BORDERS OF BELONGING

STRUGGLE AND SOLIDARITY IN MIXED-STATUS IMMIGRANT FAMILIES

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CHAPTER 4

ESTAMOS ENCERRADOS

IM/MOBILITIES IN THE BORDERLANDS

ONE MORNING I RECEIVED a call from Rafael, inviting me to an event he was organizing. We had first met in 2013, and stayed in close touch over the years. Rafael came to the United States at the age of ten and was undocumented. He was now a community organizer in the Rio Grande Valley. Because of his undocumented status, he could not travel to the state capitol or other major cities for events, since these were beyond the U.S. Customs and Border Protection (CBP) checkpoints set up along major highways. Neither had he been able to pursue his dream of attending law school after he graduated from the local branch of a state university. Growing up in a mixed-status family, he watched as his U.S.-born siblings experienced a wider range of social and spatial mobility: they had driver's licenses, frequently traveled out of state with their friends, and could apply to any college they wanted to. Near the end of our conversation, he paused and said,

> I wanted to tell you about a dream I had last night. I was driving, I don't know to where exactly, but trying to go up north. Out of the Valley. In the dream, I kept having to turn around and go back because I had forgotten something. I would get started again, and the same thing would happen. Each time there were different people in the car, but each time I kept having to turn around. It was frustrating, like, "Ahh! I just want to get on the road already!" [We both laughed a little.] And then finally, I got to the checkpoint and crossed. I was on my way. Suddenly it was like Narnia—you remember that book? I was pushing through to the other side. It was snowing, all white and crystals and beautiful, the minute I crossed.

Young undocumented adults like Rafael define their lives by the distance they can travel before reaching a permanent checkpoint or other spatial boundary: two hours to the west, through sparsely populated brushland and cattle ranches; thirty minutes to the south, until stopped by the international border; an hour and a half to the east, until stopped by the ocean; and only forty-five minutes to the north, where they end up facing the fixed highway checkpoints. In a decade and a half living in this country, this is the only United States Rafael has ever seen. In his dream, he manages to leave the Rio Grande Valley only after enormous frustration and difficulty. He pushes through the portal and enters what seems like the fantasy realm of Narnia, where animals can talk and mythical beasts abound.[1] It snows and glitters and offers relief and a sense of freedom, a contradiction to the subtropical, heavily militarized South Texas landscape in which he grew up.

For mixed-status families along the U.S.–Mexico border, mobility is a stratified resource and a contradictory process. Rafael is one of 1.7 million undocumented immigrants living in Texas concentrated within a 100-mile-wide strip along the border that forms a secondary boundary to the interior of the United States. Over the past decade, CBP has doubled the number of agents and operates some thirty-four permanent interior checkpoints like the one referenced in Rafael's dream. The permanent checkpoints are visible from miles away, along lanes of all highways that lead away from Mexico and into the interior of the United States. While the Rio Grande serves as a geographical marker of the first barrier to be crossed into the United States, these checkpoints represent a "second river," further impeding mobility into the interior.[2] These checkpoints are supplemented by random roadblocks placed along major roads where people live and work, where police or state troopers inspect drivers' documents. These enforcement practices each impact the mobility of persons in the borderlands, but with different effects. While the permanent checkpoints trap people within a distinct space, the temporary roadblocks—combined with random traffic stops and driver's license restrictions—fuel fear and uncertainty within that space. This spatial containment results in immobility and a particular experience of "stuckness," in which people's movement is constrained by a stillness imposed through larger bordering processes.[3] The containment of immigrants along the U.S.–Mexico border is an example of the

complex spatial effects of the securitization of migration management and the ways in which it produces marginalized spaces with particular consequences for the people that inhabit them.[4] Over the past two decades, this securitization has led to increased reliance on border enforcement, detention, and deportation as strategies to control unauthorized movements, as highlighted by the current "defense in depth" strategy of CBP that creates layers of entrapment.

To explore the sense of confinement that Rafael and others like him experience on a daily basis, it is important to understand the competing logics of containment and mobility that are part of contemporary migration management.[5] Starting in the 1990s, securitization discourse and practices have dominated, especially through an internalization of border controls. This has expanded surveillance beyond the physical international border and toward the interior of the United States, and has been accompanied by a proliferation of inspection checkpoints, technologies, and detention practices. Inspection and policing practices have expanded both within and beyond territorial boundaries, making life increasingly uncertain for immigrants in interior communities.[6] Nonetheless, the physical U.S.–Mexico border continues to feature prominently in the regulation of mobility and is an important reminder of the enduring territorial authority of the state. These extraordinary spatial tactics have produced particular political geographies, leading to the transformation of national spaces and rendering certain locations ambiguous.

This is particularly evident in the Rio Grande Valley, where people described feeling "trapped" or "locked up" within an uncertain territorial space. Particular groups experience a stuckness, in which their movement is constrained by a stillness—or as Rafael describes it, a ricocheting in place—produced and imposed through larger bordering processes.[7] Others, like those who were Deferred Action for Childhood Arrivals (DACA) recipients, experienced an augmentation of their social and physical mobility and the opportunity to leave their positions of stuckness to cross new frontiers. These differential possibilities occur within families and communities, producing new hierarchies based on mobility. These legally differentiated internal spaces may not be apparent to residents, unless they are in mixed-status families or undocumented themselves. As mobility itself has become an important stratifying factor, it is useful to distinguish between those who are mobile versus those who have aspirations they cannot actualize.[8] Through interior enforcement practices, migrants are confined to subnational spaces, where they must remain to avoid detection or harassment. The spatial violence resulting from checkpoints and policing

practices leads to a hierarchy of experiences, producing mobility for sor while leaving others feeling *encerrados*, locked in or locked up. The increas securitization of immigration control has made some national spaces reser ble, in certain respects, detention centers.[9] As a result, entire regions have b come zones of confinement.[10] Dorsey and Díaz-Barriga argue that the presen of the checkpoints, combined with mass incarceration and everyday survei lance, creates a "state of carcelment" for the Rio Grande Valley.[11] This highligh the intersection of racial and spatial dynamics that emerge from legal precedent as well as the actual effects on people's everyday lives, as a way to understand how an entire region becomes interred.

