

# Immigrant Criminalization in Law and the Media: Effects on Latino Immigrant Workers' Identities in Arizona

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## Abstract

This article examines the effects of two forces in the context of reception: the legal regime and enforcement practices and media portrayals of immigrants as they combine to shape the lives of immigrants, particularly Latinos, directly and indirectly. It focuses on the case of Latino immigrants living in Phoenix, Arizona. Although the context of reception is conceptualized as including laws and policies, the media contributes significantly, as media portrayals reinforce or fuel the effects of laws and policies. When laws are exclusionary and enforcement is expanded, negative media portrayals contribute to create a particularly hostile context at the level of formal institutions and at the level of public discourse. Immigrants respond in multiple ways, including shaping their identities to highlight their image as hard workers and to distance themselves from images of immigrants as criminals. These two forces shape immigrants' views about themselves and of their position in U.S. society.

## Keywords

immigration laws, media representation, identity as workers, distancing from criminal images

## Introduction

A burgeoning literature has documented the effects of the legal regime and contemporary enforcement practices on immigrants in the major immigrant-receiving countries (Bloch, Sigona, Zetter, 2014; Chauvin & Garcés-Mascreñas, 2012; Donato & Armenta, 2011; Menjivar & Kanstroom, 2014; van Meeteren, 2010). The legal regimes

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of the contexts in which immigrants arrive today exert their effect through the legal statuses they produce (Menjívar & Kanstroom, 2014), creating categories of immigrants with and without access to the goods and services of society thus producing new forms of exclusion and inequality. And whereas laws are designed to apply to individuals and legal statuses are conferred to individuals and it is individuals who become targets of enforcement practices, laws take effect through households, families, and communities. As such, the legal regime spills over to affect not only the individual immigrants but also their families and communities in direct ways (Menjívar, 2014b), through deportation and restrictions on rights as well as through the symbolic meanings of law (Berkowitz & Walker, 1967). The symbolic meanings of law and their potential effects on immigrants are captured in public discourses and media coverage of immigration. In turn, these portrayals contribute to solidify and exacerbate the impact of the law and enforcement practices, as negative images of immigrants are reproduced repeatedly while at the same time, politicians and pundits discuss legal strategies to combat the alleged deleterious effects of immigration on institutions, communities, and society in general.

I examine the effects of these two forces present in the contexts in which immigrants arrive: the legal regime and its enforcement practices on one hand, and the (mostly negative) media portrayals of immigrants on the other. I focus on the case of Phoenix, Arizona—allegedly one the most inhospitable contexts for immigrants today—and on the experiences of recent Central American and Mexican immigrants, the most targeted immigrants of Arizona's tough laws. Thus, I look at a "double extreme case"—an inhospitable context and a targeted group—for the potential it has for understanding how the context affects immigrants and how immigrants respond. Though the "extreme" conditions in the Phoenix metropolitan area perhaps are present in lesser degrees of strength or in other expressions in other locations and cities around the country (and the world), examining the effects of the condensed form with which they are present in Phoenix may be particularly fruitful. It can contribute to a more general understanding of the dynamics that undergird the relationship between a hostile context of reception and the effects it has on immigrants, their families, and communities. Indeed, in single-case research extreme or unique cases have been found to be particularly useful for theorizing (Yin, 2003).

I argue that these two factors—the legal regime and media representations—combine to shape the lives of immigrants, particularly Latinos, directly and indirectly. Although the context of reception has been conceptualized as including laws and policies that receive immigrants, the dynamics of the labor market, and the ethnic community's support (Portes & Zhou, 1993), I add the role of the media to this context. Negative media portrayals create an environment in which harsh enforcement practices are easier to implement because the public is prompted to see the problems that immigrants supposedly bring and thus to perceive tough enforcement strategies as necessary to address such problems. Together, these two factors fashion a particularly hostile milieu for immigrants, as the messages from the media and from politicians reinforce stricter law enforcement and exclusionary practices. Thus, at the level of

formal institutions as well as at the level of public discourse and everyday practices, immigrants receive messages that they are devalued and unworthy. Though they are needed for the jobs they perform, and scholars have argued that in fact immigrant workers are *made* vulnerable through law for the economic benefit that their exploitation can bring (Massey & Pren, 2012), immigrants are unwanted as members of communities and the nation. One way for immigrants to respond is through two interconnected strategies to carve out a dignified space—through distancing themselves from the media-constructed negative images of immigrants as criminals or free riders, and through demonstrating that they are workers and thus contribute productively. These are also markers of neoliberal citizenship they have learned—through living highly regulated and circumscribed lives—that the state might reward (with the conferral of legal status) and society will recognize with (at least partial) inclusion (see Chavez, 2013; Menjívar & Lakhani, in press).

