

BOOK REVIEW/ COMPTE RENDU

Macías-Rojas, Patrisia. *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America.* New York: New York University Press, 2016, pp. 240, \$28.00 paper, (9781479831180).

In *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America*, Patrisia Macías-Rojas analyzes the ways the [Criminal Alien Program \(CAP\)](#) changed immigration policy enforcement in the Arizona-Sonora border region and helped merge the United States' immigration and criminal justice systems (9). The purpose of CAP, formed in response to the 1986 Immigration Reform and Control Act (IRCA), is to identify and deport noncitizen inmates and relieve prison overcrowding. According to Macías-Rojas, the War on Drugs and War on Crime exacerbated a post-civil rights crackdown on crime which created a prison-bed crisis caused by mandatory prison sentences designed to control people of color through the rule-of-law (3). The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) worked alongside CAP by expanding the criminal criteria for deportation and reinforcing the link between Latino migrants, criminality, and "illegality." The ways migrants are deemed "criminals" or rights-bearing individuals has also shifted; and is extending to border residents and citizens who, like the author, are imagined to "look" undocumented (23).

Since the 1960s, Arizona's business community advocated for free-market policies to reduce government regulation alongside progressive immigration reforms to secure a cheap labor force to support Arizona's service economy (26). By the 1980s, a "state-dependent brand of neoliberalism" accelerated these linkages, creating a local border economy that relies on cheap immigrant labor and cross-border commerce. However it also advanced increasingly punitive immigration enforcement initiatives, including CAP and IIRIRA, to identify migrants deemed unworthy to remain in the U.S. A lucrative detention industry emerged to fulfill an increased demand, and has since come to strain and sustain border economies. In an interview with a former mayor of Douglas, Arizona, Macías-Rojas found that corrections facilities now provide the most local jobs in the Arizona-Sonora region (28). Entire segments of the economy have thus come to depend on mass migrant criminalization, detention, and deportation in the neoliberal era.

Macías-Rojas ‘followed the money’ by doing archival research on the amount of federal funding used to fulfill mandated bed-quotas for detention facilities (3). She discovered that migrant incarceration operates as a business in which Congress has invested millions. Mandated prison bed quotas (currently set at 34,000 per day nationwide) helped create the market for lucrative private prisons in Arizona (88). IIRIRA’s mandatory detention of formerly incarcerated migrants also helped expand Congressional funding for beds, jails, and local law enforcement assistance with the enforcement of immigration law (63). Bed mandates also contributed to prison overcrowding by processing unauthorized entries as criminal rather than civil offenses—a problem not alleviated by reducing criminalization, but by fast-tracking deportation.

Macías-Rojas shows that immigration law violations were classified as a crime in 1929, but have not been treated as criminal throughout much of U.S. history. Indeed, unlawful entry only becomes criminalized through selective prosecution and, until the enactment of Trump’s “[zero-tolerance policy](#),” whether undocumented migrants were classified as criminals, victims of a crime, or workers was largely a matter of prosecutorial discretion (165). In 1996 IIRIRA restricted immigration judges’ prosecutorial discretion by expanding and standardizing the criminal criteria for deportation and eliminating their review of any mitigating factors for persons convicted of deportable offenses (103). The effects of this, combined with Trump’s zero-tolerance policy manifested in the more than thirteen-fold increase in annual U.S. removals.

Macías-Rojas argues that Border Patrol agents play a key role in the initial “branding” of migrants and asylum seekers as criminals, victims, and laborers either worth of protection or destined for deportation. Labor migrants run the risk of being prosecuted as criminal aliens, while those considered victims often have more legal options available. Undocumented migrants can be criminalized for immigration violations, or booked as criminals by being labeled as “smugglers.” Other migrants, particularly those traveling with “smugglers” can be labeled as “victims of human trafficking,” and other crimes and thus are granted greater access to legal relief. Macías-Rojas argues that this labeling of migrants as “victims” or “culprits,” however imprecise, helps foster national consensus that the former must be protected from the latter (105). The recognition of rights for some thus goes hand in hand with the denial of rights to others (23).

To highlight the ramifications of such branding further, the author examines the racialized stigma associated with migrant criminality and illegality. Not only does the conferral of criminal status put migrants in a “caste-like” social category that denies them rights and marks them

“within and across borders” (164), but policies and practices of immigration enforcement in the U.S. increasingly link criminality and illegality with Blackness and Brownness. Such racialized logic is not constrained to immigrants but extends to U.S. citizens in the Arizona-Sonora region. Black and Latino citizens (especially Latinos/as) are likewise treated as suspects and are burdened with having to prove their legal status under discriminatory laws such as SB 1070 and demonstrate they are not harboring undocumented persons.

Over a 10-year period, between 2001 and 2011, Macías-Rojas conducted an impressive 150 interviews with Border Patrol agents, migrants, border-town residents, activists, and members of migrant advocacy NGOs among others (6). She draws on this data to successfully explain how the Criminal Alien Program helped merge the immigration and criminal justice systems and to argue that the punitive turn—including migrant branding, criminalization of immigration, expansion of deportable crimes, bed quotas, mandatory prison sentences, and coercive and retroactive deportations—perpetuates the subjugation of people of color. The book ends with a discussion of the overreach of enforcement and a call on advocates to place mass incarceration at the center of the immigration debate. She contends that working within a constitutional framework helps secure rights for some, but it denies them to others while allowing the state to overreach its powers to target its citizens in the name of national security.

From Deportation to Prison contributes to mounting evidence tracing the emergence, contradictions, and effects of the confluence of immigration and criminal law. Macías-Rojas’s focus on CAP, IIRIRA, and SB 1070 in the Arizona-Sonora region helps unmask deep-seated racism and inequality within a system ostensibly intended to control borders, labor, and crime (23). The book would be of interest to scholars, students, and policymakers studying immigration enforcement, citizens’ rights, and the stigma associated with “illegality.” Readers will find it more relevant than ever given the Trump Administration’s unheralded and unbridled use of “law and order” and racist discourse to advance mass criminalization, detention, and deportation.

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