Enforcement tactics that treat all residents as potentially suspect have important implications for the nature of citizenship. These practices have spillover effects, in that everyone—including U.S. citizens—must pass through inspection points and demonstrate proof of identity and legal residency. As Susan Coutin argues, "Treating residents, legal or otherwise, as potentially undocumented thus transforms the nature of citizenship itself."[12] However, even as these practices target the broader population, they produce different racialized experiences, so that those with a "phenotypic passport" are more likely to move about unchallenged.[13] This "passport" may include features like light skin, eye and hair color, and accent-free English, but it also extends to how people dress, what music they play, and what car they drive; these characteristics allow some individuals to pass more easily and to cross spaces unrestricted. Guillermina Gina Núñez and Josiah McC. Heyman note that these dynamic "processes of entrapment," through which Border Patrol, police officers, and other state agencies impose significant risk on movement of undocumented people, are also met with various forms of agency as people both forgo travel and covertly defy their containment.[14]

This chapter focuses on spatial restrictions to mobility, including through the various kinds of checkpoints; the fear of driving that exposes people to apprehension; and the racialization of illegality through policing and inspection practices. It illustrates how differences in legal status within the family become embodied as stratified forms of mobility. Due to shifting legal terrains and requirements, a range of legal driving opportunities often coexist within a single family. For everyday driving practices and during inspection at one of the many checkpoints, racial and ethnic profiling is a recurring theme. The geographies of policing mobility in the border region are distinct from those in other parts of the country, by virtue of the constraints of the international

border, the 100-mile-wide buffer zone, and specific enforcement practices. As this chapter shows, fear, anxiety, and pressure are all part of the affective nature of the borderlands. A rethinking of borders as dynamic and inhabited places[15] allows us to shift our focus from the stillness of border walls to the stuckness of people, and specifically the ways in which they become immobile.[16]

The Checkpoint

The fixed, tollbooth-like checkpoints are routine for anyone driving near the border, separating the region from the rest of the United States. These permanent checkpoints are located far from the actual international boundary (with its own formalized inspection practices), and stretch along all lanes of highways leading away from Mexico into the interior of the United States. They are operational 24/7 and visible from miles away and cannot be circumvented. As cars approach, they are corralled by cones and organized into neat lines to await inspection. A white sign declares year-to-date seizures of "drugs" (by pound) and "undocumented aliens" (by number of people), in a particularly dehumanizing manner, as people are equated with contraband. As cars slow toward the checkpoint, a dozen cameras are trained on them. Agents and drug-sniffing dogs approach to inspect the vehicles (see figure 3). Upon stopping, the driver and each of the passengers are quizzed: "Are you a U.S. citizen?" "Where are you headed?" The whole affair takes between ten minutes to half an hour; if a secondary inspection is called, many more hours may pass.

As part of its layered approach, known as the "defense in depth" strategy, CBP deploys agents up to 100 miles from the border and utilizes about 140 immigration checkpoints along all highways between 25 and 100 miles from the Mexican border, although not all are continuously operational.[17] There are two types of checkpoints—permanent and tactical—that differ in terms of location, size, and infrastructure. While tactical checkpoints are intended to be set up for short-term or intermittent use, permanent checkpoints are generally intended to be operational all of the time. Permanent interior checkpoints, of which there are currently thirty-four, are further characterized by their brick-and-mortar structures, including covered lanes for vehicle inspection, administration buildings, detention areas, storage, and canine kennels. In the Rio Grande Valley Sector, there are two permanent checkpoints; the largest, on U.S. Highway 281 south of Falfurrias and 70 miles north of the Mexican border, is

Figure 3. U.S. Customs and Border Protection highway checkpoint leading out of the Rio Grande Valley, located approximately seventy miles inland of the Mexican border. Source: AP Photo/Eric Gay.

the busiest in the country and being expanded to eight, rather than the current five, lanes.

Legal Antecedents: The "Second River"

Court rulings have confirmed that the Fourth Amendment of the Constitution, which provides protection from unreasonable searches and seizures, does not apply at spaces up to 100 miles away from the U.S. border. 8 U.S.C. § 1357(a)(3) addresses CBP officials' authority to stop and conduct searches on vessels, trains, aircraft, or other vehicles anywhere within "a reasonable distance from any external boundary of the United States." Without further statutory guidance, regulations alone expansively define this "reasonable distance" as 100 air miles from any external boundary.[18] Notably, however, roughly two-thirds of the U.S. population (about 200 million people) lives within 100 miles of a land or coastal border, including the nation's largest metropolitan areas such as New York City, Los Angeles, Houston, and Miami, along with entire states including Connecticut, Delaware, Florida, Hawaii, Maine, Massachusetts, New

Hampshire, New Jersey, Rhode Island, and Vermont.[19] However, because it is almost solely invoked to defend practices along the U.S.–Mexico border, it can be concluded that the "100-mile" rule utilized by CBP is arbitrary and leads to discriminatory practices. It has never been subjected to serious scrutiny by federal lawmakers.

The basis of this authority to stop and conduct searches is rooted in judicial interpretations at the U.S.–Mexico border in cases primarily related to the "war on drugs," and not the movement of undocumented individuals. Beginning in the 1960s, judicial opinions began to paint the U.S.–Mexico border as "elastic" rather than static, opening the way for a relaxation of the standard of probable cause.[20] The 1965 case of *Marsh v. United States*—involving a car searched sixty-three miles north of the official port of entry—exemplified this shift in interpretation. In 1961, Reynaldo Guerra Garza was the first Mexican American appointed to a federal district court. He utilized his knowledge of the Rio Grande Valley—his home—to argue that the checkpoints constituted only a "very minor intrusion" on daily life and in effect would constitute a "second river" for smugglers and those entering illegally to have to cross.[21] This had the effect of justifying checkpoints in a number of legal cases from the 1970s onward. In 1972, judicial opinions in the case of *United States v. McDaniel*, which related to marijuana possession, agreed that a "reasonable stretch" of the Fourth Amendment is allowed at permanent immigration checkpoints. However, the minority opinion of Justice Goldberg, Fifth Circuit of the U.S. Court of Appeals, also argued that "proximity to the frontier does not automatically place a 100-mile strip of citizenry within a deconstitutionalized zone."