Even though this article does not fall squarely within the influential body of work that has examined the construction of immigrant identity (e.g., Gans, 1979; Portes & Zhou, 1993; Waters, 1990), I would like to highlight links between my examination and what other scholars of immigration have observed regarding identity construction. Here I argue that Latino immigrants in Phoenix actively distance themselves from negative images of immigrants depicted in the media and position themselves in a positive light as the hard workers they are so as to demonstrate deservingness (and in this way rework meanings of citizenship and belonging). A central focus in immigration scholarship is the link between identity and incorporation or assimilation, with debates about whether and how much immigrants detach themselves from or remain connected to their immigrant identities as incorporation proceeds. In a way, my examination follows in this tradition. In this vein, Waters (1994) identified important patterns of identity construction that parallel the experiences of the Central Americans and Mexicans in my study, as the Black Caribbean immigrants in her study sought distance, embraced new identities, and created new self-perceptions to respond to the negative stereotypes with which they were associated. My work contributes to this scholarship, as I also examine how immigrants construct perceptions of the self in line with what is expected of them as they seek membership and experience the process of incorporation (or exclusion).

This article is divided into three main sections. First, I summarize the scholarship on the effects of immigration laws on various spheres of immigrants' lives to center my examination in this body of work and highlight my contributions. Next, I lay out the specificities of the context that receives Latino immigrants in Phoenix with a focus on the legal context and media portrayals. In this section, I present a brief analysis of media portrayals that I conducted based on articles published in *The Arizona Republic*, the largest newspaper in the Phoenix metro area. In the next section, I present two empirical cases in depth to illustrate how immigrants respond to this context through constructing an identity as workers while also distancing themselves from negative images. In the last section, I return to a discussion of what this examination can contribute to the scholarship on immigrants' identities and perceptions of themselves.

### *Laws, Legal Status, and Effects on Immigrants*

A significant body of research has documented the effects that the contemporary legal regime exerts on most areas of immigrants' life through the undocumented and quasi-documented statuses it produces. Legal status has become impactful for immigrants due to how laws operate on the ground. First, as has been argued, vulnerable legal statuses are not simply the "unintended consequences" of laws but are in fact *created*—designed by law—to maintain a regular supply of needed but pliable and exploitable workers with only minimal rights (Calavita, 2005; De Genova, 2004; Massey & Pren, 2012). And second, legal vulnerability means circumscribed and constrained lives, with obstacles to long-term incorporation and life chances that rival those that come from disadvantages in other social positions such as gender, social class, and race (Menjívar & Kanstroom, 2014). But, whereas U.S. law bars discrimination on the basis of most social positions, the law *requires* discrimination (and denial of society's goods and services) on the basis of legal status. This formalization of exclusion through law has cumulative effects and legal status then overwhelmingly shapes immigrants' lives, with short- and long-term effects—in immigrants' interactions with institutions, their personal lives, and in reshaping their identities.

Scholars have observed the effects of legal status in how immigrants interact with social institutions and the social benefits they can access. Legal status affects employment and wages (Flippen, 2012; Hall & Greenman, 2015), access to social benefits (Capps, Castañeda, Chaudry, & Santos, 2007) and health care (Cummings & Kreiss, 2008; Viladich, 2012), housing conditions and crowding (McConnell, 2015), and immigrants' educational attainment and trajectories (Greenman & Hall, 2013; Menjívar, 2008). Recent research notes that the effects of legal status can transcend generations as even the grandparents' undocumented status can negatively affect Latino grandchildren's educational prospects (Bean, Brown, & Bachmeier, 2015). Even when immigrants have constitutional access to K-12 education, a fear of deportation can obstruct their progress and prevent them from graduating (Jefferies, 2014). Among Latinos, a spillover effect has been identified by which enforcement practices affect not only undocumented immigrants but also documented and even U.S.-born Latinos (Esbenshade & Obzurt, 2008). Thus, because legal status strongly affects key spheres of life for integration, it can significantly alter immigrants' life course and lead to their exclusion in similar fashion as other axes of stratification such as race, gender, or social class (Bozick & Miller, 2014; Menjívar, Abrego, & Schmalzbauer, 2016; Waters & Gerstein Pineau, 2015).<sup>1</sup>

Moreover, legal status affects individuals at a more personal level, as "illegality" can shape immigrants' identities and subjective understandings of the self (Chavez, 1992; Gonzales & Chavez, 2012; Menjívar & Abrego, 2012; Menjívar & Lakhani, in press; Santos & Menjívar, 2013). In immigrant communities, especially where Latinos comprise a majority, an undocumented status has become associated with fear, anxiety, and insecurity because of its connotation with detention and deportation (Boehm, 2012; Gonzales & Chavez, 2012; Menjívar & Abrego, 2012). In these spaces, immigrants alter their daily routines and behaviors to avoid detection and potential deportation; living with this constant threat can lead to anxiety, depression, and other symptoms of extreme stress (Gonzales & Chavez, 2012), as well as extrafamilial and intrafamilial acculturative stress (Arbona et al., 2010).

