavily based on race—minus the explicit language that says so. Colorblind racism removes the ability to identify racist acts in that it removes non-race factors from inequality (Douglas et al. 2015) and places responsibility of inequality on an

individual level. In the context of immigration, color-blind racism translates into Latinx migrants have the largest deportations rates because they came to the U.S. unlawfully, not because enforcement practices are race-based and rely on racial profiling to detect noncitizens. One of the problems with color-blind racism, however, is living in a highly race- and class-based society that seeks to maintain a racial status quo through immigration laws and its expansion to states and local ordinances.

Racial language has been removed, but it has been replaced with terminology such as “illegal immigrant,” “illegal alien,” “terrorist” and “criminal alien” that presume criminality and otherness associated with particular ethnic groups. For example, among immigration studies, scholars recognize that immigration’s divisive policies affect Mexicans the most and “bear the brunt of increasingly denigrating perceptions of migrant ‘illegality’” (Garcia 2019:3). Even though immigration law is still racially biased, the current terminology is deemed appropriate because it is about unlawfulness and not about race. This is where color-blind racism thrives in immigration law and allowed for the creation of crimmigration law—color-blind racism makes it difficult to detect racism because there is no obvious racist language in the law. Terminology in immigration law racializes immigrants of color by removing overt racist language from the immigration forum and instead uses it to justify harsh enforcement based on perceived non-White ethnic threat. The mass media and politicians perpetuate the perception of threat in such a way that it normalizes the criminalization of immigrants of color consequently making crimmigration laws not about race or country of origin, but about public safety. Rivera (2014) suggests that when the public continually sees images and words that depict

Muslims and Latinx immigrants as a threat, people will not only start to believe the false representations but also instinctively associate dangerousness with immigrants of color.

### *Racialized Enforcement and Detention*

Among immigrant and criminal scholars, it has been well established that immigrants are less likely to be involved in criminal activity compared to U.S.-born natives (Green 2016; Wang 2012). They have further noted different patterns of social adaption and integration related to social behaviors and participation. Immigration enforcement forces immigrants of color to socially adapt and participate around the possibility of detection and deportation. With crimmigration law increasing risk for detection, noncitizens navigate society differently than most citizens. Crimmigration law also affects children of immigrants, even those who are U.S. citizens. Since “illegality” is associated with a racialized other, 2<sup>nd</sup> generation immigrants of color may also experience immigration enforcement in their social life as well. In July 2019, Francisco Erwin Garcia, a 2<sup>nd</sup> generation immigrant born in Dallas, Texas was detained by CBP in Falfurrias, Texas for 23 days. In Texas, a social security number is required to obtain a state-issued identification card. Garcia showed both forms of identification including his birth certificate, which unfortunately did not suffice as proof of U.S. citizenship to CBP officers.

Armenta and Vega (2017) observe that crimmigration law prevents immigrants of color from full social participation because there are legal, economic, and social obstacles in place that affect day to day life. The merger of laws created a racialized system of removal that targets immigrants of color and their families (Armenta and Vega 2017;

Provine and Doty 2011). Regardless of their citizenship, children of immigrants become racialized members of a subordinate group in the U.S. that are subject to crimmigration law, further suggesting that immigration laws are not solely about the “illegality” of a particular threatening person, but the *presumed* “illegality” and threat of a targeted group.

Given that crimmigration law restricts and controls the lives of immigrants in all aspects (health, educational, legal, social), a way of living is structured differently for immigrants, especially immigrants of color whose “difference” may be visible. According to Stumpf (2006:380), “both criminal and immigration law are, at their core, systems of inclusion and exclusion. They are similarly designed to determine whether and how to include individuals as members of society or exclude them from it.” The inclusion and exclusion phenomena immigrants of color experience is similar to the neoliberal market that draws in cheap labor, then profits off immigrant exclusion (Koulish 2012). Neoliberal markets create transnational migration to developed countries for labor, yet socially exclude migrants. The neoliberal market functions as a pull-push force. In other words, the U.S. demands cheap labor, which pulls in migrant labor, but pushes immigrants away through racialized stereotypes and crimmigration law.

In another arena of the U.S. immigration apparatus, thousands of noncitizens in detention centers are in for-profit facilities operated by CoreCivic (previously known as Corrections Corporation of America) and GEO Group, two of the largest private prisons companies. With the expansion of crimmigration law, immigrant detention increased and quickly became the newest revenue for private prison companies. In the South alone, there are six immigrant detention centers managed by private prison corporations (SPLC

2016). Hernandez (2017) asserts that the detection of noncitizens for detention has become a political and financial investment to maintain and expand for local governments, private prisons, and the federal government. It became easier for local governments to detect noncitizens for deportation due to the expansion of crimmigration law, thus bringing in revenue— incentives, for all parties involved. In fact, the political and financial investment of immigration detection and detention has made it difficult to move toward a system without detention and deportation because of the monetary incentives it provides to local jurisdictions and private prisons. The exclusion of immigrants of color, who are primarily the targets of enforcement, have become means for profit in the US.

Crimmigration law creates “illegal” and “legal” members of society (Stumpf 2006), where even those who are “legal” are members of a subordinate group. As mentioned earlier, however, an authorized immigration status does not absolve immigrants from facing detention and deportation. Valdez (2016:645) asserts that governmental overreach “of these programs criminalizes the entire migrant population and turns the racialized Latino [migrant] into a threatening subject.” Although crimmigration literature mainly focuses on Latinx immigrants, men of Muslim faith or Arabs are subject to the categorization of *alien other* because of cultural and religious norms that perceived as “threatening” and “alien.” Additionally, the conflation of Muslim identity has resulted in South Asian immigrants experiencing discrimination and violent immigration enforcement (Arriaga 2016) regardless of activity related to terrorism.

## Psychosocial Consequences: Individual, Family, and Community

The following paragraphs depict the intensity and severity of crimmigration on the lives of immigrants of color who navigate society with different expectations, increased stressed, and fear. As Koulish (2010) suggests, immigration laws were developed and implemented to make the lives of immigrants difficult to the point it would lead to self-deportation.

Following 9/11, immigration policies accelerated its exterior and interior enforcement practices (Koulish 2010). The Criminal Alien Program, for example, identifies, arrests and removes immigrants in federal, state, and local correctional facilities who collaborate with ICE. The USA PATRIOT Act allowed racialized noncitizens to be detained without criminal charges for seven days, or for a “reasonable period of time,” if suspected of terrorist activity (Stumpf 2006) that consequently targeted men of Muslim faith. As mentioned, crime and criminality are framed under a different standard for noncitizens. As a result, noncitizens navigate society differently—their marginalization extends beyond legal realms and affect their everyday lives. Children, mothers, and wives are often left traumatized upon witnessing their father or partner arrested by ICE (Sala, Ayon, and Gurrola 2013). In fact, Golash-Boza and Hondagneu-Sotelo (2013) contend that increased mass deportations from the U.S. of working-class Latinx men is a gendered racial removal program that has lasting effects on families left behind. The intense surveillance and fear of separation causes families to be fearful and untrusting of police, which has implications for police and community relations.

Crimmigration law made it unlawful for undocumented immigrants to solicit work or work as street food vendors (Armenta and Valdez 2017). It made it unlawful to drive without a license or obtain a government issued identification card, and in some states, a social security number is required to obtain a driver's license. The ability to identify oneself to organizations is not a luxury afforded to unauthorized immigrants, as legislation prevents applying for state-issued identification cards (Armenta and Valdez 2017:227). States that embrace crimmigration law have criminalized the very presence of undocumented immigrants by impeding their ability to live without detection.

According to Ackerman and Furman (2013:253), the state makes an administrative violation a criminal one “not by making the actual act of residing within a state illegal, thereby encroaching upon federal policy, but by criminalizing essential aspects of the lives of undocumented immigrants.” Arizona is infamous for this, and to understand its detrimental effects on immigrants, Salas et al. (2013) sought the perspectives of Mexican immigrant families. Salas et al. (2013) found that Arizona's extreme enforcement measures in targeting Latinx families shaped much of their day-to-day interactions and even led to fear of separation among family members who are U.S. citizens. Anything from their partner arriving late from work to seeing a police officer triggered anxiety and fear of separation that led some mothers to unhealthy coping mechanisms, including unhealthy eating habits, depression, intense fear and nervousness (Salas et al. 2013). Through an ecological model perspective, researchers have intertwined systems at the macro, eco, meso, and micro level to understand individual's well-being. These studies are useful in understanding the impact of immigration law in

daily activities (Barajas-Gonzalez, Ayon, and Torres 2018; Becerra 2012; Salas et al. 2013).

Notorious for its tough-on-immigration policies, Alabama and Arizona have criminalized the very presence of immigrants by limiting their accessibility to public services (Ackerman and Furman 2013). Alabama's 56 Beason-Hammon Alabama Taxpayer and Citizen Protection Act attempted to make it unlawful for undocumented immigrants to use public services and children of undocumented parents to attend public schools. Pilipino students in Buenavista's (2019) study considered Alabama's HB 56 a racial profiling practice to surveille and detain individuals suspected of being undocumented while also criminalizing undocumented students. Arizona's HB 1070 mandated law enforcement officers to check for immigration status of anyone they suspected to be in the country without documentation. While these regulations target undocumented immigrants, Latinx men of color become victims of the state's racial profiling practices and consequently, immigrants of color live in a constant state of fear. Increased enforcement of immigration policies makes it difficult for undocumented immigrants to access government programs, employment, and disrupts children's psychological well-being that has additional ramifications to consider in immigration discourse. Undocumented students also feel the threat of deportation in schools. According to Buenavista (2019:85) "undocumented Asians were often threatened with the potential of deportation, which translated into suppressed help-seeking behaviors," therefore limiting their access to resources. The fear of deportation among students highlights the insecurity immigration policies produce across ethnicities, class, and age.