Legal precedents provide a basis by which agents may "stretch" Fourth Amendment rights without a warrant or probable cause. Today, while some refer to South Texas—and other border regions like it—as a "Constitution free zone,"[22] it is in fact not literally devoid of constitutional protection. Border Patrol agents have legal authority to stop a vehicle at checkpoints for brief questioning of its occupants even without reason to believe that there are illegal occupants or drugs, nor do they need a judicial warrant (*United States v. Martinez-Fuerte*, 428 U.S. 543, 545 [1976]). The Supreme Court has held that, provided the intrusion is sufficiently minimal, agents "have wide discretion" to refer motorists to secondary inspection. The constitutional threshold for searching a vehicle, however, must be supported by either consent or probable cause (e.g., a trained canine detecting concealed people or narcotics, *U.S. v. Ortiz*, 422 U.S. 891, 896–898 [1975]). Notably, what are viewed as roughshod abuses of civil liberties mostly occur in border settings, in regions where people of color make up the majority of inhabitants.

Checkpoint inspections have increased in recent years and drawn the ire of many residents, with U.S. citizens arguing that this violates their right against arbitrary searches. However, the resistance has not been primarily from communities of color. Anti-checkpoint movements have not emerged precisely because of the precarity that these Latino communities face due to racial profiling and the high proportion of undocumented persons and mixed-status families at risk of being separated. As Dorsey and Díaz-Barriga note, "many border residents recognize that they are not required to respond to the citizenship question; in practice, however, few are as bold."[23]

"Trapped in a Cage": The Permanent Checkpoint and Experiences of Containment

In this study, the single most commonly mentioned feature of the Valley was the permanent checkpoint. Large numbers of undocumented persons in the region are relegated to life within this small strip along the border; unable to reenter the United States if they cross back into Mexico, they are also unable to travel north to other parts of Texas or to other parts of the United States. Several participants thus described feeling "trapped in a cage" by these physical limitations on their mobility, and many had not left the Valley for decades.[24] Gerardo, a forty-five-year old father of two, told me, "I always say, we are in a prison here. It's just a large prison, and it has a beach. We can only travel to the beach and along the banks of the [Rio Grande] River, and that's it. We can only exist between here and the checkpoint. It's like we are locked up [*estamos encerrados*]. It affects us completely, totally, and you feel like a prisoner." Some other comments during interviews included:

> "The Valley is its own place. Because you have so many people here, thousands of people, who can't cross that checkpoint."
>
> "We are stuck on an island. Can't go south, can't go north."
>
> "It's easier to enter the United States from Mexico than it is for someone to travel within the United States."

For undocumented persons, multiple tiers of containment operate simultaneously. While these spatial limitations represent a form of social inequality,

for undocumented persons there is the additional, very real threat of detention and imprisonment associated with this lack of mobility.

Yet mobility is a necessity for those living in South Texas, where even densely populated areas are separated by wide open spaces. Many people work as migrant laborers and must travel to farms across the United States as growing seasons shift. High school sports teams, bands, and extracurricular organizations travel by bus to other parts of the state for competitions. Most colleges and universities are beyond the checkpoint, an issue that young applicants are keenly aware of as they make decisions about their futures. Business professionals regularly travel to major cities in the rest of the state, such as Houston, San Antonio, Austin, and Dallas. The Rio Grande Valley has a long history of military service and is home to tens of thousands of veterans, who must travel four hours north to San Antonio, where the nearest Veteran Affairs hospital is located. Recreational and tourism destinations are also on the other side of the checkpoint. Finally, most people have relatives living in other parts of the United States. For undocumented persons, the fixed CBP checkpoint impacts their ability to attend important events such as weddings, birthdays, baptisms, and funerals, even though they are in the United States, leading to a weakening of family ties.

Many undocumented young adults reminisced about field trips while in elementary, middle, and high school, when they were not scrutinized in the same way as when they became adults. Twenty-one-year-old Betty, who is undocumented, noted: "I was in cross-country [running team], and we made it to regionals in San Antonio and then to state finals in Austin. And I was president of two clubs, and we got to go to Dallas. I got to go to places without being inspected at the checkpoint." Similarly, Michelle told me, "That was the only way I could travel, so I would go for high school football games whenever I could, even though I didn't care at all about the games." I asked, "And they didn't check who was going?" "Nah, they didn't," she replied. "The bus just goes right through. So I miss school now because I don't get to travel." Indeed, this shift to immobility and greater surveillance was a key part in the transition to adulthood for many.

U.S. citizens in mixed-status families also feel the effects of this immobility produced by the checkpoint. Elizabeth, Gerardo's daughter, described the limitations she felt about going to college:

> Because my parents can't go out of state, I have to limit myself so it's a reasonable distance and I can still come and see them often. I don't want to go out too far and something important happens or there's an emergency. So, I did have to consider my college choices because of my parents. Especially like now they're building a new part of the border wall, in addition to the drones and all the state troopers.

Camouflaged in South Texas

Crossing the checkpoint is difficult and dangerous because it can result in deportation, a risk that very few are willing to take. However, some noted that they could mislead agents about their status. Twenty-two-year-old Andres described his tactic for crossing the checkpoint before he received DACA:

> I would lie and say that I was a U.S. citizen. It was really scary, really scary. But once I get to a checkpoint, adrenaline kicks in, and I am like ready, so I look them straight in the eye. I mean, I watch *Border Wars* [a TV show] a lot. They tell you a lot of the secrets they look for, so I came prepared. They have never asked me for identification, but there I would have been screwed.

Because he had grown up in the United States, Andres's mannerisms, speech, and dress would have made him indistinguishable from a citizen. In addition to some tips learned from a television program, he relied on the fact that the vast majority of Latino youth in the state of Texas are U.S. citizens—for agents, they are indistinguishable until their papers are scrutinized.