Living in precarious legal statuses can reach into intimate and subjective spaces, creating an “interiorized mode of being” (Peutz & De Genova, 2010, p. 14) and modifying subjective understandings of what it means to live in uncertain legal statuses (Gonzales & Chavez, 2012). This scholarship has unveiled the phenomenology of undocumented immigration that comes from internalized exclusionary legal practices (Willen, 2007). The threat of detection and potential deportation and the fear this threat elicits can generate powerful “subjectivication” effects (see Chavez 1992, 2013) as it can shape how immigrants feel about themselves, their rights, and their deservingness in society (Larchanché, 2012). Legal status can transform immigrants’ legal consciousness (Abrego, 2011), and heighten their understandings of the law and lead them to experience it with particular force (Menjívar, 2011). Stigma and discrimination also accompany awareness of an undocumented status (Abrego, 2011; Brown, 2015). A study that examined the effects of Arizona’s SB 1070 law among middle-school youth found that mere awareness of this law among these youth had a small but noteworthy negative association with the youth’s sense of being American; this weakened sense of American identity also resulted in a small but meaningful reduction in psychological well-being (Santos & Menjívar, 2013). Finally, research also has noted that as immigrants come into contact with U.S. immigration law through applications for regularization, detentions, and/or deportations, and the institutions and bureaucracies through which immigration policies are implemented, immigrants internalize their position vis-à-vis the law, becoming aware of who they are and who they need to become, in turn effecting significant transformations of the self (Menjívar & Lakhani, in press).

Thus, research has identified the effects that an undocumented status—in contexts of heightened enforcement and stringent laws—can have on the immigrants’ sense of who they are, who they are becoming, and how they see themselves in relation to others. Importantly, whereas the imperatives of social research impose the compartmentalization of different areas of life that legal status shapes (e.g., some studies focus on effects on wages, others examine the effects on access to housing, whereas others look at effects on a personal level, to name a few), in real life these effects pile up for immigrants who experience them all at once. Thus, an undocumented immigrant earns lower wages and is more likely exposed to exploitation, cannot access regular health care and social safety net programs, and cannot obtain a driver’s license, among other constraints. This is all amplified when living in a context of harsh laws and intensified enforcement and saturated by negative media depictions of immigrants. This is the Phoenix context where Latino immigrants deploy identities as deserving workers and as members of their communities to respond to a hostile environment.

### *Legislative Context and Media Representations in the Phoenix Metropolitan Area*

The multilayered nature of today’s legal regime involves various levels of government, adding power and control and thus exacerbating the effects of each layer on the lives of the immigrants, effecting a “force multiplier” that has resulted from the increased participation of states in the enforcement of federal immigration law (see Waslin, 2010).

At the federal level, the passing of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) fundamentally transformed life for immigrants—undocumented, documented, and quasidocumented alike. IIRIRA, in conjunction with the 1996 Antiterrorism and Effective Death Penalty Act expanded grounds of exclusion and deportation; *retroactively* expanded many criminal grounds of deportation; eliminated some and limited other discretionary waivers of deportability that affect even permanent legal residents; expedited deportation procedures for certain types of cases; vastly increased possible state and local law enforcement involvement in deportation through the creation of Section 287(g); and created a new type of streamlined “removal” proceeding—permitting the use of secret evidence—for non-citizens accused of “terrorist” activity (Menjívar & Kanstroom, 2014). This law created mechanisms that have made it possible for the federal government to deport a record number of individuals in the past few years (Kohli, Markowitz, & Chavez, 2011), even those holding permanent legal status. Thus, the year before IIRIRA passed, there were 69,680 deportations; this figure has increased every year, reaching a record of 392,000 in 2009 (U.S. Department of Homeland Security, 2010) and keeping up the trend with close to 400,000 deportations in 2010 and 2011.

In addition, and relevant for the Central American immigrants in this study, the federal government granted Temporary Protected Status (TPS) to Hondurans and Salvadorans (and to a few Nicaraguans as well as nationals of countries designated for this protection) who arrived in the United States after natural disasters in their countries. TPS is intended to provide short-term relief to people escaping civil strife or natural disasters in their countries or origin, but instead has become a long-term legal limbo, or liminal legality (Menjívar, 2006), for over 250,000 Central American immigrants who have held this status for over 15 years. TPS must be renewed status every 18 months and confers a work permit and a stay of deportation provided that these immigrants meet other requirements, such as maintaining a clean criminal record. Hondurans obtained it in 1999 to protect them from the devastation of Hurricane Mitch and Salvadorans received it in 2001 after two devastating earthquakes in that country earlier that year. There are an estimated 212,000 Salvadorans and 64,000 Hondurans in this status today (Messick & Bergeron, 2014).

At the state level, Arizona has passed a battery of laws as part of a strategy of “attrition through enforcement,” that is, the state sought to make conditions so inhospitable that undocumented immigrants would “self-deport.” In 2004, Arizona voters approved Proposition 200 (“Protect Arizona Now” or “Arizona Taxpayer and Citizen Protection Act”), a law that requires proof of eligibility to receive social services<sup>2</sup> and for state and local workers to report immigration violations to federal authorities in writing. This law also requires voters to document their U.S. citizenship when registering to vote and when voting. In 2006, Arizona voters approved Proposition 100 to deny bail to undocumented immigrants accused of felonious crimes; Proposition 102 to bar undocumented immigrants from collecting punitive damages in civil lawsuits; Proposition 103 to make English the official language of the state; and Proposition 300 to deny in-state college tuition to immigrants who cannot produce proof of permanent legal residence or citizenship while barring undocumented immigrants from accessing

subsidized child care and adult education programs (Arizona Legislative Council, 2006).<sup>3</sup> In addition, the Legal Arizona Workers Act (LAWA), a law to target businesses that “intentionally” or “knowingly” hire undocumented immigrants, went into effect on January 1, 2008.<sup>4</sup> This law was challenged in the courts but the U.S. Supreme Court upheld it in early 2011.