An additional concern for racialized noncitizens is that increased enforcement has led to large numbers of ICE raids, detentions, and deportations that lead immigrants to feel a high level of discrimination (Becerra et al. 2012). Empirical findings suggest that fear of deportation and discrimination diminish immigrant's mental health and overall well-being, including the approximate 5 million children who live in mixed-status families (Becerra et al. 2012). Children, family members, and communities impacted by tough immigration policies deal with deteriorating mental and physical health when inhumane policies separate families (Kwon 2016). This suggests that social control policies, such as crimmigration law, has overarching properties on mental health extending beyond control and surveillance. In examining Latinx immigrant's quality of life amid harsh immigration enforcement policies, researchers have found that immigrants are at higher risk for poor physical and mental health (Becerra et al. 2012). Feelings of powerlessness, stress, and high levels of anxiety are consistent findings in research focusing on the effects of immigration laws on immigrant families (Buenavista 2019; Salas et al. 2013).

In addition to using an ecological model to evaluate the impacts of immigration policy and enforcement among Latinx immigrant families, a community violence framework has been used to assess how the state's violent enforcement practices are affecting children of immigrant parents. Using a framework of community violence illustrates the threat and harm immigrant communities experience. Barajas-Gonzalez et al. (2018) contend that exposure to immigration enforcement impacts children's emotional development by creating instabilities in the family, which has long-term effects

on children and family's well-being. As immigration laws have tightened, regulations and formal controls over immigrants have created a culture of fear among Latinx immigrant communities (Barajas-Gonzalez et al. 2018). Experiences of discrimination are closely linked to poor "health, mental health and self-esteem" among Latinx folk that has micro- and macro-level consequences related to social outcomes (Becerra et al. 2012).

Regardless of immigration status, Latinx in general are responding to the increase use of enforcement (Asad 2020). Asad's (2020) findings indicate that noncitizen's fear of deportation has been consistent since 2007, but notes that deportation fears have increased among U.S. born Latinx citizens since the 2016 presidential election. Even though citizens are immune to deportation, the 2016 presidential election raised awareness about deportation policies that primarily target Central Americans and Mexicans thus making citizens fearful of family and community member's deportation. Studies have found that "constant or ongoing fear of deportation of a parent or loved one can exacerbate the mental health impact" among individuals living near home and work site raids (Becerra et al. 2012). With the expansion of immigration control, immigrant communities are responding with increased fear of reporting crimes and seeking help from government agencies (Salas et al. 2013). Moreover, immigrants respond differently to the state's increased immigration enforcement—some self-deport and others stay in the U.S. despite enduring constant fear and uncertainty (Salas et al. 2013).

### *Internalization and Personal Identity*

In addition to examining the health consequences immigrants of color experiences amid harsh crimmigration policies, researchers have also looked into the ways immigrants internalize laws, specifically as it relates to their feelings of belonging and personal identity. The criminalization of immigration law has personal, psychological consequences for immigrants as they experience social exclusion, incarceration or detention for non-violent offenses, and deportation. The psychological impact of detention is most clear when researchers interview immigration detainees and deportees in Mexico. Martinez (2013) and Sarabia (2017) allude to immigrant's experiences in detention centers where they feel out of place, conflicted and confused about their confinement in a facility for immigration violations. Some immigrants feel conflicted during their detention, especially because they are held in facilities with murderers or domestic violence abusers, but Martinez (2013:545) adds that other immigrants justify their detention with anti-immigrant expressions such as "we came here illegally" and "we broke the law." These expressions symbolize the internalization of labels and process where "innocent immigrants" naturalize the identity of criminal. For immigrants outside detention centers, the internalization of "illegal" and "alien" also reflects the consequences of crimmigration.

Similar to crimmigration influencing the mass media, crimmigration also influences social interactions between immigrants or color and native-born Americans. Immigrants of color often experience discrimination in the workplace from employers and co-workers, at school from their peers and teachers, and from members of the

community such as their neighbors. Researchers have found that harsh immigration policies and anti-immigrant rhetoric results in fear, trauma, and anxiety across generations and immigration statuses. However, researchers, such as Ayon (2018:78), have also investigated the ways immigrants personally respond to discrimination because “internalization of discrimination experiences as personal failures may increase the prevalence of anxiety and depression among Latin[x] immigrants.” In the context of immigration, labels that suggest illegality and outsider have effects on how immigrants see themselves.

Fernandez-Esquer, Agoff, and Leal (2017) describe the psychosocial stress in undocumented workers as they navigate the workforce in unconventional ways. Undocumented workers, in this case, experience additional types of stress (loneliness, anxiety), strain and “day-to-day uncertainty” when it comes to living and working without proper documentation in the US. This has psychosocial implications that affect their health and daily behaviors. Fernandez-Esquer et al. (2014) findings suggest that “illegality” is more than an immigration status as it affects the overall well-being and causes changes in how undocumented immigrants view themselves in a society that devalues their presence. Undocumented workers feel devalued yet seek to fulfill their role as a provider, therefore resist the label of “criminal,” while acknowledging their unauthorized status. Identifying as a provider reestablishes immigrant’s sense of dignity and self-esteem as they provide and care for their family, which is more important than their immigration status (Fernandez-Esquer et al. 2017). Nonetheless, evidence also suggests that immigrants who internalize a sense of “illegality” do not report

mistreatment out of fear and feel as though they do not deserve protection from discrimination in immigrant-hostile states like Arizona (Sabo and Lee 2015).

Immigrants internalize their individual and family's immigration status differently. Some may distinguish themselves from drug smugglers and murders (Martinez 2013), while others distinguish themselves as hard workers and providers (Fernandez-Esquer et al. 2017), and others as migrating the "right way" (Buenavista 2019). Buenavista (2019) found that some Asian students made a clear distinction between being undocumented due to overstaying their visa versus migrating to the U.S. like Latinx immigrants do, "illegally." The various internalizations and interpretations of immigration laws supports the idea that enforcement practices affect communities, families, and individuals across generations. Moreover, the formative exclusion from society's goods and services through immigration laws has cumulative consequences where "legal status overwhelmingly shapes immigrants' lives, with short- and long-term effects— in immigrant' interactions with institutions, their personal lives, and in reshaping their identity" (Menjívar 2016: 600).

Immigrants of color also use strategies as they become increasingly aware of immigration laws that can affect their family's and individual lives. Immigrants distance themselves from negative media images and counteract negative messages of immigrants as freeloaders by highlighting their hard work (Menjívar 2016). Immigration status and harsh immigration laws results in immigrants altering their daily lives to decrease the possibility of deportation (Buenavista 2019; Menjívar 2016). For noncitizens, part of

internalizing process is adapting to their environment as they deal with high levels of stress and depression due the uncertainty of their future.

Immigrant's interactions with crimmigration laws, whether at a port of entry or with ICE and institutions through which criminalized immigration policies are implemented, leads immigrants to become "aware of who they are and who they need to become, in turn effecting significant transformations of the self" (Menjívar 2016:601). In other words, immigrant's shape and re-shape their identity as they experience discrimination and navigate life without detection. Among Latinx immigrants, Massey and Sánchez (2010:24) found that the "more time immigrants spend in the U.S., the more they come to perceive themselves as subject to discrimination and exclusion." In an anti-immigrant environment, Latinx immigrants identify with their cultural and linguistic roots and move toward rejecting an American identity the more they feel excluded and demonized. However, Ayón, Valencia-Garcia, and Kim's (2017) findings suggest that the length of time Latinx immigrant's spend in the U.S. can lead to developing language skills and cultural knowledge, in turn buffering vulnerability from harsh immigration policies. Nonetheless, immigrants (re)shape their identity and internalize laws differently; the process of identity shaping and internalization may vary depending on the state's implementation of crimmigration law, country of origin, or immigration status, for example. However, process of internalization and identity come from anti-immigrant sentiment, negative mass media portrayals, and criminalizing immigration laws across the border and internally. To examine individual and social consequences of criminal and

immigration law further, a look into North Carolina's crimmigration implementation is described below.

#### Crimmigration in New Immigrant Destination: North Carolina

North Carolina is a new immigrant destination. “Between 1990 and 2000, North Carolina boasted the largest Latin[x] population growth rate of all U.S. states” (Bohon 2012), and is the sixth largest farmworker population (Bennett, Quandt, and Arcury 2017). The large patterns of migration were in response to the demand of labor in agricultural fields and the meatpacking industry that attracted undocumented workers, H2A, and H2B visa guest workers (Bohon 2012). Non-White immigrants challenged the South's norms in a variety of ways—languages (dialects), culture, and phenotype, but there were scholars who pointed out the economic value immigrants added to the local economy (Bohon 2012). Nonetheless, North Carolina's demographic transformation led to conceptions of immigration and new comers that shaped current enforcement practices and immigrant experiences.