On the other hand, another young adult, Justin, recalled with horror a friend's suggestion that he lie to cross. He told me,

> I have a friend who was undocumented, and she would cross all the time. She's like "Oh, it's not a big deal, you just say you're a citizen." I'm like what? No! But she has green eyes. She's white. The way she looks and the way she speaks, you would never guess she's undocumented, but some people don't have that privilege to be able to do that. I'm not going to risk it.

Again, those with "phenotypic passports" and accent-free English are afforded fewer threats of being stopped for inspection. Angelica similarly noted, "Because of the way I look and the way I sound—I don't have much of an accent—I learned that it's easier for me to blend in. With encounters with Border Patrol, when I eat at a restaurant or see them at the grocery story, I say hi. So you're at risk, but if you know you're camouflaged and have an advantage, you're not so afraid."

In addition to the highway checkpoints set up within 45 miles of these border towns, access to air travel is restricted. In cities further north, such as San Antonio or Houston, a valid Mexican passport is generally sufficient to pass Transportation and Security Administration (TSA) security at airports. However, at airports in border regions, CBP officers are always a conspicuous presence alongside TSA agents. They monitor and often check the documents of passengers traveling out of the region and into other parts of the United States, rather than simply those entering. In other words, their purpose is to prevent people from leaving the border zone to enter the interior. Angelica, who arrived in the United States at the age of eight, was a DACA recipient. She described her experience at the airport:

> People who don't have documents try to cross the checkpoint and fly out of San Antonio. They don't have Border Patrol there, so they just need a picture ID when you fly out of other airports. But here, they make sure you have your DACA paperwork and everything. Some people are afraid, like my mom says, "Oh I can't go to the airport because there's Border Patrol." I think it's sad, though, because people are afraid of going to see their loved ones go away or to pick them up. Sometimes I would like for my mom to be there. Especially the first time I flew out. I don't think my mom has even seen an airplane up close. It's just sad that the airport here is like that, because it keeps a lot of people from seeing their family.

The experience of Pulitzer Prize–winning journalist, filmmaker, and immigration activist Jose Antonio Vargas corroborates these stories. In July 2014, Vargas was taken into custody at McAllen-Miller International Airport before boarding a flight. He had gained prominence following a 2011 essay, in which he revealed his status as an undocumented immigrant to promote dialogue and advocate for the DREAM Act.[25] Prior to his arrest, Vargas had been in the Rio Grande Valley to attend a vigil organized by the group United We Dream. He says that he did not realize that he would have to cross through a CBP checkpoint to leave, even though following his arrival many local activists wondered aloud how he would.[26] Vargas was released later that day, but the event cast an immediate spotlight on deportations of immigrant youth in the region.

The event also revealed the patchwork of immigration enforcement that had allowed Vargas to travel freely to forty-three states over the preceding three years, since domestic airport security officials did not check his immigration status.[27] Though he had flown frequently to promote his film *Documented*, once he arrived to this heavily patrolled border region he had to pass through a checkpoint to leave. Writing just before his arrest, he said,

> In the last 24 hours I realize that for an undocumented immigrant like me, getting out of a border town in Texas—by plane or by land—won't be easy. It might, in fact, be impossible. . . . I'd heard about checkpoints and border patrol agents, but I didn't realize just how much a militarized zone the Texas border is. I didn't know that border patrol agents check IDs with airport security agents. I've spoken with a few undocumented people who live in the McAllen area, and they feel trapped. I don't think the American public at large understands that reality for undocumented people in the border.[28]

New Mobilities: Crossing with DACA

Crossing the checkpoint legally for the first time was groundbreaking for those who had received DACA. Many participants excitedly relayed their stories, like José and his sister Carla. José laughed and said, "Actually, they didn't even ask me for anything." Carla explained, "He was really mad!" She laughed and continued, "He called me, and said, 'You know what? They didn't even ask for my papers. I wanted to show them!'" Aaron similarly described the experience as legitimizing and satisfying, saying, "After I got my DACA, the first time I went through the checkpoint, more than anything it was very empowering. I was afraid, but inside I felt confident. I had something legal, an ID that I could pass through with and they couldn't do anything to me." But he emphasized that agents were still very careful to check the validity of paperwork and work permit. Carolina, who was brought to the United States when she was nine, described the following experience:

> That day as I was leaving the house, I said, "Mom, I'm going to go to San Antonio." And she was like, "What?!" And I said, "I know, calm down." She was so worried, scared all day, like, "Why haven't you texted me in the past five minutes!?" And like, "Mom . . ." That was the first time I crossed the checkpoint with DACA. I was so nervous. I had handed the officer my papers, and we drove away, no big deal, and my world was like shattered. It was just like, "This just happened to me." I just crossed, and I was alright! I was like bawling, "Oh my God, I'm free!" And I cried thinking about the kids who go through this, the frustration that they carry driving past this place, thinking of all those who are not eligible for some reason. And my mom, who can't leave this place. She

saved me from a world of poverty and violence in Mexico, but she also let her dreams go so I would have even an opportunity.

Twenty-two-year-old Brian felt dissociated from the entire experience of crossing the checkpoint legally. Like Rafael's dream about Narnia at the start of this chapter, Brian felt as if his sense of reality had been skewed through his lifelong immobility. Unlike Rafael, he had received DACA and could now travel more freely, but described the conflicted emotions that he felt in the following way: "We're so traumatized from not traveling when we grow up, that now it almost feels like traveling isn't real. I feel like it's fake. I feel like I'm in this virtual reality, where people are just driving me in a circle and it's just the pictures outside the window are changing." Although he could now travel more freely, he still experienced an internal struggle when it came to contextualizing this new freedom.[29] For many residents of this region, their mobility is akin to "driving in circles" or ricocheting back and forth; this is a particular form of "stuckness" that is also simultaneously imbued with activity and movement within a confined area.