In addition, a former Maricopa County attorney issued an opinion in 2006 reinterpreting a 2005 human smuggling law to charge undocumented immigrants as coconspirators in their own smuggling, a move that elevated unauthorized entry to a criminal (rather than a civil) offense, and thus undocumented immigrants could be charged with felonies. In late 2009, as part of the 2010 state budget, the Arizona Legislature signed into law House Bill 2008, a section of which requires those who seek “any state or local public benefit to prove citizenship by providing a driver’s license, passport, or other legal identification” (Benson, 2009). Then in 2010, Arizona legislators and the governor passed and signed into law HB 1070 (later Senate Bill 1070). This law originally included several penalties, such as requiring law enforcement agencies who come into *legal contact* with an individual to determine their legal status if the authorities find it reasonable to suspect the person is in the country undocumented; making it illegal for undocumented workers to seek work in public places and for employers to stop at a street to pick up and hire undocumented workers; charging a person with trespassing if the person cannot produce an alien registration card; and allowing law enforcement agents to arrest a person without warrant if there is probable cause to believe the person has committed a public offense that makes the individual removable from the United States (Arizona State Senate, 2010). This law was challenged in court and in 2012, the U.S. Supreme Court struck down most of its provisions, leaving in place Section 2(b), which requires that officers make a reasonable attempt to determine the immigration status of a person with whom they come in (legal) contact.

Furthermore, the blurring of lines between federal powers and state responses in immigration matters exacerbates conditions in an already hostile context. The Maricopa County Sheriff’s Office (MCSO) was one of the most vigorous users of the 287(g) agreement, which created collaborations between the federal and state governments to enforce federal immigration law. The MCSO encouraged citizen volunteers to patrol streets and conduct traffic stops for minor infractions, usually in neighborhoods with high concentrations of Latinos. Through the 287(g) agreement, the MCSO alone deported about a quarter of all immigrants in the country, even though its share of the undocumented population is under 400,000 (out of about 11 million). As such, Arizona was already contributing a large share of deportees nationwide, years before SB 1070 going into effect.

**Media Representations.** One important avenue for immigrants to be reminded of the formidable power of the legal regime is through the media, which conveys messages and information that reach immigrants every day. The media transmit public officials’ statements and calls to stop immigration and of a border “out of control,”<sup>5</sup> inform the public about current enforcement practices and provide assessments of their effectiveness in stopping the flow of immigrants. In general, the media contribute to

constructing and maintaining the “problem” of immigration in the public’s radar by focusing mostly on negative images of immigrants, especially those of Latinos, and the “problem” of immigration. Research has found that while ethnocentrism can explain Whites’ immigration policy opinions, attitudes toward Latinos account for nearly all of the impact of ethnocentrism on policy since 1994 (Valentino, Brader, & Jardina, 2013). Thus, the media reinforces and often exacerbates the nonimmigrant population’s fears and a hostile climate that immigrants experience.

Research has shown that the media play a fundamental role in shaping the public’s views of immigrants. Debates of deservingness and the racialization of the immigrant “other” are not new, only the groups have changed over history (see Fitzgerald & Cook-Martin, 2014). However, today’s anti-immigration sentiments and politicians’ negative discourse are disseminated through a vast network of media and technology that creates hostile environments for certain immigrant groups. Scholars have argued that the language and images that public officials use to frame immigrants and immigration can directly shape the public’s view of immigrants (Santa Ana, 2002). And even though immigrants have been portrayed as a national security threat since the birth of the nation, the need to protect the nation and secure the Mexico–U.S. border seems to have gained urgency after 9/11 with a general turn to “securitization” (Menjívar, 2014a). Foreigners, regardless of legal status, are now targeted as a national threat (Ewig, Martinez, & Rumbaut, 2015), with certain groups, including Latinos, constructed as particularly threatening (but see Nicholls, 2014, for variants in this discourse). As Latino immigrants are perceived as the quintessential border crossers (threatening the nation) and also as breaking the law (bringing crime), they are equated with criminals<sup>6</sup> and as potential terrorists (Dowling & Inda, 2013). Media portrayals play a crucial role in depicting immigrants as threats to local neighborhoods and to the nation (Sohoni & Mendez, 2014). Images of the border transmitted in the media showing helicopters, drones, and high-speed chases contribute to creating the need to secure the border (Jones, 2014).

However, Latino immigrants are not only portrayed as criminals and threats to national security but also as seeking access to social benefits in the United States that are paid for by U.S. taxpayers, although new formally admitted immigrants (“legal”) and the undocumented are not eligible for most public health services (Huang, 2008). Hence, another popular media image associated with (mostly) Latino immigrants is that of *anchor babies*, a narrative that evokes images of pregnant immigrant women crossing the border to give birth on U.S. soil in order to acquire citizenship through their U.S.-born babies (Chavez, 2013; Huang, 2008). But perhaps the most common, enduring, and encompassing negative images of Latino immigrants are captured in the term “illegal,” which has been primarily associated with Latino immigrants. For instance, Sohoni and Mendez (2014) found that foreign student workers originating in Eastern Europe and Asia are labeled as “exchange” students or “foreign visitors” in the media. Latino immigrant workers on the other hand are labeled “illegal.” Media portrayals with negative connotations thus focus on border crossings and the illegal acts they embody (Sowards & Pineda, 2013).