The federal government provided local and state law enforcement the opportunity to identify and remove undocumented immigrants. Upon incorporating federal immigration laws at the local level, immigrants of color began experiencing anti-immigrant sentiment that stemmed from the federal level and local level due to the acceptance of criminalizing policies that make it difficult for immigrants of color to navigate society.

Section 287(g) is a federal program added to IIRIRA of 1996 and serves as crimmigration law at the state and local level. 287(g) permits state and local law enforcement entities to enforce immigration law. States and local agencies sign a Memoranda of Agreement (MOA) with ICE to assist with the detection of racialized noncitizens in their district. In return, local law enforcement agencies who partner with ICE receive incentives for detaining immigrants. When local agencies sign onto a MOA, law enforcement officers become enforcers of both laws, one of which is civil and the other criminal. Unauthorized immigrants in the U.S. violate civil law. Immigrants apprehended in a port of entry attempting to cross into the U.S. without inspection are subject to criminal sanctions. Under crimmigration, the distinction between criminal law and immigration is becoming increasingly indistinct.

By 2012, ICE had partnerships “with 68 state and local law enforcement agencies in 24 states” and had “trained over 1500 officers” (Nyugen and Gill 2014:303). The authorization of state and local law officers to enforce federal immigration laws expanded efforts to detain and deport immigrants post-9/11. With an increase of power came a budget increase from \$5 million in 2006 to \$68 million in 2010 (Nyugen and Gill 2014). Up until May 2019, if state and local agencies wanted to collaborate with ICE, they had to sign at least one of the three MOAs: Jail Enforcement, Task Force, and Hybrid. A 287(g) Jail Enforcement agreement allows local police to screen and identify a jail and prison inmate who can be deported. A Task Force agreement allowed local police to arrest undocumented immigrants on contact. Lastly, a Hybrid agreement combined both jail and task force operations (Forrester and Nowrasteh 2018). Recently, however, a

change was made to 287(g) agreements in an effort to strengthen immigration enforcement. ICE did away with task force and hybrid model MOAs and added the Warrant Service Officer model that allows jurisdictions to honor immigration detainees even if they are not in a 287(g) agreement. The Warrant Service Officer model strengthens immigration law at the local level and sheriffs are empowered with federal support even when state and local policies prohibit cooperation with ICE. According to ICE website:

Policies that limit cooperation with ICE undermine public safety, prevent the agency from executing its federally mandated mission and increase the risks for officers forced to make at-large arrests in unsecure locations, said Acting ICE Director Matthew Albence. The WSO program will protect communities from criminal aliens who threaten vulnerable populations with violence, drugs and gang activity by allowing partner jurisdictions the flexibility to make immigration arrests in their jail or correctional facility. For some jurisdictions restricted by local policies that prohibit the recognition of immigration detainees, the WSO program would be the most appropriate initiative that allows for enhanced cooperation with ICE. (2019).

In 2012, Obama ordered a cancellation of task force agreements while keeping jail enforcement agreements alive. Although state governments can sign MOAs, local law enforcement offices that collaborate with ICE “are responsible for more than 15 times as many arrests of immigrants that lead to deportation than state agencies” (Forrester and Nowrasteh 2018:3). According to Forrester and Nowrasteh (2018), 93.9 percent of immigrants deported under 287(g) agreements were detained by local law enforcement. 287(g) and Secure Communities, for example, are immigration laws that promote the surveillance of racialized immigrants by claiming to target immigrants with convictions to keep communities safe. However, the agency makes it clear that ICE agents will not

turn a blind eye if they encounter an undocumented immigrant when looking for an offender. In fact, as will be noted below, ICE agents abuse their authority by asking immigrants for their name and country of origin. When immigrants are unable to prove their immigration status or show identification, ICE agents arrest them. Idilbi (2008) warns state and local law enforcement agencies to consider how 287(g) agreements promotes racial profiling and ways it effects community policing and local economies.

The criminalization of immigration has implications for non-immigrant communities as well because surveilled communities fear law enforcement and hesitate reporting crimes to police. As the media and politicians continue to promote harsh enforcement policies, communities feel obligated to support practices that will keep the public safe. The names of legislations like Secure Communities and Arizona's SB 1070: Support Our Law Enforcement and Safe Neighborhoods Act, suggests that the public needs protection from immigrants. In fact, 287(g) and Secure Communities received a lot of criticism for its discriminatory practices, racial profiling, and deporting noncitizens for minor traffic violations (Garcia 2019; Nyugen and Gill 2014).

Up until December of 2018, five counties in North Carolina collaborated with ICE in 287(g): Cabarrus, Gaston, Henderson, Wake and Mecklenburg. Other counties such as Durham and Guilford, who were not in 287(g) agreements with ICE, cut ties in holding immigrant detainees. Counties not in agreements with ICE can still support federal immigration enforcement. In fact, many counties collaborate with ICE outside of an MOA by honoring ICE detainers. ICE detainers are requests to local law enforcement agencies to hold immigrant detainees for up to 48 hours after adjudication.

Arriaga (2017) reports that a couple Sheriffs rationalized 287(g) adoption for geographic and demographic reasons suggested by ICE officials. Arriaga's (2017) study of 287(g) counties suggests that increased interior enforcement was in response to perceived racial threat in a new immigrant destination, which has arguably been heightened the past couple years. North Carolina residents worry about the growing immigrant population as well. According to Idilbi (2008), native-born North Carolinians believe the "out of control" immigration negatively effects health care, the education system, and government budgets. Although a growing population does call for changes in institutions, North Carolinians argue that immigrants are a burden to systems because "[they] lack social and personal health care standards," and their lack of English-speaking abilities causes a rise in crime rates (Idilbi 2008:1722).

In 2017, Trump reactivated 287(g) agreements, with the goal of having all state and local ordinances collaborate with ICE, in one way or another. As of May 2019, ICE has agreements with 80 law enforcement agencies in 21 states. Currently, North Carolina Sheriff's Offices in Cabarrus, Gaston, Henderson, and Nash County collaborate with ICE in jail enforcement MOAs. While some counties terminated formal agreements with ICE, other counties decided to embrace federal enforcement under the new Warrant Service Officer model. In March 2020, Rockingham County Sheriff announced the collaboration between ICE and the sheriff department under the Warrant Service Officer model. Sheriffs claim that their collaboration with ICE is for the safety of citizens (Forrester and Nowrasteh 2018), and ICE claims 287(g) focuses on "criminal aliens" who are a threat to communities. Recall, however, the types of violations that classify noncitizens as

criminals and justify deportation. Nguyen and Gill (2014:304) report, “arrest data from 287(g) jurisdictions across the nation reveal... that the program has been used primarily to arrest and deport people with minor infractions.” When the media and politicians boast of deporting “criminals,” they are referring to the deportation of men with DUIs, minor drug violations, or old convictions. Cházaro (2016) argues that the expansion of misdemeanors has resulted in labeling noncitizens “criminal alien” and justifies their deportation because the label is legally appropriate.

Scholars such as Cházaro (2016) and Nguyen and Gill (2014) highlight the social and legal consequences of immigrant criminality that has resulted in the deportation of thousands of immigrants for nonviolent violations. In addition to the concern surrounding racial profiling and the deportation of “criminals” with non-violent infractions, 287(g) incentives to local law enforcement agencies requires additional attention. Supporters of 287(g) not only enforce federal immigration law to deport noncitizens but also bring in revenue through reimbursements for detaining immigrants in their jails. Alamance County Sheriff Terry Johnson summarizes the appeal of 287(g) MOAs well: “It brings in money, because the federal government pays about \$66 a night for every immigration detainee who stays in the jail. And it rids the county of illegal immigrants, who ... sponge public resources and are more prone to commit crimes than legal residents” (Idilbi 2008:1723).

Federal enforcement at the local is felt in urban and rural parts of North Carolina, even in places without 287(g) agreements. Urban and rural residents alike see federal enforcement, even in places where 287(g) agreements are no long in place, such as

Alamance County. Sheriff Johnson, ended collaboration with ICE after much protest from immigrant activists in 2008 and after a lawsuit in 2012. Since Trump's 287(g) agreement reactivation, Sheriff Johnson has once again partnered with ICE but without a MOA. Alamance County Board of Commissioners approved a \$2.8 million budget to house arrestees in the county jail for ICE and the U.S. Marshals Service. Sheriff Johnson claims the new agreement does not incentivize the county to detain immigrants and in that way differs from a 287(g) agreement because there is no enforcement of immigration law, only state law. Immigrant communities responded to ICE's threat of the "new normal" with heightened fear and anxiety of the unknown across the state. In Alamance County, immigrant advocate groups, such as Siembra NC, do not take it lightly that Sheriff Johnson is working with ICE once again.

In early 2019, ICE carried out raids in North Carolina that resulted in over 200 detained immigrants. In a press conference, ICE field officer Director Sean Gallagher of Atlanta said "ICE will now have no choice but to conduct more at large arrests in local neighborhoods and at work sites..." after Wake, Mecklenburg and Durham County ended 287(g) agreements. Gallagher also clarified that ICE agents focus on noncitizens with felonies and misdemeanors, but will not turn a blind eye if they encounter undocumented immigrants while searching.