Illegality, Automobility, and Fear of Driving

While the permanent checkpoints are unique to border regions, immigrant mobility is more commonly contained through restrictions on driving. Angela Stuesse and Mathew Coleman use the concept of "automobility" to explore the dialectic of freeing and fixing movement for undocumented persons in the United States.[30] Automobility refers to the assemblage of cars, roads, and other physical infrastructures that permits people to extend their lives through space and time.[31] It is a highly stratified resource. For undocumented persons, the otherwise mundane act of driving quickly becomes the activity of highest risk.[32] In many regions, driving is simultaneously necessary and prohibited. Vehicles thus become mobile sites of power and contestation in their own right.

Driving and traffic enforcement rest at the very core of initiatives like 287(g), Secure Communities, the Priority Enforcement Program (PEP), and Texas's Senate Bill 4, which encourage coordination between local law enforcement agencies and U.S. Immigration and Customs Enforcement (ICE).[33] Under section 287(g) of the Immigration and Nationality Act, ICE delegated federal immigration authority to state and local law enforcement agencies. Under

President Obama, this and the Secure Communities program were replaced with PEP, which essentially worked in the same way, tracking fingerprints and helping ICE agents issue detainers and retrieve people from local jails. Then, despite its troubled history—including the high cost to localities, racial profiling, and trail of pretextual arrests—287(g) was resurrected in 2017 under the Trump administration. This means that with any traffic stop in a 287(g)/S-Comm jurisdiction, undocumented drivers risk detention and deportation.[34] These efforts have not been without pushback, however, and the Department of Homeland Security's own Southwest Border Task Force recommended that 287(g) be strictly limited. The vice chairman of the task force, Sheriff Lupe Treviño of Hidalgo County, argued that enforcing federal immigration law distracts local authorities from their primary duties, in addition to fostering fear in immigrant communities.

Another major concern for undocumented persons is their ability to obtain a driver's license. A driver's license may be simply a small card, usually tucked away, but it holds enormous meaning and potential for undocumented persons. It represents belonging, movement, and social reproduction, and is a required resource for getting to and from work, school, health services, religious events, and leisure activities. Regulation of licenses occurs at the state level, and in recent years legislative activity around this issue has markedly increased. Until the 1990s, undocumented persons' access to driver's licenses anywhere in the United States was unrestricted. Then, starting with California in 1993, states began to alter their laws to require that applicants prove legal immigration status. By 2011, undocumented persons could only obtain licenses in three states: New Mexico, Utah, and Washington. However, an opposite trend emerged in 2013, as legislative debates about issuing driver's licenses focused on the impact on public safety and on insurance and accident rates. The federal REAL ID Act also set the context in which states began to reconsider their legislation. This law, enacted in 2005, created national standards for all state driver's licenses that can be used for federal identification purposes (such as entering a federal building or boarding a commercial aircraft). For this reason, the REAL ID law requires that states extending driving privileges to unauthorized immigrants issue a document that can be used only for this purpose and is distinct from regular driver's licenses in specific ways. As a result, states established new eligibility requirements allowing many unauthorized immigrants to obtain "driving privilege cards,"

"driver authorization cards," or other alternative licenses. In many states, there was considerable debate over the design of these cards, which frequently were a different color, or contained phrases like "LEGAL PRESENCE NO LAWFUL STATUS" in bold red font.[35] While DACA recipients were eventually able to obtain driver's licenses in every state, most also had to provide proof of an employment authorization document and a Social Security number.

The State of Texas is among the most restrictive when it comes to driver's licenses, and the Department of Public Safety (DPS) now verifies applicants' legal status with the U.S. Department of Homeland Security. However, this lawful presence requirement was not always in place. The change in the Texas law was initially enacted in 2008, with an important modification in 2011 that allowed U.S. citizens with a Social Security number on file to renew online, while all others who hadn't renewed in person in the past six years had to present proof of lawful presence.[36] All of this means that, at the time of the study, a variety of scenarios played out, often within a single family: some undocumented persons still held legally issued driver's licenses (if obtained before 2008); others faced the prospect of losing them entirely as the renewal date approached; some had never obtained one; those with DACA had just acquired their first licenses, though with questionable duration; and U.S.-citizen family members were unrestricted once they turned the minimum age. Thus, this range of legal driving opportunities was structured by legal status, generation, and age.

Driving is a necessity in this vast region, which has an underdeveloped public transit sector, few taxis (which generally only serve out-of-town business visitors on short trips from the airport to hotel; they are not oriented to serve local residents), and no ride-sharing services operating in the area until mid-2017. Not driving is not an option for families. For undocumented persons who did not have a relative or friend to drive them places, they simply drove without a license. However, this was not without fear. I asked Brian, "What about before you had DACA, did you drive?" "Yeah, I still drove," he responded. "But usually there's a lot of minors that don't have a driver's license. So I was thinking that's maybe an excuse if I got pulled over. It still put me in panic when Border Patrol or police passed by. I would panic—and I still do. Even though I have a license now, I still panic when I see police." This speaks to the entrenched fear that comes from a lifetime of avoiding police, of the anxiety associated with the ever-present possibility of separation from parents, and of the self monitoring that goes along with undocumented status even after his legal

situation had changed. As twenty-five-year-old Rafael told me, "Growing up undocumented, you have to be careful when you drive, not to go crazy partying like normal people do. You have to stay in line."

U.S. citizens are also impacted by the variable driver's license opportunities within their families. They, too, learned to fear law enforcement as part of a general sense of anxiety that came with "learning to be illegal" alongside their undocumented family members. Seventeen-year-old U.S. citizen Elizabeth noted she holds back from asking her parents for rides because of the threat of being stopped:

> I try not to ask them too much to let me go out with friends because I'm scared that they might stop us. They're both excellent drivers, they are really careful and they've learned how to avoid police. But it's still a fear of mine. What if I ask my mom to take me to the movies and on the way, they stop us and my life changes from there? It's kind of scary for me.

This example highlights the repercussions on others in the family, even if they are they are not themselves deportable. In Elizabeth's case, she restricted her own social activities as a result of her parents' inability to drive legally.