In an analysis we conducted<sup>7</sup> of media coverage of immigration from 1999 to 2012 in *The Arizona Republic*, not surprisingly, we found that coverage of immigration-related issues increased significantly as enforcement went up and as more restrictive laws were passed (see the aforementioned section for a chronology of these laws), increasing sixfold between 1999 and 2006 (staying at that level in 2010). Beyond these counts, we examined the language used to refer to immigrants and images that research has documented are associated with Latino immigrants. With respect to language, in keeping with research on negative media representations of these immigrants, we looked at the use of the term “illegal.” Whereas this term was used in about 36% of articles covering immigration between 1999 and 2004, it jumped to 49% in 2007 and to 57% in 2008. Concomitantly, the more benign term, “undocumented,” followed an inverse trend after tough laws started to be passed: The use of this term *decreased* from a high of 36% in 2005 to 11% in 2010, the year SB 1070 was passed (in that year 50% of articles used the term “illegal”).

Thus, as increasingly tougher were laws passed, Latino immigrants were more often being depicted in the news media as “illegals,” sometimes as “criminal aliens,” which likely served to sustain public support for tough laws through cementing the image of immigrants as criminals and lawbreakers. In content, our analysis of the newspaper articles depicted Latino immigrants as aggravating problems already existing in Arizona (due to dramatic budget cuts), portraying them as coming in with low levels of education, showing them as “violent smugglers and other illegal border crossers,” noting that Mexican ID cards can pose a threat to the security of Arizona, and reporting on proposals to create databases that would enable state officials to follow “this shadow group” and commenting on these immigrants’ “undisputed criminal presence in the country.” Although such statements may not be those of the editorial board of *The Arizona Republic* or of the reporters themselves, printing such narratives and statements from state officials in positions of authority on a regular basis has contributed to solidify images of Latino immigrants as lawbreakers and criminals. Importantly, although Latino immigrants in Phoenix may not read *The Arizona Republic* regularly, this newspaper informs the public and voters and disseminates these images widely. For their part, Latino immigrants often receive news from Spanish-language media which transmit on a regular basis (almost daily) what politicians and policy makers say about them. Thus, the media—in different languages—transmit negative images and narratives about immigrants to immigrants and nonimmigrants alike.<sup>8</sup>

This brief summary of Latino immigrant depictions by the largest newspaper in the Phoenix metro area provides a snapshot of the general media representations that also come from radio, television, and social media, all of which contribute to shape the public’s perceptions of Latino immigrants in the area (see Valentino, Brader, & Jardina, 2013). Together with the enforcement practices I summarized in the previous section, these media messages are powerful reminders to immigrants that they do not belong and that they are unwanted—or partially belong and only wanted for the labor they contribute. Next, I summarize the methods and data I have used for this analysis.

## Data and Method

This article draws on a series of studies of Latin American–origin immigrants that I have been conducting in the Phoenix metropolitan area since 1998. I have used a purposive approach to identify potential study participants, relying on the expertise of key informants in churches, community organizations, and neighborhood shops and restaurants to locate study participants. The study participants in the years that I have been conducting this study have been selected so that all were at least 18 years old at the time they left their home countries and have resided in Arizona for several months (but usually a minimum of 3 years). The study participants have selected the location of the interviews—usually their homes—which has provided valuable opportunities to gain insights into their lives. Together with my research assistants over the years, we have conducted 93 formal interviews (and reinterviews) with Guatemalan, Honduran, Salvadoran, and Mexican immigrants in the Phoenix metropolitan area.<sup>9</sup> Each participant has been assigned a pseudonym and when necessary, I have altered the narratives slightly to maintain the participants' confidentiality (and safety). All interviews were conducted in Spanish and transcribed, only translating into English the quotes used in my writings.

In addition, I have followed a core group of study participants over the years, and spoken with many others, as well as with community workers, religious leaders, teachers, consuls, community organizers, and social workers. The core group of study participants has consisted of five extended families that have changed in structure and composition over the years; following them longitudinally for over a decade and a half has permitted me to observe important changes within these families and individuals as they respond to the context in which they live. During the course of this study, I also have undertaken fieldwork and spent time in places where immigrants conduct their daily lives, such as health clinics, schools, supermarkets, and churches. This long-term contact with Central American and Mexican immigrants in the Phoenix metro area has helped me capture what long-term legal uncertainties translate into in real life and how changes in the law affect individuals' lives.

In the following section, I present two cases that are representative of the patterns that emerged in my observations. This approach allows me to discuss in depth the effects of the context I laid out earlier on individual immigrants (and their families) and to present a fuller picture of the effects of the legal context and the media messages on the immigrants' perceptions of their selves. These cases are neither isolated nor are the individuals in them the only ones in similar situations; rather they each present a dimension that I identified inductively, each illustrating a pattern of how identities are reshaped and individuals' perceptions of themselves transformed in a hostile immigrant-receiving context. For analytical purposes, I separate the two mechanisms but in reality, immigrants deploy them in tandem.