Shortly after large counties like Mecklenburg and Durham terminated collaboration with ICE, four Republican Representatives introduced HB 370 that would have required NC Sheriffs to cooperate with ICE detainers and administrative warrants even if sheriffs were not in 287(g) agreements. Among the many constitutional and

policy concerns associated with HB 370 were reporting unauthorized immigrants to ICE and forcing sheriffs to hold immigrants in jail for up to 96 hours after their release date. Additionally, if a Sheriff failed to collaborate with ICE detainers, the county attorney, district attorney, or any five registered voters could begin removal proceedings for the Sheriff. In short, HB 370 was a federal overreach that undermined community safety across the state. In August 2019, Governor Roy Cooper vetoed HB 370. Despite the resistance of newly elected Sheriffs and the HB 370 veto, ICE continues to surveil immigrants of color in North Carolina. Siembra NC reported several ICE arrests in Alamance County, Durham, and Greensboro in February 2020, including a DACA recipient and a man with a 15 year-old DUI conviction. Through personal observations with immigration-related organizations and members of the immigrant community, the veto has not alleviated the threat or fear of apprehension and deportation.

While states have the authority not to sign a MOA, local law enforcement agencies can still partner with ICE and act as immigration law enforcers. Likewise, when local law enforcement agencies do not sign a MOA, they can still enforce civil immigration law by reporting noncitizens to ICE. Although the federal government and Congress have the sole authority to enforce immigration law, today's crimmigration policies are blurring the lines between federal and local law enforcement. In addition to states signing MOAs, in 2001 the federal government decided to enter civil immigration information into the National Crime Information Center (NCIC). Local law enforcement can check the immigration status of detained individuals through the NCIC resulting in the arrest of noncitizens for suspected civil violations (Fernanda Parra-Chico 2008).

When the federal government included civil violations into the NCIS, non-MOA local law enforcement was granted access to information about noncitizen's minor civil violations. The expansion of the NCIC database along with the decisions from then Attorney General Ashcroft and DHS are examples of the ways the federal government is involved in immigration enforcement at the local level. Local law enforcement's access to the NCIC database is one of the ways the DHS maintains the daily minimum of 51,379 immigrants in detention centers.

The enforcement practices in North Carolina are just one piece of the country's efforts that criminalize and target noncitizens. Anti-immigrant discourse in North Carolina and across the nation demands the deportation of unauthorized immigrants and a physical barrier at the U.S. Southern border that creates categories of "good" and "bad" immigrants. As the U.S. further criminalizes immigrants of color and their everyday lives, the DHS budget increases to create more detention centers and expand enforcement at the border and inside the country. I focus on North Carolina, but note other agencies involvement in criminalizing immigrants of color to illustrate the nation's effort to deport noncitizens and the extent to which the state criminalizes black and brown bodies, and then relies on local agencies to enforce federal civil immigration laws.

## CHAPTER III

### THEORETICAL FRAMEWORK

I use a racial-ethnic threat (also referred to as minority threat) perspective to frame the present study, which examines increased criminalization of immigration and enforcement on immigrants of color. Given the (White) dominant group's political power and support on anti-immigration laws, I contend that immigrants of color are experiencing consequences of racial-ethnic group threat. Racial threat theory was developed in 1967 by Blalock to explain White people's perceived threat of the growing Black population and actions taken to preserve Whites' privileged positions in society. Initially, the theory contended that an increase of the Black population in relation to Whites would increase social control policies because of persistent racial discrimination (Welch, Payne, and Gertz 2011). The population increase of Black people was hypothesized to lead to political and economic competition, threatening the dominant group's power. Blalock's (1967) racial threat theory helps explain discriminatory policies used to control racial minority groups in the midst of growing population size.

Although population is not the only measure of racial-ethnic threat, it is the most common. Population size is an important part of minority threat because in a "democratic society, larger relative numbers translates into great social and political influence" (Johnson et al. 2011:408). According to racial threat theory, dominant group members are likely to express prejudice when the subordinate group threatens their social position.

“Minority threat perspective argues that prejudice and intergroup hostility are largely defensive reactions to perceived threats by subordinate groups,” according to Wang (2012:746), who are perceived as criminal, economic, and population size threats.

Blalock’s racial threat theory argues three forms of threat: economic, political, and symbolic. As the racial/ethnic minority population increases, economic resources may become scarce for Whites, political power and dominance may weaken for Whites, and Whites may use these changes to develop or accentuate criminal and deviant behaviors being linked to minority races thus leading to racial disparities in criminal justice outcomes (Dollar 2014). Pickett (2016) further notes that perceptions of intergroup threat increases support for discriminatory forms of social control that target outgroup members.

Empirical research has largely used racial threat theory to assess social control policies and criminal justice outcomes in the U.S. that primarily discriminate the Black. Consequent to the growing Hispanic population, studies expanded racial threat to investigate aspects of ethnic threat (Feldmeyer, Warren, Siennick, et al. 2014; Welch et al 2011). Since this time, research has included ethnic and immigrant threat to analyze the dominant group’s effort to maintain a superordinate position. The growing Latinx population size along with the misrepresentation of immigrants being criminal and a cultural burden (re)constructs them as visible threat by the dominant group.

It is estimated that by 2043, the U.S. will begin to transition to a majority-minority nation that is a result from “a low-fertility, native-born majority population to a

high-fertility, racial and ethnic immigrant population” (Litchter 2013:361). As the Latinx population grows, so does the White majority’s support for strict English-language and immigration policies (Welch et al. 2011). Aside from perceiving immigrants as an economic threat, researchers argue that non-English speakers threaten American identity by failing to integrate into society. According to Newman, Hartman, and Taber (2012), Americans fear that non-English speakers will fail to “assimilate” due to their religion or culture, therefore contaminating or displacing American culture. Although the number of immigrant arrivals has decreased, including the undocumented population, White Americans may still view immigrants as a threat because the growing population of 2<sup>nd</sup> generation immigrants. As racial-ethnic minorities move toward becoming the majority, the dominant group feels threatened by the shift in power and resource distribution, thus viewing minorities as economic and political threats. In the U.S. Whites seek to preserve their position in society by supporting laws that eliminate the threat leading to increased prejudice and discrimination against racial-ethnic minorities. In other words, the (potential) redistribution of resources causes the dominant group to feel economically and politically threatened by growing racial and ethnic minority groups, and the criminalization of these minorities intensifies this threat, thus resulting in discriminatory policies in the criminal legal system , and in this case, immigration policies coupled with criminal law.

The dominant group supports policies that further marginalize subordinate groups, such as California Proposition 187 of 1994 that would have made undocumented residents ineligible for public benefits. Similar to Proposition 187, Alabama’s HB 56

limits public resources to undocumented immigrants and their children. Most notably, schools would have been required to report undocumented children to the state and federal government. These examples illustrate the state's attempt to restrict resources available to undocumented immigrants and prevent the distribution of resources to immigrants. Considering the rise and expansion of crimmigration, supporting discriminatory regulations has detrimental consequences for noncitizens who migrate to flee from violence, poverty, or political turmoil.

The underlying argument in minority threat theory is that “contextual factors such as racial composition and changes in racial composition are positively associated with perceived minority threat” (Pickett 2016:107). This is particularly evident in North Carolina where immigrants are appreciated for their willingness to work long hours for low wages in poultry plants, construction, and agricultural jobs, but native-born residents feel threatened because employment opportunities become scarce (O’Neil and Tien da 2010). In North Carolina, 25 percent of the population increase between 1990 and 2010 came from Latinx people. More notably, the Latinx population grew 111 percent between 2000 and 2010 in North Carolina. Arriaga (2017) argues that the North Carolina government responded to the immigrant population increase by collaborating with federal immigration enforcement. As mentioned earlier, racial and ethnic composition are just one piece of perceived threat. Whether it be a criminal, economic, or population size threat, anti-immigration discourse, fueled by myths, rationalize discriminatory policies against racialized immigrants. Common myths like “*they* take our jobs,” immigrants are prone to criminality, and immigrants are lazy and want to take advantage of government

assistance (Chomsky 2007) suggest that immigrants are a burden to society and a threat to the dominant group. I argue that in the context of immigration, perception of minority threat sets the foundation for public support to increase immigration enforcement inside the U.S. and along the U.S. Southern border.

After the 1960s, not only did people migrate to the U.S. for different reasons, but people also migrated from different parts of the world, compared to previous immigration waves. Current immigrant groups are vetted, ostracized, and dehumanized through legal regulations differently than European immigrants. Although there is a history of U.S. prejudice against European, Chinese, and Japanese immigrants, the mass media and politicians have created a different hostile— social and legal— environment for today’s immigrants of color. The differences in language, culture, religion, and phenotypes challenges the dominate group’s normativity and identity, thus resulting in prejudice based off perceived social and cultural threat (Meuleman et al. 2018). This can be understood as a “defensive reaction to a sense of threat caused by conflicts” between groups (Meuleman et al. 2018) that is often perpetuated and fueled through the media and politicians (Sohoni and Sohoni 2014).