On the other hand, their influential role as an authorized driver created additional pressures on citizens to both assist and protect their family members. As twenty-four-year-old Leticia, a U.S. citizen, explained,

> I'm scared driving when I have my [undocumented] brother with me. I get nervous even if I'm taking him to the convenience store right here. You bump into a state trooper or something, they might stop you for a light, or because they think you're nervous, or because you look Mexican. I see one and I'm like, "Oh my God, *hay un policía* [there's the police]." It goes through my mind every time he asks me, "Take me to this place, take me over there?" because he doesn't drive. I don't want him to be on my conscience, like they stop you and they took your brother and deported him. You know what I mean?

Siblings feel responsibility for each other—especially in the case of their more vulnerable undocumented brothers and sisters—and are aware of the severe repercussions should they be pulled over with them in the car. This impacts larger family dynamics and becomes a delicate balance, provoking considerations such as: Should I drive my brother around? Will I get in trouble with my parents if something happens to him? Will it all be my fault if he is

deported? Leticia also comments here on the fear of racial profiling. It was commonly agreed by participants that "looking Mexican" was a risk when driving; usually this referred to phenotypic features like skin and eye color, but it could also encompass drawing attention to oneself (e.g., by playing loud regional music or by having Mexican license plates). On the other hand, markers of belonging—proficiency in English or wearing a Dallas Cowboys hat, for instance—might have the opposite effect and lead to less scrutiny.

Another way in which citizens feel the effects of their family's status is in the process of obtaining the driver's license in the first place. In Texas, driver's ed classroom instruction is paired with thirty hours of behind-the-wheel training with a licensed driver over twenty-one years old. Seventeen-year-old Elizabeth was in the process of getting her license but was having trouble getting enough hours in with a licensed driver, since both of her parents were undocumented. Her parents have always driven, and when their licenses expired in 2013 and they couldn't renew them, they continued to drive to work and for errands out of necessity. She told me, "Actually, my dad drives a lot for work. As part of his job, he has to transport all this stuff. He's pretty brave out there, driving back and forth all the time!" At this point she and her father, Gerardo—who was sitting at the kitchen table with us—laughed heartily and made a few lighthearted and sarcastic jokes about how brave he is. When the laughter had stopped, she said quietly, "That is a fear of mine too, that they stop him someday." Gerardo weighed in:

> Well, the truth is, in construction we have to work everywhere, drive everywhere. We run into immigration all of the time. Last week we were working on one of the bridges right on the banks of the river, right at the border crossing. So I always wear my company uniform to look professional. The immigration people wave hello and greet me in the mornings when I arrive. But I have to drive. Of course I'm scared, but you have to work.

Nonetheless, Gerardo and his wife were unable to help their daughter practice her driving, since neither was a licensed driver. In this way, Elizabeth, a U.S. citizen, was hindered in her quest for her own first driver's license because of her parents' illegality. "I actually start driving school next week," Elizabeth told me. "But that is the impediment. To finish, you need thirty hours at home, and you need someone to be watching you that has a license. Both my parents don't have a valid license, which means I have to drive with someone that does. I don't know how I'm going to do that. Yeah, that's another barrier."

Roadblock Checkpoints: Racial Profiling and Phenotypic "Passports"

Checkpoints are one of the greatest threats to unlicensed, undocumented drivers. In addition to the permanent immigration checkpoints, there are irregular, unpredictable, and temporary roadblocks set up throughout the borderlands to inspect drivers along major roads where they live and work (similar to DUI checkpoints). They tend to emerge in response to specific political conditions, such as heightened anti-immigrant discourse, election cycles, and media reporting on "surges" of entrants in the border region. During the time of the study that forms the basis of this book, a particularly intense episode of checkpoints occurred, coinciding with widespread concern about the large numbers of unaccompanied minors crossing in southern Texas and bringing immigration to the fore of national public debate. The Texas DPS set up numerous temporary checkpoints, allegedly to check if drivers had a valid driver's license and auto insurance. While they assured the public that they would not check the immigrant status of drivers, there was evidence that this was not the case.[37] From the beginning, eyewitness reports and photographs and videos posted online showed Border Patrol vehicles at roadblock locations.

The practice of roadblock checkpoints is not limited to the border region, although they tend to be more effective there. The fixed checkpoints hemming populations in creates heightened fear in interaction with roadblocks to create an environment of entrapment.[38] While highway checkpoints are easy to avoid simply by restricting one's movement to the densely inhabited strip along the border, the temporary roadblocks are much more of a concern to everyday lives because they impact people's ability to go to work, school, shop, and socialize. Even short trips down the street become dangerous, and families rely on licensed drivers—usually U.S. citizens—to ferry members around town for daily activities.

Practices of racial profiling are more complex—and more insidious—when the majority population is Latino, as law-enforcement officers and agents attempt to parse out some undefined marker of "undocumentedness" or "Mexicanness" as part of surveillance and inspection processes. The components of today's immigration enforcement regime—including mobile checkpoints, as well as detention and deportation—arguably rely on racial profiling.[39] This practice is more complex in a region that is majority Latino, but it still highlights the role of race, class, and legal status in inhibiting free movement.

Certain types of people remain privileged over others due to social class or outward appearance. Even in a place where the majority of the population is Latino, outward appearance and "whiteness" allow some people to pass more easily. Their "phenotypic passport" may allow them to cross unchallenged.[40] This may include fair complexion, light eyes and hair, and accent-free English but also how they dress, what music they play, and what car they drive. Twenty-five-year-old Manuel told me that he was not afraid of language challenges when facing inspection at a roadblock checkpoint—he felt he could get along fine in his broken English—and his outward appearance gave law enforcement reason to leave him alone. "When they see me, with my fair hair and complexion [*güero*], they say, 'He's from here.' But they always ask my wife for her papers, because she looks darker [*morena*]. They pay more attention to her, not me." The irony here is that Manuel is undocumented, while his wife is a U.S. citizen.

The consequences of being caught as an undocumented person are more immediate in the borderlands, as deportation is swift due to processes like voluntary return and expedited removal, which can be invoked for anyone apprehended within 100 miles of the border and which deprives individuals of due process. Participants often referred to these tiers of containment as "*estamos encerrados*" or "we are locked up/in." This limited mobility produces social inequality, in addition to being linked with the very real threat of detention and imprisonment. People learn to police themselves, restricting their own actions and routines to avoid potential trouble.[41] They conduct themselves according to the law in hopes that a new pardon or relief program will emerge to provide a pathway to legal status, for which they must be able to claim "good moral character."