### *Immigrants Responses: Buttressing Identities as Noncriminal and as Deserving*

Given the context that Latino immigrants face in the Phoenix metropolitan area, they respond by presenting themselves as deserving not of social services or welfare

benefits but of a place in U.S. society as workers who merit dignified treatment. They do so through two mechanisms: (a) distancing themselves from images of immigrants as criminals and lawbreakers and (b) reaffirming their identities as workers. Together these mechanisms allow immigrants to claim the dignified place they deserve as well as better treatment (and to not be harassed and stigmatized). In the process, they alter their sense of self and, ultimately, their identities, to better fit the neoliberal subject-citizens that they believe U.S. society and its government would want.

Ideals of deservingness and undeservingness are based on understandings of poverty and perceptions of the poor as deserving or undeserving, a dichotomy predicated on moral categories of worth (Handler & Hasenfeld, 1991; Willen, 2012). The deserving and the undeserving poor are often separated on the basis of perceived personal responsibility for their circumstances. Poverty among the undeserving can be seen as the result of laziness, immoral behavior, inadequate skills, or resulting from inherited limitations that prevent them from realizing their potential, while the deserving poor are believed to have arrived at their circumstances through no fault of their own (Katz, 2013). Increasingly, in immigrant-receiving contexts, immigrants are perceived to be undeserving. A comparative study conducted across European countries found a shared deservingness view that consistently placed the elderly as most deserving, followed by the sick and disabled, then the unemployed, and immigrants as the least deserving of all (van Oorschoot, 2006). U.S. findings are similar, as undocumented immigrants are seen as the least deserving in a long list of excluded groups (see Massey, 2007). Perhaps immigrants are perceived as undeserving so consistently because they are seen as being personally responsible for their circumstances since they initiated their own migration.<sup>10</sup> In an already unhospitable context, such as what the Central American and Mexican immigrants in my study face in Phoenix, questions about deservingness punctuate public conversations, media representations, and public officials' discourse. It has become the thread that links most discussions about immigration and immigrants, often regardless of immigrants' legal status.

I will start out by presenting the case of Floridalma and her family, Guatemalan immigrants who have been living in Phoenix since 2004, to illustrate how immigrants actively distance themselves from the prevalent images about immigrants as criminals and how this act of distancing shapes their own views about themselves and their evolving identities as workers.

I have known Floridalma for almost 10 years. She worked in the maquila industry in Guatemala from the time she was 18 until she was 36, when she decided to migrate to the United States at the invitation of her sister-in-law who lives in Phoenix. At 36, she was "old" for maquila work and thus at risk of being fired any time. She arrived in Phoenix in late 2004, and her oldest daughter, 22-year-old Yamilet, joined her in late 2005. Floridalma and Yamilet lived with Floridalma's niece and the niece's family, but Yamilet established a union with a Mexican man with whom she now has two children and Floridalma moved in with two roommates who are also Guatemalan. Neither Floridalma nor Yamilet have any opportunities to regularize their status; they are in the country undocumented with no family ties to gain regularization. Floridalma left two other children, young teenagers at the time, in the care of her mother in Guatemala. She would like to bring them over but the dangers involved in a journey by land and

the difficulty of life in Phoenix make her hesitate. Floridalma remits every month and whenever she can she sends her children and mother some gifts as well. She started working at a musical instrument factory 2 months after arriving from Guatemala but was fired because LAWA of 2007 came into effect (in 2008) and her employer feared the consequences of hiring undocumented immigrants that this new law made possible. Thus, she got a job cleaning houses with a neighbor who took her in as an assistant. For a while, this job provided Floridalma with barely enough income to survive in Phoenix but not to fulfill her financial obligations to her children and mother in Guatemala. Eventually, she got her own group of houses to clean and this has allowed her to remain in Phoenix and even thrive.

In 2009, Floridalma explained that she tried to conduct her life carefully, going to work, to the market, and once in a while to visit her sister-in-law and to church, but not more than that because she was afraid of being detained and “for sure deported.” She watches the news every single day to keep informed<sup>11</sup> and

[she often feels] sad but also angry to hear what they say about us, immigrants [in the news]. No, we are not criminals. There may be some among us, but those people exist everywhere. As they say, *de todo hay en la viña del Señor* [everything exists in God’s vineyard, meaning there are good and bad people everywhere].

And although she has never seen the “immigration” (how immigrants often refer to immigration officials), friends had told her that

[they had seen them] at Wal-Mart, Food City [a supermarket chain catering to a Latino clientele] and at malls, and places like that, but I’ve never seen them around here where we live. Yes, of course, I’m afraid, but I always say, I haven’t done anything wrong. I don’t feel like a criminal, well, because I am not a criminal [smiles], right? I’ve never been one, so I shouldn’t fear anything, right? (Menjívar, 2011, p. 390)

Floralma emphasizes that she should not have anything to fear because she lives “a clean life.” She jokingly explained that even if she wanted to commit a crime, she could not do so because she simply has no time with her incredibly busy work schedule. Thus, in 2013, she decided to purchase a car; it was about time to live like everyone else, she explained, even though she did not have a driver’s license (Arizona does not give driver’s licenses to undocumented immigrants) and did not even know how to drive. She would ask her daughter, a friend, or a neighbor to drive her car for her whenever she needed to run an errand or go to work. In early 2015, she finally decided to start driving and now even drives herself to the different homes she cleans, if it does not involve driving in the freeway. She explained,

I had to be courageous because I couldn’t continue to rely on all these people to drive my car. And deep down, I thought to myself, “What am I afraid of? Why don’t I drive? I have the car and I have places that I need to go to. Why not take the car myself?”