In addition, by racializing and criminalizing people of color, the dominant group supports removing the so-called threat of “criminal aliens” in the name of national security. This is most evident post-9/11 when the U.S. Southern border was militarized and Muslim-Arab men placed on a registry under DHS were dehumanized. Labels like “terrorist” and “criminal alien” serve to justify the implementation and execution of dehumanizing immigration policies; therefore, it may be easy to overlook the

incarceration and deportation of noncitizens for nonviolent offenses or misdemeanors. Dehumanizing depictions and vocabularies portray immigrants of color as a threat regardless of immigration status or background. The construction of “illegality” justifies inhumane treatment and removal of immigrants of color. I rely on racial-ethnic threat theory to explain perceptions of immigrants of color living in Alamance County, North Carolina— a historically White, rural community who supports immigrant criminalization, detention, and deportation.

## CHAPTER IV

### METHODS

This research seeks to understand how immigrants of color respond to the criminalization of immigration law. For this reason, investigating how criminalization impacts immigrants' of color life, including social participation, is the focus of this research. I expect to unveil the dehumanizing aspects of criminalizing immigration and immigrants of color.

#### Research Site

I seek to understand the perspective of immigrants of color regardless of their immigration status seeing that an authorized immigration status does not stop criminalization law from interfering and affecting immigrant's lives. The racialization of non-white bodies and the criminalization of immigration may have particularly significant ramifications for immigrants of color in places that collaborate with ICE such as Alamance County, North Carolina. Thus, I select this location as my research site purposefully by recruiting participants who currently live in Alamance.

Alamance adopted 287(g) in 2007 and signed onto the jail model MOA. Alamance County is selected because of its prior 287(g) MOA, its current ICE collaboration, and ICE raids in 2019. In 2012, Sheriff Terry S. Johnson of Alamance County was under federal investigation for two years after allegations of racial profiling were made against the Sheriff's Department. The DOJ "concluded that Sheriff Johnson

fostered a culture of police bias against Latinos, directing police to ‘go out there and get me some of those taco eaters’ and to ‘bring me some Mexicans’” (Cade 2013:181).

Although Alamance County is not listed on ICE’s website for a 287(g) MOA, the state approved a \$2.8 million budget in January 2019 to house federal immigration inmates.

When Sheriff Johnson asked for a budget increase, he stood before commissioners saying “illegal aliens” were “raping our citizens in many, many ways” to justify the detention of immigrant detainees in Alamance County jail. This includes detainees who seek asylum at the U.S. Southern Border or immigrant detainees in the process of removal proceedings. In many ways then, Alamance County still collaborates with ICE that has implications for its immigrant residents.

In February 2019, the arrest of more than 200 immigrants in North Carolina sparked fear among the immigrant community as ICE spokesperson Bryan Cox said it was the “new normal.” Local organizations, such as Siembra NC, identified fear and intimidation tactics ICE agents use on immigrants to make arrests, like calling themselves law enforcement officers and surveilling immigrant communities in unmarked vehicles with heavily tinted windows. Investigating whether ICE detection impacts the daily lives of immigrants will be helpful in framing crimmigration law’s reach and severity in counties such as Alamance who support DHS in one way or another.

I discussed my research project with community leaders who serve immigrants in Alamance County. Blessed Sacrament, a Catholic church in Burlington, Alamance County, supports the immigrant population. Alamance Community College also supports the immigrant community by offering free English for Speakers of Other Languages

(ESOL) and citizenship classes. I posted flyers inside the buildings and recruited people on days the church and ESL classes met. From there, I recruited via snowballing methods. I relied on in-depth semi-structured interviews. In-depth interviews are appropriate for this research because it gives the interviewee leeway to share their experiences while the interviewer directs the conversation to topics that cover relevant information (Morris 2015). Asking interviewees to elaborate or explain an answer allows for further detail and clarity on a specific topic. Overall, in-depth interviews are an effective way to obtain interviewee's understandings, perceptions, reflections, and experiences.

## Participants

I interviewed 11 immigrants in total. Given the reasons stated earlier, I recruited at Blessed Sacrament Church in Burlington and Alamance Community College. I posted flyers at both locations and announced my project in two ESOL classes. I recruited six participants from church<sup>5</sup>. I recruited three participants from ACC, and through snowball sampling, I recruited two more participants. Participants were not paid for their time. On average, interviews lasted an hour with the longest interview being two hours long and the shortest 45 minutes long. The ability to talk to immigrants in Alamance County without an incentive tells me that they wanted to share their stories.

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<sup>5</sup> Seven participants called me, but only 6 were interviewed. During recruitment, a man who saw my flyer on the church bulletin called me to express his concerns about my project. The man asked me several questions including whether I was "going to report illegals," and claimed my project was racist, and I was a bigot, for excluding the experiences of White immigrants.

Ten of the interviewees were first-generation immigrants— nine Mexicans and one Filipina. I also interviewed a second-generation immigrant, a daughter of Indian immigrants. Immigration statuses varied. Of the ten first-generation immigrants, two disclosed their citizenship status and seven spoke of their limited status. The seven immigrants with limited statuses live in mixed status families, with most having U.S. born children; a few have undocumented children, and several have undocumented spouses. Seven of the ten first-generation immigrants have lived in the U.S. for at least 20 years and the most recently arrived immigrant has lived in the U.S. for 13 years. All immigrants I interviewed live in Alamance County.

In order to assess perceptions of inducing threat, xenophobia, colorism, fear of deportation, dehumanization, and changes in every life, I asked respondents about their feelings and behaviors related to these issues. Appendix A sets forth the interview guide, which was approved by the university's IRB.

Although this study does not focus on undocumented immigrants, I took extensive measures so that participant's personal, identifiable information is being kept confidential at every step of the recruitment and interviewing process. For confidentiality purposes, I assigned pseudonyms. The interviews were audio recorded, then transcribed. I transcribed Spanish interviews then translated them to English. Where any identifiable information was notable, it was removed. Pursuant to IRB restrictions, transcriptions are stored on an external hard drive that is kept in a desk drawer at my home to which I only have access.

## Coding

After I transcribed each interview, I reviewed each transcript carefully to create a thematic coding schema. Themes center on the theoretical framework and existing literature. I focus on issues as they relate to understanding perceptions of minority threat, including experiences of criminalization, why and when changes in threat perceptions occurred, fear of deportation, day-to-day activities that limit social participation, and experiences with law enforcement. I also identified themes that occurred inductively based on the data generated through the interview.

## CHAPTER V

### RESULTS

A few themes surfaced from interviews: knowledge of restrictive immigration and criminal policies, fear of legal authorities and family separation, and coping strategies for discrimination and belongingness. The subtext that emerges reveal the isolation, fear, anxiousness, and rationalization conditions that immigrants of color experience in Alamance County as a part of their everyday life.

#### Knowledge of Restrictive Immigration and Criminal Policies: Perceived Threat and Isolation

Across all interviews, immigrants of color recounted moments of restrictiveness due to immigration and criminal policies, perceived threat, and language. Regardless of immigration status, immigrants describe moments where their ethnicity, race, or language were perceived as a threat. Three subcategories emerged to describe restrictions due to perceived threat: imposed restrictions, self-isolating, and Trump.

#### *Imposed Restrictions*

Below, I discuss the fear of family separation that many immigrants experience, but here I discuss family separation as a consequence of harsh or restrictive immigration policies. The consequences of immigration policies immigrant's experience are a result of perceived threat. Research on family separation findings are consistent with previous literature.

There are long-term psychological, social, and health problems for U.S. citizens and immigrants (Carlo, Halgunseth, Suárez-Orozco, et al. 2018). For participants, family separation is more than being away from their children in the U.S., although I discuss this issue separately below. Participants describe the hopelessness, incompetency, and sadness they feel because they could not return to their home country when their mother or father died. Without prompting, immigrants who lost their parents and could not be there shared the following:

Alex: Mi papá acaba de fallecer hace 3 semanas yo creo, 3 o 4 semanas. Se siente fatal porque quiero ir, pero el problema es que tengo familia, tengo compromisos como pago de casa, pago de carro, otras cuentas, y solo trabajo yo, mi esposa no trabaja y aunque, supuestamente ahorita estamos en un proceso de arreglar una visa, aun así, no tuve el valor de ir porque no hemos recibido respuesta de inmigración.

[My father died just 3 weeks ago I think, 3 or 4 weeks. It feels fatal because I want to go, but the problem is that I have family, I have commitments like house payments, car payments, other accounts, and only I work, my wife does not work and even though we are supposedly in a process to get a visa, I still did not have the bravery to go because we have not heard back from Immigration.]

Anna: Es muy triste y muy difícil porque pues... son muchos años, son 25, 26 años que no he podido ir a mi país. He perdido muchos familiares que yo quiero como mi padre y no he podido ir.

[It is very sad and very difficult because well.... It has been many years, it has been 25, 26 years that I have not gone to my country. I have lost many family members who I love like my father and I cannot go.]

Jan: Mi mami falleció hace 11 años, yo ya estaba acá. No los he visitado desde que llegue aquí. {Siento} mucha impotencia... [llorando] y ahora ya voy a llorar ... Mi hija es lo más importante que tengo ahorita por qué mi mami ya no está ... muchas veces he querido irme ... espero que ella crezca más y ya poder ir yo y sé que cuando vaya ya no voy a poder regresar. Eso es lo que duele.

[My mommy passed away 11 years ago, I was already here. I have not seen them since I came here. {I feel} a lot of powerlessness [crying] ... and now I am going to cry.... My daughter is the most important thing to me right now because my

mommy is not here... many times I have wanted to leave ... I will wait until my daughter grows more and then I can go, and I know that when I go, I will not be able to come back. That is what hurts.]