Forty-eight-year-old Herminia told me,

> We were very afraid to leave our homes during that time of the roadblocks [*retenes*], when there were a lot of them here. But you go anyway because you have things to do. You have to go to the store, to pick up the kids. But you are always in fear while in the streets, because we all know people who were picked up and sent back to Mexico. I've been here eleven years, my whole life is here, what would my children do without me?

Daniela, who was a DACA recipient, talked about the impact of these random roadblock checkpoints in the region:

> I remember that time, the random checkpoints. It shook the community a lot. My parents were very scared. We didn't let my mom drive, even though she had a driver's license, because we didn't want her to get pulled over and asked about her papers. Friends of my dad just wouldn't go to work at all because of the random checkpoints because they didn't want to get deported. My dad has a white skin tone, green eyes. But he still gets discriminated [against], and he was afraid too.

While programs like 287(g) have not explicitly mandated the use of traffic enforcement to check the immigration status of individuals, traffic enforcement and roadblock policing are the primary ways in which immigrant drivers come into contact with local police and state troopers.[42] Under SB4, Texas's law that allows local law enforcement agencies to do the work of federal immigration agents, officers can ask about immigration status if they choose to. However, this can only occur during a lawful stop or arrest; they cannot stop someone solely to ask about immigration status. Roadblocks, along with roving stops based on moving violations and investigatory police stops—in which a driver is stopped not to enforce traffic laws or vehicle codes but to check out people or vehicles that appear suspicious—disproportionately impact minority populations, bringing issues of race and ethnicity to the fore. More than simply the errant judgment of individual officers, institutional structures and practices have been found to contribute to the racial discrimination that accompanies traffic stops.[43]

Notably, forms of "altermobility"—or strategies to resist and regain mobility[44]—are also present. In response to the roadblock checkpoints, information is shared within the larger community. In the face of intensified policing, social media became an important vehicle for warning people about the presence of temporary checkpoints. One Facebook group, "Alerta de Retenes 956," drew more than sixty-seven thousand users at one point and spawned several subgroups over time.[45] This does not appear to have been organized by any group in particular, but emerged spontaneously to help manage fear in the community. As Adrian noted, "We would avoid going out as much because there was more danger. There was a page on Facebook where they would be like, 'They're over here,' or, 'They're over there.' We would try to be very aware and avoid those places, kind of like evading obstacles." While these strategies allow for resistance and greater safety, they can also end up trapping immigrants within their homes—ultimately, increasing their spatial isolation and alienation.[46]

Im/mobility and Family Ties

Beyond the impacts described here already, immobility has several distinct repercussions for mixed-status families as social units. It splits family members apart, dividing siblings' opportunities according to status. Norma is a U.S. citizen, while her sister is undocumented. As Norma explained,

> My sister used to play soccer; we were on the same team. She went with the team on a few out-of-town trips because it's less common to be stopped at the [fixed] checkpoint if you're with a group, like school or church. She wasn't afraid to travel, but my mother made her afraid. "What if they stop you? Or you have to get out of the bus?" So she got scared and stopped playing with the team.

The inability to travel together to other parts of the state or the United States also impedes cohesion with extended family members. Forty-three-year-old Juana said she feels

> *encerrada aquí*. It's very stressful, because this is supposed to be the land of the free, and you can't even move freely. We are supposed to attend my niece's wedding next month, and we can't go. We can't be together with family. My children really wanted to go places when they were younger, but we always had to stay here. They would say, "Let's go to Disneyland!" and we couldn't. I would tell them, "I'll wear the Mickey Mouse mask, don't worry." We always tried to downplay it, so it wasn't something upsetting for them.

Her daughter, Jennifer, a U.S. citizen, shared the guilt she felt when traveling without her family members. She said, "We had a road trip up north to see my uncles. But it kind of sucked to know that we're going to go see my dad's brothers, and my dad also hasn't seen them in a long time. So the road trip was bittersweet: we're going to get to see them, but what about my parents?" Similarly, Brian, a DACA recipient, reflected on his parents' limitations: "I'm still hoping for that day when I can at least take them to San Antonio and say, 'Hey, this is something outside the Valley.' The stories I tell them, they imagine them. I show them pictures. But they're still waiting for that day where they can go too." While different opportunities to travel emerge within families because of differential legal status, the barriers to mobility created by the checkpoints are extensions of those processes, manifested as spatial realities.

Equally disheartening, people are inhibited in their ability to travel in the other direction. For mixed-status families living near the border, maintaining

ties in Mexico is simultaneously facilitated by its proximity and full of frustration because of their inability to actually visit there. Angela, who is undocumented but whose husband is a legal permanent resident, described how her young children are always saddened that she cannot join them:

> They go with their dad to go see my mom in Mexico, and they say, "*Mami*, we want you to come with us!" And I say, "No, I don't have papers, so I can't cross. If I go with you, I will have to stay there." And my middle son always says, "*Ay mami*, when I am big I am going to help you so that you can go over there too, to see grandma." So that always makes me sad, but at the same time I am happy that at least they can go over there to visit.

After decades in the United States, those family ties begin to loosen, and the immobility causes people to no longer be as close to family as they once were. Irma said, "People don't understand what it's like to leave everything, to leave your whole family over there. I have nieces that I just saw for the first time when my sister came here. They are twelve years old now, and I had never met them." Sighing, she continued, "Your family changes, and you have changed because you live here. It especially affects you that you can't see your own parents as they are getting older. It affects us a lot, emotionally. We get depressed. Currently my husband is very sad; he puts on music that reminds him of his family and cries." Most poignantly, there were numerous stories about being unable to attend funerals, especially of parents or grandparents. Michelle told the following one:

> My grandma, my dad's mom, recently passed away, and it was hard because my dad really wanted to go, but if he went he wasn't going to be able to come back. It happened when my own mom passed away, too. So my dad didn't go to his own wife's funeral [in Mexico]. I never got to see her when she passed away. Now that I am an adult, I am thinking about it—I'm like, oh my God, they took her to Mexico and I never saw my mom. They sent her over there and buried her. So, I missed my mom's funeral and then I couldn't go to my grandma's funeral either. It was hard.
>
> One of my aunts had a grave plot that she gave to my dad. When we were finally able to go over there, we went to my mother's grave. But since we're not there, our family doesn't really keep up with the maintenance. She didn't have a stone marker. It was just dirt. So, they told us that they were going to take her [body] out if it stayed like that. They were going to just go throw her in a hole

> or something! So, my dad saved up and sent the money to get the marker. They sent us a picture, and that's when we saw they misspelled her last name. And we're like, oh my God!