She confessed that even though she now felt more in control and even self-assured, that she often feels afraid when she is driving.

The regular reminders that she does not belong and threats of deportation transmitted through the media and politicians' statements got Floridalma to think differently about herself but also to take the step to have a more public presence by driving a car. She also has repeatedly mentioned (and I have seen) her efforts to demonstrate that she came to the United States "to work and not steal." She works 6 days a week (7 when a client needs a house cleaned on a Sunday), is proud to talk about what a hard worker she is, and usually makes references about her daily routine as an immigrant worker (and not a criminal or someone who is living at the expense of taxpayers) in juxtaposition to what she hears about immigrants in the news.

*The Deserving and the Nondeserving: Drawing the Line.* Here I present the case of the Bolaños family to illustrate immigrants' responses to the context through redefining perceptions of who they are. Although laws that create legal statuses are designed to target individuals, their effects, immigrants' understandings of laws and enforcement practices, and how they interpret the messages they receive from the context around them occurs through families. To highlight the key role of family in these assessments, I will focus on the experiences of one such family.

I have known the Bolaños family since 1998, when I first interviewed Josefina and Armando, and eventually came to know all the members of the family. They emigrated from El Salvador one by one, and in the years I have known them, I have witnessed the imprint that the multilayered legal context has left in this family. Armando, the father, arrived in 1987 and reminisces about those days when it was relatively easier to obtain a green card. In 1991 Armando sent for his son, Manuel, who was 18 at the time. Soon after arriving, Manuel started working at the same foundry where Armando worked; he arrived on a Saturday and started working there on Monday. His mother, Josefina, joined them in Phoenix in 1993, and as soon as she arrived, she started working as a babysitter, and then submitted an application for permanent legal residence through her husband. With a work permit she obtained when she filed her application, she landed a job at a plastics factory, where she has remained for over a decade. She could have borrowed a social security number to start working in a better paying job, but she said, "I wanted to do it right, I wanted to start putting in for my pension, with my own number. So I waited until I got my correct papers."

Josefina and Armando's other son, Eduardo, asked his parents for help to come to the United States in 2001. Soon after that, their other son Ernesto also asked his parents to help him migrate, and he arrived in July 2003. These two sons' experiences were different, as it had become quite dangerous to cross the border, but both sons were able to apply for TPS in 2001. Eduardo and Ernesto have dutifully reapplied for each extension for the past 15 years. Manuel is also on TPS, but arrived at this legal status after exhausting other possible avenues to apply for permanent residence, including a petition from Armando, an application for NACARA (Nicaraguan Adjustment and Central American Relief Act), and the possibility of marriage to a U.S. citizen. He is optimistic that his "temporary" situation will be resolved, as in the decade and a half that he has been in this status, he has spent over \$25,000 in notary and lawyer fees.

Perhaps the combination of having remained in an uncertain, liminally legal status for a decade and a half (as it is the case for close to a quarter million Salvadorans in

this status today) and living in a context of heightened immigration enforcement and regular (mostly) negative messages from public officials and the media, the members of Bolaños family are always ready to talk about what this all has meant for them.

One Saturday afternoon, I stopped by their home for a visit and Josefina and Manuel took the opportunity to vent their frustrations through an extended conversation about deservingness and the images of immigrants as criminals with which they are bombarded through the media. They both listed the characteristics they possess that make them truly deserving citizens, while at the same time, they noted the qualities that separate them from the image of a criminal. In doing so, they also spoke about how they see themselves and how this affects their identities as workers.

Josefina: Well, I say to myself, why is the government unable to see that we are here working, earning an honest living, not engaging in any criminal activities, that we pay taxes, that we do no harm to anyone, that we don't take any welfare because we came here to work hard and we are proud to be hard workers?

Manuel: Exactly, that's what I always ask myself. I behave well, I work two shifts and I'm tired but I still find strength to do volunteer work. But then I see people who do drugs and receive welfare and they have green cards and I don't! Tell me, is this just? The politicians think that it is us, the immigrant workers, who commit crimes. But can't they see their own people actually committing crimes? I cannot be better behaved myself. I have tried my best to stay out of trouble, no women, no discos, no parties, no nothing. I have a completely clean record and still no green card. What else should I do?

Josefina: Yes, look at my sons. All three of them kill themselves working; they are responsible fathers and wonderful sons; they are so disciplined in everything. You have no idea how sad I get when I see them worried about their TPS. I know there are people here who are just taking aid from the government, and my sons on the contrary, they contribute to this country!

Both Josefina and Manuel stressed the changes they have enacted in their lives. Manuel is focused on demonstrating that he is a deserving member of society, so he volunteers and stays away from anything that could be constructed as "trouble" (Menjívar & Lakhani, in press). Josefina has taken another route and became a naturalized citizen (because this path was available to her). She did so in order to "feel more secure" given that even permanent legal residents are being deported, but also to vote and express her support for politicians who will not act against immigrants. In this sense, both Manuel and Josefina have gained a new sense of themselves, have expanded their possibilities for responding to the anti-immigrant onslaught they experience routinely, and have reaffirmed their identities as workers so as to position themselves in a more positive light. Like Floridalma, Manuel and Josefina have enacted changes in their

self-perception (and in their behaviors) to highlight that they are not criminals, do not take from taxpayers' contributions, and are therefore deserving of a dignified place in U.S. society. This is how immigrants start to become the neoliberal citizen subjects the state might one day reward with full legal inclusion.