Robin, a Filipina mother, had a different experience compared to the other interviewees whose parents passed away. Robin had the legal means to visit the Philippines when her father passed away, however, due to family commitments and financial reasons, she was not able to travel. Again, without prompting, Robin mourns her father's death away from family in her home country.

Robin: I think {my father} is happy and sad that I am away ... he did not think that he would see me again [crying] and, I am an orphan now, they are both dead. My father died when my second daughter was just a little baby, so with one income and two babies, I really could not take the babies with me because my husband was working, so I was not there when he died. It still makes me very sad.

Anna and Jan have not been to Mexico, their country of origin, in over 20 years. Moreover, both Mexican nationals are familiar with the consequences of leaving the U.S.; they cannot come back to the U.S. without risking their life and safety. For undocumented immigrants, leaving the U.S. and attempting to come back is risky and dangerous; therefore, many decide not to leave. For those who migrate through the U.S. Southern Border without inspection, heightened border militarization increases the risk of apprehension by Border Patrol, consequently leading migrants to cross through desert areas that are more dangerous. Operation Gatekeeper, for example, militarized Border Patrol agents at the Southern Border with electronic sensors and infrared night scopes to increase detection of migrants, which purposefully pushed migrants into dangerous crossing areas (Massey and Sanchez 2010). Operation Gatekeeper and increased border

militarization later expanded to other border regions in California and Texas, an example of anti-immigration sentiment during President Clinton's administration. Restrictive immigration policies existed before President Clinton, but perception of immigrant threat grew more after his administration. After 9/11, when President George W. Bush was president, immigration policies became more restrictive, the merge between criminal law and immigration became clearer, and the perception of immigrant threat increased.

Elaine, a daughter of Indian immigrants, identifies 9/11 as a clear marker of change that affected her and immigrants who look like her:

I mean you know after 9/11 you can't be brown [laughs] or it's like a... [long pause] you know, they look at you twice... The thing is that most people can't tell the difference between an Indian and a Pakistani person, and I'm Catholic not even Muslim, but people don't know that looking at me.

Similarly, other interviewees recounted experiences where they felt as though people did not trust them or perceived them as a threat because of their race, ethnicity, or skin color. For example, Anna felt as though her supervisor did not trust her with the safe combination because of her ethnicity. Anna explained to me that her supervisor gave the safe combination to a White woman who had worked for the company far less time than Anna, which made her feel as though the supervisor trusted a White woman over of a Latina. Another interviewee, Felix, shares the following:

Como por ejemplo no se puede acercarse a un lugar donde...donde vivan puro Americano...donde es puro Americano, como que no nos tienen confianza. Si lo miran ahí manejando, dando la vuelta por ahí le van a hablar a un policía.

[For example, you cannot go near a place... a place where only Americans live... where it is solely Americans, it is like they don't trust us. If they see you driving there, driving around there they will call the police.]

The construction of immigrant criminality and perception of threat led to implementing policies such as 287(g) and North Carolina HB 318, which expanded e-verify to include government contracts and banned the use of consulate or embassy documents as a form of identification with law enforcement. Laws such as HB 318, e-verify, and 287(g) restricted immigrants from public benefits and employment opportunities. Sylvia, for example, believes that after e-verify was implemented, many things changed that affected everyday life, such as finding employment. Anna provides another example of how restrictive, harsh immigration laws affected everyday life for immigrants and their families:

También una vez tuve problemas cuando mi hijo quiso ir a sacar una membresía en la librería, me dijeron que si no tenía licencia no me podían dar una membresía. No teníamos computadora y él necesitaba usar la computadora en la librería y a fuerzas me pedían una licencia valida y le decía “no tengo, tengo mi pasaporte” y me decían “no, tiene que ser licencia sino no le podemos dar una membresía a tu hijo.”

[Also, one time I had a problem when my son wanted to get a library membership card. They told me that if I did not have a license, they could not give me a membership. We did not have a computer and he needed to use the library's computer and they insistently asked for a license and I would say, “I don't have one, I have my passport” and they would tell me, “No, it needs to be a valid license, if not we cannot give your son a membership.”]

Additionally, for many years, Anna could not pick up medicine at the pharmacy because a valid driver's license is required; she expressed great gratitude when she told me that her oldest son is now an adult and picks up medication at the pharmacy. Viewing

immigrants as a threat leads to restrictive policies that racially profile immigrants of color, restrict access to public resources, and prohibits access to certain places and products. Consequently, immigrants isolate themselves to limit their interaction with law enforcement and decrease the possibility of detection.

### *Self-isolating*

In addition to increased surveillance across the U.S. Southern Border, immigrants of color in Alamance recall moments when police, co-workers, or strangers racially profiled them or perceived them as a threat. To avoid racial profiling by law enforcement, participants admitted to limiting themselves to outside activity as much as possible. For example, Sylvia, a Mexican mother, repeatedly expressed that her and her family live deprived of freedom as they limit themselves to outdoor family gatherings such as a trip to the lake, weddings, quinceañeras, and other unnecessary outings that could lead to an encounter with law enforcement. Others, such as Gerald and Josh, count on others to drive:

Vamos al campo, nos queda 45 minutos, 50 minutos el futbol, pero ... a veces va la novia de mi hijo, ella tiene licencia entonces nos vamos con ella. A veces los muchachos, como somos de la misma camada, como decimos en México ... todos tenían licencia entonces ahí vamos con ellos. Si no vamos con alguno de ellos, simplemente llevamos nuestro carro, pero una va enfrente y uno va atrás.  
[When we go to the field, it is 45 minutes, 50 minutes away for soccer, but ... sometimes my son's girlfriend goes. She has a license, so we go with her. Sometimes some of the young men, since we are from the same boat, as we say in Mexico, we go with them. If we do not with one of them, we simply take our car, but one goes in the front and one goes in the back]

...cuando necesito salir y no me siento tan seguro de manejar o cuando es tiempo de calor, o es tiempo de retenes, { mis hijas } me ayudan, me llevan.

[... when I need to go out, and I do not feel very safe driving or when it is summer time, or when it is time for checkpoints, {my daughters} help me, {my daughters} take me.]

Alamance County Sheriff Johnson's contract with ICE has everyday consequences for immigrants of color. The constant checkpoints and license checks, which several interviewees mentioned, socially isolates immigrants. Sheriff Terry Johnson's anti-immigrant sentiment is well known among the immigrant community. Two interviewees describe anti-immigrant demonstrations in Downtown Graham and remember seeing signs with racial slurs such as "wetback Mexicans" and hearing insults such as "go back to Mexico."

From racial profiling to limiting social resources to mistrust of law enforcement, immigrants of color in Alamance County experience the consequences of perceived threat. Although Alamance County is no longer under a 287(g) contract, the approval of \$2.8 million to use the county jail as an immigration detention center makes immigrants feel scared, thus restricting their community engagement. Furthermore, the license checks, anti-immigrant demonstrations, and using the Alamance County jail as a detention center is a result of immigrant rhetoric perpetuated by Trump and Sheriff Terry Johnson.

### *Trump*

Trump's comments about Mexicans, and Latinos more broadly, made interviewees feel unwelcomed. To Henry, it is strange that a president targets and attacks Mexicans the way Trump does, however, he says that it is nothing out of the ordinary for

White people and non-White people to be treated differently. Marc points out that it is difficult for immigrants to find a job ever since Trump has been in office. Two other interviewees share the following:

Sylvia: {Estamos} invadiendo sus... bueno eso es lo que dice ese señor, el presidente, que estamos invadiendo nosotros los latinos, que nosotros estamos invadiendo...

[{We} are invading their... well, that is what that man says, the president, that we Latinos are invading, that we are an invasion...]

Felix: Bueno, yo me hice ciudadano, pero también de repente escuchas rumores que dicen que el presidente esto y que el presidente otro, y dices pues no sabemos...no sabemos... dices no 'pos con que sea hispano uno va 'pa fuera, tenga ciudadanía o no.

[Well, I am a citizen, but also suddenly you hear rumors that say the president this and the president that, and you say well, we don't know.... We don't know... you say no well as long as you are Hispanic you are out of here, citizen or not.]

The restrictions immigrants of color experience in Alamance County is the result of viewing immigrants as a threat. Consequently, immigrants of color, regardless of citizenship, experience discrimination from law enforcement, employers, Alamance County residents, and Trump. However, as mentioned earlier, perceiving immigrants of color as a threat dates back prior to Trump and certainly extends beyond Alamance County. In fact, immigrant threat dates back to the beginning of the nation. The increasing merge between criminal and immigration law is becoming clearer in places such as Alamance County, but it has been clear at the U.S. Southern Border where thousands of migrants disappear or die attempting to cross the border. Harsh immigration policies raise questions about who truly belongs in the U.S. and how immigrants of color cope with experiences that limit their movement and access to social spaces.

“I’m not afraid, but...”