This misspelling underscored how little control Michelle had over the memory of her mother. Today, Michelle is the mother of two children. She is also sad that they were unable to meet their grandmother while she was alive, noting, "If I had papers, I would be able to go see my family over there more often and my baby would've been able to meet her grandma before she passed away. Because now she will only ever know her by pictures."

Estamos Encerrados: Im/mobilities and the Mixed-Status Family

Border policing affects the physical movement of mixed-status families, and differences in legal status become embodied as stratified forms of mobility. U.S. citizens may limit their own mobility because they want to remain close to family members who do not share the same ability to relocate. Many young adults reported being scared of driving, even if they themselves were not undocumented, rooted in a fear of police that is often subconsciously instilled in them. Others reported being anxious that, when driving around undocumented family members, they would become responsible for them if they were detained during a traffic stop. U.S. citizens may have trouble obtaining a driver's license because there is no one in the family to accompany them in order to complete their training. In addition to legal status, age and generation shape opportunities for mobility: young people can more easily move through the spaces of the borderlands, with their various checkpoints and roadblocks. School trips on buses, which are less likely to be thoroughly inspected at checkpoints, are a specific opportunity available only to children and youth. Indeed, part of becoming an adult is transitioning from the relative freedom of one's school days to a state of immobility. Through these poignant examples, the chapter demonstrates how the construction of illegality for some members in a family influences possibilities for everyone.

On the other hand, people develop a set of strategies to combat the limitations to their mobility. Some forms of resistance are dangerous, such as being dishonest about one's citizenship status in order to cross a checkpoint, or driving without a license. Other people employ tricks to remain inconspicuous. Gerardo, who is undocumented, must drive to work without a license, but he wears his company uniform to look "professional" and greets Border Patrol agents with a friendly wave each morning. Finally, large-scale resistance emerged through use of social media to warn about random checkpoint locations.

Local context impacts the everyday experience of illegality when it comes to mobility. The geographic boundedness of life in the Rio Grande Valley—with Mexico to the south, checkpoints to the north and west, and ocean to the east, not to mention the patchwork of temporary roadblocks throughout—creates a unique landscape impacting the "policeability" of immigrants compared to communities in interior parts of the United States.[47] While the permanent checkpoints trap people within a distinct space, the temporary roadblocks fuel fear and uncertainty within that space. They synergistically produce a sense of entrapment. Like those in the interior of the United States, temporary roadblocks affect everyday spaces of labor and circuits of social reproduction in immigrant communities.[48] Many people are unable to travel out of airports, even if they have a valid form of identification, since Border Patrol works alongside TSA in border sites, preventing people from leaving. In the border region, there is a unique interplay between space and the expediency of enforcement practice: the consequences are more immediate, as processes like voluntary return and expedited removal can be invoked for apprehensions within 100 miles of the border. As a result, undocumented persons experience legally differentiated internal spaces that may rarely be apparent to legal residents, unless they are in mixed-status families.[49] Many people described feeling as if they are trapped in a cage, or stuck on an island, or *encerrados* (locked up/locked in), or living in a jail that happens to also have a beach. This immobility skews their sense of reality; travel begins to feel like "virtual reality." The containment in or confinement to the region also impedes family cohesion and prevents families from traveling to experience new things together. Finally, racialized policing practices play out differently in this region of the border. While mobile checkpoints, detention, and deportation rely on racial profiling, these practices are more complex in a region that is majority Latino, since they treat all residents—including U.S. citizens and permanent residents—as potentially suspect. Residents of South Texas appear to live in a state of legal exception due to the policing practices that affect everyday life.[50]

Physical and social mobility are intimately tied to one another. This chapter focused on the first, but with implications for the latter. The next chapter

extends the idea of boundaries and mobilities to social spaces and life opportunities, examining the secondary borders that individuals in mixed-status families encounter in attending college or pursuing their chosen careers. There are numerous tertiary borders, such as the emotional toll on individuals and families, but also strategies to overcome them.

CHAPTER 5

ADDITIONAL BORDERS

EDUCATION, WORK, AND SOCIAL MOBILITY

THE DAY AFTER THANKSGIVING in 2011, Joaquín Luna, an eighteen-year-old senior at Juarez-Lincoln High School in Mission, Texas, wrote letters of goodbye to relatives, friends, and teachers in the pages of a spiral notebook.[1] He asked his brother to take good care of his nephews and his niece. He let a friend know that he had left a memento for her in his Bible.[2] He helped his diabetic mother to bed, kissed her goodnight, and told her that he loved her and needed her forgiveness. Then he put on a suit and tie, went into the bathroom, and shot himself in the head with a .38 revolver. He died instantly.

Joaquín was born right across the border in Tamaulipas, Mexico, and was brought to the United States at the age of six months. His mother and older siblings worked as migrant farmworkers, and he traveled alongside them to Arkansas, Indiana, and Minnesota, where they worked in the asparagus, cotton, jalapeño, melon, and tomato fields. They eventually settled back in the Rio Grande Valley. Joaquín had a natural affinity for math and science, bringing home report cards with nothing but A and B grades. He aced the college credit classes offered at his high school. But he was undocumented and knew that this would limit his future.

After the suicide, his brother (see figure 4) said Joaquín had been distraught over his legal status, which left him with little hope of ever fulfilling his dream of becoming a civil engineer. Joaquín had already been accepted into several prestigious universities but found out his immigration status made him ineligible for scholarships. He knew that his family could not afford the tuition, and