## Discussion and Conclusion

The cases I have presented here underscore the effects of the context that immigrants face—how it contributes to reshape who they are, who they are becoming, and their evolving identities as members of society. The context I described for Phoenix—as it is the case in other immigrant-receiving areas—is composed of a multilayered system of laws and enforcement practices. But this context also includes the media, as it is through this channel that immigrants learn what politicians and public officials say about immigration and the laws and enforcement projects they plan to propose. Through the media, immigrants also learn about negative images that circulate in public narratives about immigrants as criminals, terrorists, and as using social benefits at taxpayers' expense. I have argued that these two forces in the receiving context contribute to shape immigrants' views about themselves and how they respond to such messages.

The Central American and Mexican immigrants in my study respond by emphasizing the characteristics they possess that make them deserving members in society, even when they are undocumented or live with uncertain statuses. They also distance themselves from the negative images of criminals. They construct new identities and adapt to their environment, in similar fashion as other immigrants have done in the process of integration (see Gans, 1979; Waters, 1994). In the case of the immigrants in my study, these mechanisms allow them to directly counter the pervasive images and narratives transmitted in the media. In this way, these immigrants can claim a space that is denied to them. But they do not simply respond by talking and rescuing a positive image of themselves; they actually alter their self-conceptions and take steps to demonstrate their merit as tireless workers. Through hard work, their identities as immigrant workers are solidified and they become active participants in their communities and society in general. These immigrants need to show that they have the traits of productive citizens and that they pay taxes and hold down jobs (Chauvin & Garcés-Mascareñas, 2012; Nawyn, 2011) because this counters the negative images of themselves in the media and public discourses. Through exposure to media narratives and to the legal regime, these immigrants learn the markers of neoliberal citizenship they need to deploy so as to demonstrate that they will not be a drain on the resources of the state (Bhuyan, 2008), a long-standing concern about immigration. Through positioning themselves as noncriminals, while also demonstrating that they contribute to society through their work, the taxes they pay, and their discipline and good behavior (see Menjívar & Lakhani, *in press*), immigrants reshape meanings of belonging and citizenship even when living in fragile legal statuses and faced with exclusionary laws and hostile media messages.

Importantly, not all immigrants can deploy the mechanisms I have described here because not everyone is able to secure stable employment and many immigrants must

stay out of the labor force even if they have immigrated to work. Those who are not employed perhaps mobilize other mechanisms to show that they are not a public charge and that they deserve a dignified place in society. This would be an interesting research question for the future, particularly in the context of the intersectional space of the legal regime—and the legal status it produces—and the media representations that shape the views of the constituencies that politicians care about.

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None bear any responsibility for what I ultimately did.

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### **Notes**

1. Importantly, the effects of today's legal regime and enforcement practices reach beyond U.S. borders to affect even nonmigrants in the origin countries (Menjívar, 2014a).
2. These social services include retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment, or similar benefits that are provided with appropriated funds of state or local governments.
3. The U.S. Supreme Court found Proposition 100 to be unconstitutional, but appeals to overturn Proposition 102 are pending. Propositions 103 and 300 still stand and are Arizona law.
4. Under the 2008 LAWA, employers who hire unauthorized workers could have their business licenses suspended for up to 10 days and be put on probation. A second offense can lead to a revocation of the license. The county attorney's offices across Arizona's 15 counties enforce the law, which also requires Arizona employers to use E-verify, the federal electronic system to validate social security numbers and employees' immigration status. Largely seen as redundant because it is already federal law to "knowingly" or "intentionally" hire undocumented immigrants, this state version goes further in its punitive consequences than its federal counterpart.
5. Møller (2014) notes, however, that there has been significant legislative activity to "control the border" as the federal government already has significantly intensified its enforcement strategies through beefing up border and interior enforcement in historically unprecedented levels.
6. Studies have found that immigrants are less likely to engage in crime and are less likely to be imprisoned than native-born Americans (Ewig et al., 2015), and there seems to be an



association between the concentration of immigrants in a neighborhood and a *decrease* in crime in those areas (Ewig et al., 2015; Martinez, Stowell, & Lee, 2010).

7. I conducted this analysis in late 2012 with the assistance of Mauro Whiteman, my undergraduate research assistant at the time.
8. I thank Alexander Agadjanian for bringing this point to my attention.
9. More than half of the immigrants were interviewed multiple times, but others were interviewed only once due to the immigrants' high residential mobility.
10. There is historical precedence, as immigrants of the past were also seen as undeserving when they arrived (see Fox, 2012).
11. At the height of the traffic suppression sweeps in the Phoenix metro area, the Spanish-language radio stations would announce them so that people could take precautions and not travel in the areas of the city where traffic stops were being conducted. Thus, immigrants would make sure they listened to the radio every day.

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