Interviewees expressed fearfulness differently. Nearly all participants were afraid of something bad happening to themselves or their family because of their ethnicity or immigration status. For example, although Elaine is a second-generation immigrant, she expressed concern about how her Indian mother’s language barrier could lead to an assault if she were perceived as a threat. Some interviewees expressed fear of law enforcement and/or checkpoints, others expressed fear of family separation, and still others expressed a fear of the uncertainty of living in the U.S. as an immigrant. In particular, seven of the ten interviewees expressed concern of police officers in Graham and Mebane and Alamance County Deputy Sheriffs. Of those seven, four interviewees share encounters with law enforcement that makes them fearful or mistrust law enforcement. Alex, a Mexican interviewee, for example, told me about an interaction with a deputy sheriff. The deputy questioned Alex’s immigration status, place of residence, and country of origin during an incident with a White woman and her dog at a Burlington public park. Alex felt like the deputy sheriff abused his authority and power by asking questions that were irrelevant to the incident. For this reason, Alex does not trust the County Sheriff Department.

The increasing detection of undocumented immigrants in Alamance County makes immigrants fear interaction with law enforcement, with the exception of Burlington Police department. In fact, four Mexican interviewees spoke highly of Burlington police officers and recognized their efforts to build a positive relationship with the Latinx immigrant community. Fear of law enforcement has implications for

communities of color, in particular, because people may not want to report crime (Vargas, Juárez, Sanchez et al. 2018). Anna, a mother of three U.S. born children, described the uncertainty of trusting law enforcement and the constant fear her daughter experiences:

Pues no tanto porque ves que más aquí en Alamance, muchas veces se van por tu perfil, pero.... en la forma que si yo llamo por qué me sucedió algo, pues ya sabes hasta eso te da miedo porque luego tú piensas ay es que si me preguntan mi status o me preguntan esto, y más con lo que pasa en Alamance dices “no pues prefiero no llamar” y sí a veces si te da miedo, o sea sientes el temor  
[Well, not so much because here in Alamance, many times they go by your profile, but.... In the form if I call because something happened to me, well you know even that scares you because then you think what if they ask about my status or if they ask me that, and more with what happens in Alamance you say “well, I prefer not to call” and yes, sometimes you do get scared, so you do feel that fear]

Como que siempre tiene miedo. Como ahorita que tú tocaste, ella está con el miedo. Corre y dice “ay, pero ¿quién es? ¿quién está tocando?” Es difícil ver tu hija pasar por eso.  
[It is like she is always afraid. Like right now that you knocked, she is with that fear. She runs and says “but, who is that? Who is that knocking?” It is difficult to see your daughter go through that.]

When I asked about the fear of deportation, two Mexican fathers with U.S. born children responded in ways to indicate a fear of being separated from their families:

Felix: Siempre estás con ese miedo de ser deportado, siempre estás con ese miedo de qué te pare un sheriff o qué te pare un oficial y que te diga que te va a llevar a encerrar y vas a hacer deportado.  
[You are always with that fear of deportation, always with that fear that a sheriff will stop you or police officer stop you and tell you that he is going to take you and you will be deported.]

Josh: Sí tengo bastante. Es uno de los más grandes temores que en la actualidad estoy pasando, el miedo de que algún día me deporten. Sí. Por qué? Porque aunque mis hijas ya no están chiquitas, tengo nietos chiquititos y el miedo a que algún día salgas y te agarre la policía o algo.... no sé, se está dando mucho eso aquí en Carolina del Norte y en Estados Unidos, qué nomas a veces sales y esta migración por ahí.... no sé. no sé, pero sí tengo miedo.

[It's one of the biggest fears that I'm currently facing. The fear of one day being deported. Yes. Why? Because although my daughters are no longer young, I have little grandchildren and the fear that one day you will go out and get caught by the police or something.... I don't know. That is happening a lot here in North Carolina and in the US, sometimes you go outside and ICE is near... I don't know. I don't know, but yes, I am afraid.]

Six of the ten interviewees admitted that they were not fearful of deportation, but expressed fear of other forms of family separation. Josh fears separation from grandchildren, two U.S. born daughters, and one DACA recipient. Seven of the nine Mexican interviewees are part of mixed status families. A mixed status family is a family whose members have different immigration statuses, including an unauthorized parent or child, U.S. born citizens or naturalized citizens, and green card holders. Between 2009 and 2013, there were 381,000 children of immigrants under 18 years of age in North Carolina; 47% of those children are children of unauthorized parents (Capps, Fix, Zong 2016). Both Josh and Anna have children over 18 years old and still fear being separated from them, as do their children fear their parent's deportation.

Additionally, five of the interviewees did not fear deportation because they would return to their country of origin, Mexico. However, Alex, an immigrant apprehended by Border Patrol several years ago, admits that he does not fear deportation but does fear detainment for several months due to the psychological impact:

El miedo mío se enfocaba más en que son muchos meses encerrados porque es un proceso de deportación que dura 3 a 4 meses entonces ese es el miedo, estar encerrado tanto tiempo. Una persona que no comete un delito, que no causa daño a la comunidad, yo creo que no se merece estar tanto tiempo en una cárcel ... es un castigo traumático. Muchos lo llaman, como por decir, es una forma de dañar tu psicología de que no vuelvas.

[My fear focused on being locked up for several months because the deportation process takes 3 to 4 months, so then that is the fear, being locked up for such a long time. A person who does not commit a crime, does not cause harm to the community I believe does not deserve to be in jail for a long time ... it is a traumatizing punishment. Many people call it, it is to say, it is a way to damage you psychologically so that you don't come back.]

Jan, a single mother with a teenage daughter, expressed that she did not fear deportation but was scared to leave her daughter behind if caught driving without a license at a checkpoint:

Ya no puede estar uno confiadamente en la calle, ¿por qué? por qué había muchos retenes en las calles para chequeos de licencia entonces si alguien quería ir a un lado ya uno no puede ir tan fácilmente ya va uno con miedo.

[You cannot be in the street comfortably. Why? Because there were many license checks and if you want to go somewhere it is not easy to go, you go with fear.]

As shown in Anna's and Jan's words, fear of law enforcement not only interrupts their willingness to report crime when it occurs, but it also influences how safe they feel being in public. In fact, it was common for interviewees to say that they were not scared of deportation, yet express fear of police, detainment, or discrimination. Across generations, immigration statuses, and age of immigrant's children, fear is salient among eight of the interviewees.

Robin, a Filipina woman, and Henry, a Mexican national, have very distinct experiences in Alamance County than the other interviewees. Robin married a White man

in the military and Henry obtained a visa through his father. Both visit their country of origin as much as they can and neither of them recount experiences that makes them fearful to be in the U.S. or fearful of law enforcement. Robin's and Henry's different experiences in Alamance County can be attributed to their immigration status, which makes it easy to find employment and travel inside and outside the country without fear of possible detection. Their lack of fear of law enforcement, family separation, or deportation runs contrary to the rest of the immigrants suggesting that their immigration status serves as a protective force in Alamance County.

Interviewees expressed different ways that the uncertainty of living in the U.S. as an immigrant generates fearfulness. Two interviewees expressed their concerns about gun violence, but the concern was related to their ethnicity or perceived threat to others. Marc, a Mexican father, describes his concern of gun violence two ways: the accessibility of guns and possibility of an attack because he is an immigrant.

Sí, mucha gente tiene acceso a armas y no es seguro porque habremos personas, por ejemplo, nosotros la comunidad latina, te voy a decir en nosotros los hispanos somos pocos que nos inclinamos hacia las armas ósea deberíamos... yo pienso que todos deberíamos tener algo para proteger a tu familia.

[Yes, many people have access to arms and it is not safe because there are people, for example, the Latino community, I will tell you that we Hispanics, there are a few of us who lean toward arms, in others words we should.... I think that we should have something to protect family.]

Eso es un problema porque cualquier persona puede caer, tu sabes un momento de enojo, rabia, te despiden del trabajo, no se... y lo primero son las armas. Entonces llegan a una casa, digamos, de un inmigrante o que te despidan del trabajo y se quedó un inmigrante, pues lógico una persona inmigrante no tiene acceso a un arma, así que llega una persona loca con su montón de armas, ¿qué va hacer? ¿Que podría hacer una persona sin nada con que defenderse?

[That is a problem because any person can fall, you know, in a moment of anger, rage, you get fired from work, I do not know.... And the first thing are guns. So then they come to a house, say of an immigrant or you got fired from your job and an immigrant stayed, well obviously an immigrant does not have access to a weapon, so a crazy person arrives with their load of arms, what is that person going to do? What can a person do with nothing to defend themselves with?]

The examples demonstrate the different ways fear can manifest in immigrant's lives. For example, although Marc says that he is not fearful of deportation nor does he feel like a threat to the country, his example of a person shooting an immigrant is personal. In the interview, Marc recalls the time an ex-coworker was laid off by their employer and became upset questioning why the employer preferred "illegals" over White people (*el día que se fue estaba bien enojado y dice "yo no sé por qué prefirieren a los ilegales y descalzan a la gente que somos [blancos]"*).

Despite the constant fear of detection, several interviewees prefer living in Alamance County than in their country of origin because most migrated to improve their quality of life, either for themselves or for family in their country of origin. Several immigrants expressed helping their parents and non-immediate family members in their home country in addition to providing for their families in Alamance County.

Racial profiling, surveillance at the Southern Border and in Alamance County, along with other restrictive immigration policies led most interviewees to feel disappointment, sadness, and fearfulness. The expression of fear and the uncertainty of being in the U.S. is consistent with prior research (Ayón 2015; Salas et al. 2013) suggesting that tough immigration policies and immigration enforcement at the local level restricts the lives of immigrants and their children.

## Coping Strategies

Participants shared ways they cope with their immigration-related fears. For some, resisting racial slurs such as “wetback” and “illegal alien” is a way to cope with anti-immigrant demonstrations and distinctions between who belongs in the U.S. and who does not. Marc, for example, resists the idea of not belonging in the U.S. differently than the rest of the interviewees:

Marc: Pues para mí {los blancos} son europeos. Blancos, ok. Son blancos, pero son europeos. Para mí los americanos somos los indios, que nos creamos aquí. [Well, to me, White people are Europeans. White, yes. They are White, but they are Europeans. To me, we the Indians are the Americans, the ones who were created here.]

Natalie: Los nativos de los américas?  
[Those who are native to the Americas?]

Marc: Nativos, indios, americanos, indios mexicanos, todos los que estamos en América. Entonces yo me considero más americano que mucha gente... {Los blancos} igual llegaron de Europa y se establecieron, claro llegaron hace algunos años, pero igual llegaron de otra parte, de otros países, entonces ahora ellos piensan—ese es el problema—que ellos piensan que ellos son los únicos, que este país es de ellos y estas tierras. Este país no es de ellos. Este país era de nosotros, los latinos que estábamos aquí...  
[Natives, Indians, American, Indigenous Mexicans, everyone who is in America. So, I consider myself more American than most people... {White people} similarly came from Europe and they settled here, of course they came many years ago, but still they came from somewhere else, from other countries, so now they think—that is the problem—they think they are the only ones, that this country is theirs and these lands. This country is not theirs. This country was ours, the Latinos who were here...]

Aside from being redefining American identity, Marc is confident about his presence in the country. Other interviewees rationalize their presence in the U.S. by

highlighting their contribution to the county and country, distinguishing their work ethic from Americans, and describing their desire to give a better life to their children. To cope with feelings of helplessness and sadness when they miss their country of origin, Gerald and Jan find satisfaction in supporting their families in Mexico. Jan describes it as an emotional support mechanism when she sends gifts to family and assists family with finances.

Jan: Sí apoyo emocional ósea eso es lo que recompensa cuando uno se siente triste que no los puede ver, decir bueno en verles las caritas felices cuando reciben algo o que les mande uno dinero  
[Yes, emotional support that is what is rewarding when you feel sad that you can't see them, you say well to see their happy faces when you send them something or when you send them money]

When I asked participants how they deal with their thoughts or worries about deportation and racial profiling from law enforcement, Mexican interviewees mentioned a common saying well known among Mexicans: El que nada debe nada teme (He who owes nothing, fears nothing). In other words, a way to cope with the possibility of deportation or racial profiling is to remind themselves that they do not owe anything; therefore, there is no reason to be afraid. Immigrants distinguished themselves as “good” immigrants who want a better life. In fact, several immigrants acknowledged the restrictive immigration policies as necessary for national security.

Josh: Habremos gente que lo único que buscamos es el bienestar de nuestras familias, que venimos a trabajar. No es... no es por mal decirlo, pero también hay gente que viene hacer cosas malas a este país.  
[There are people who are only looking for the well-being of our families, we

come to work. Not to speak badly, but there are also people who come to do bad things to the country.]

Josh and Anna justify their presence in the U.S. by clarifying that they are not “bad” people, nor do they want to hurt the country, instead, they are hard workers who have always followed the law. Additionally, to cope with the possibility of detection, criminalization, and deportation Mexican interviewees deconstruct myths commonly associated with immigrants. Specifically, they speak about the ways in which they are “worthy” of being in the country.

Despite the different hardships and obstacles participants encountered in the U.S., each of them expressed gratitude for living here. For some, it has been a dream to be in the U.S. since childhood and for others, the decision to migrate was sudden and a risky journey.

## CHAPTER VI

### CONCLUSION

Current literature on immigrant's experiences and crimmigration illustrate the harmful consequences of increased exterior and interior enforcement. I argue that the implementation and justification of criminalizing immigration is the result of perceiving immigrants of color as a threat. Trump and Sheriff Johnson are just two individuals who promote harmful rhetoric about immigrants to nationalists and everyday Americans. However, results reveal a narrative contrary to Sheriff Johnson and Trump's rhetoric.

When Alamance County residents, employers, and law enforcement agencies view immigrants as a threat, immigrants become fearful of deportation and discrimination, mistrust law enforcement, and internalize negative labels. I suspect that my findings may be generalizable to other locations, but given my current sample, I am unable to make statements of generalizability. However, it is worth noting that even in states with sanctuary laws such as California and Oregon, immigrants are still fearful of ICE raids and deportation. Gonzalez's (2019) study of immigrants in Escondido and Santa Ana, California is an example of how two cities with different immigration enforcement practices can produce opposite experiences. Similarly, immigrants in Alamance County view the city of Burlington as a safe place to live, but view Graham as hostile because of the anti-immigrant manifestations and ICE presence at the county jail.

Overall, the consequences of criminalizing immigration law and immigrants seem to have some consistencies across different cities and states.

While some participants reject ideas of who belongs in the U.S. and others disregard racial slurs, immigrants of color experience the consequences of perceived threat in Alamance County. Moreover, immigrants distinguish themselves as immigrants who are worthy of being in the U.S. in an attempt to convince lawmakers and Alamance County residents that they belong in the country. Crimmigration law and the justification of its implementation has caused divisions among the immigrant community where immigrants identify who deserves incarceration and deportation from the U.S. versus who is worthy of residing in the country. Immigrant's reactions to harsh immigration policies, such as border security and checkpoints, are examples of defensive othering. Immigrants identify as the worthy immigrants who belong in the U.S. because of their law-abiding behavior and work ethic. Defensive othering is a reaction to oppressive identities imposed by the dominant group that reproduces inequalities when subordinates distance themselves from their group rather than resisting or rejecting labels (Schwalbe, Godwin, Holden, Schrock et al. 2000).

Regardless of how immigrants cope and rationalize their presence in the U.S., restricting their movement leads to self-isolation, feelings of hopelessness, and fear in turn limiting their social engagement. However, my findings suggest that citizenship can protect immigrants from fearing detention and deportation. For example, two respondents who disclosed their citizenship status admitted to not fearing deportation or the state's ability to revoke citizenship from immigrants. Rather than fearing deportation or law

enforcement, two naturalized citizens were confident about their presence in the U.S., suggesting that the social and legal consequences of crimmigration may vary. Years of residency, acculturation, and language ability, for example, may be factors that can mitigate harmful social, legal and health consequences for immigrants in cities that criminalize immigrants.

Nonetheless, the merge between criminal and immigration law has consequences for children of immigrants, specifically for those who live in mixed-status families. To my knowledge, most family separation research highlights the health and social consequences between parents and young children but does not include adult children who are legally unable to see their aging parents in their country of origin. Among Mexican interviewees, the inability to visit their parents and mourn their death in Mexico likely affects their well-being considering the saliency of familism among Latinx families. Familism, or familismo, is “the strong identification and attachment of persons with their nuclear and extended families” (Morris et al. 2012:36) that consists of pride, belonging, and obligation to family (Ayón and Bermudez-Parsai 2010). Future research should examine the impacts of parent death among adult undocumented immigrants, specifically for immigrants who internalize familism.

The experiences crimmigration law creates for immigrants in the U.S. are not unique. Misinformation and moral panic propagated by politicians is harmful and influences immigration policy in the U.S. and in other countries who boast tough border security such as Australia. In fact, Trump commented that “much can be learned” from Australia’s policy on unauthorized immigration during the humanitarian crisis at the U.S.

Southern border. To gain a greater understanding of what creates crimmigration law, my future work will examine the structure of crimmigration in other counties who deter migration and criminalize migrants. Related to familism, I am also interested in studying how the criminalization of immigration affects the family dynamic and effects the well-being of migrants and asylum seekers in detention camps.

We still have many unanswered questions about how immigrants of color navigate living in the U.S. amidst a hostile xenophobic culture. My project expands the crimmigration literature in that it highlights the health, social and legal consequences immigrants of color experience, thousands of miles away from the Southern-Mexico border.

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APPENDIX A  
INTERVIEW GUIDE

The following questions will serve as an interview guide, though respondents' answers may lead to unforeseen questions.

Before I begin, I want you to know that this interview is completely voluntary. If we should come to any questions you don't want to answer, just let me know and we can skip it and move on to another question. The answers that you give will be kept confidential. I am going to ask you to read this document (provide Adult Consent form). Please read this; let me know when you are finished. If there are any questions or concerns, please let me know.

1. Let's start with a little bit about yourself. What do you want to tell me about yourself?
2. When did you migrate to the US? Who came with you? Why did you immigrate? Those kinds of things.
3. Can you tell me anything else about yourself?

**Family**

4. What is your family like?
5. Do you have family in your home country?
6. Have you experienced difficulties visiting your family in your home country?
7. Tell me more about that.

**Lived experience**

8. Do you feel welcomed in your community or by your neighbours?
9. Why do you live in Alamance County?
10. Tell me more about that.
11. Do you feel safe here?
12. Have you experienced language barriers?
13. Have you ever thought people did not trust you because you are an immigrant?
14. Have you felt people treated you differently because of your ethnicity?
15. Does your immigration status affect the way you see yourself?
16. Do you think people view your presence as a threat?
17. Is there anything else you would like to add that I may have missed?