

# Differential Criminalization under Operation Streamline: Challenges to Freedom of Movement and Humanitarian Aid Provision in the Mexico-US Borderlands

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## **Abstract**

*On January 14, 2008, under the wider program of the Arizona Denial Prosecution Initiative, Operation Streamline was put into effect in the Tucson Sector of the Mexico-US borderlands. Initially implemented in Del Rio, Texas, this program—aimed at mass incarceration of undocumented persons to reduce repeated migration attempts—has been most rigorously applied in the Tucson Sector, known as both the busiest and deadliest corridor for migration. Every day approximately seventy migrants are apprehended by the US Border Patrol and then sentenced for up to 180 days imprisonment. I consider Operation Streamline and its impacts on undocumented migrants through the lens of local organizing, particularly by the humanitarian aid group No More Deaths, asserting that such policies—which further militarize the border and justify criminalization of migrants in the public eye—put bodies at greater risk, even before they are prosecuted, through practices of spatial containment that add to the rigours of crossing the Sonoran Desert. In this work I explore the methods in which grassroots humanitarian aid groups apply practices of direct action to challenge such policies and promote freedom of movement.*

## **Résumé**

*Le 14 Janvier 2008, dans le cadre de l'«Arizona Denial Prosecution Initiative», le programme «Operation Streamline» est entré en vigueur dans le secteur Tucson de la zone frontalière entre le Mexique et les États-Unis. D'abord mis en œuvre à Del Rio, Texas, ce programme*

*visant l'incarcération massive des sans-papiers afin de réduire les tentatives répétées de migration a été le plus rigoureusement appliquée dans le secteur Tucson, couloir migratoire ayant la réputation d'être le plus achalandé et le plus meurtrier. Chaque jour, environ soixante-dix migrants sont appréhendés par la US Border Patrol, puis condamnés à un maximum de 180 jours d'emprisonnement. L'auteur considère le programme «Operation Streamline» et ses impacts sur les sans-papiers à travers le prisme de l'organisation locale, en particulier du groupe d'aide humanitaire No More Deaths, affirmant que de telles politiques, qui militarisent davantage la frontière et justifient la criminalisation des migrants au yeux du grand public, exposent les sans-papiers à un risque accru, avant même qu'ils soient traduits en justice, à travers des pratiques de confinement spatial qui ajoutent aux rigueurs de la traversée du désert de Sonora. Dans cet article, l'auteur étudie les méthodes par lesquelles les groupes d'aide humanitaire populaires font appel à la pratique de l'action directe pour contester ces politiques et promouvoir la liberté de mouvement.*

## **Confining Freedom of Movement within the Tucson Sector**

On January 14, 2008, Operation Streamline—under the multi-faceted program of the Arizona Denial Prosecution Initiative (ADPI)—came into effect within the Tucson Sector of the Mexico-US border. Initially implemented in Del Rio, Texas, in 2005, followed by Yuma, Arizona, and then Laredo, Texas, in 2007, this program is being most notably enforced in the 262-mile-wide Tucson Sector of southern Arizona. In a press release reporting on their successes of fiscal

year 2008 within the Tucson Sector, Customs and Border Protection (CBP) stated that:

Under the Arizona Denial Prosecution Initiative, 9,563 illegal aliens were successfully prosecuted sending a clear message that there will be consequences for entering illegally into Arizona. ADPI assures that each defendant prosecuted faces a sentence of up to 180 days in jail, a formal removal and a ban on legal re-entry to the United States for five years.<sup>1</sup>

I argue that policies such as Operation Streamline work in several ways to deny freedom of movement to those seeking entry into the US without documentation. Further, I assert that in seeking to understand the work that such policies do, it is necessary to consider the spatial implementation and operation of these policies in their efforts to deny freedom of movement to particular populations who are criminalized by their presence within certain spaces.<sup>2</sup> The Tucson Sector, which is now subject to the enforcement of Operation Streamline and the ADPI, is known as both the busiest and deadliest corridor across the entire Mexico-US border. In 2005, 241 migrants died crossing into southern Arizona,<sup>3</sup> the worst year on record. This shift of migration paths has created a “funneling effect,”<sup>4</sup> in which migrants are channelled into more remote and harsh terrain outside of urban areas. Since the implementation of militarization strategies such as Operation Gatekeeper were put into effect, large swathes of land in more hospitable areas of the Mexico-US borderlands have been walled off, creating new migration routes. In fiscal year 2007, prior to the implementation of Operation Streamline, over 378,000 people were arrested by United States Border Patrol (USBP) in the Tucson Sector alone, yet fewer than one-half of one per cent were prosecuted, the remainder being “voluntarily returned.”<sup>5</sup>

Since the implementation of Operation Hold the Line in Ciudad Juárez/El Paso in 1993, and Operation Gatekeeper in Tijuana/San Diego in 1994, innumerable programs and policies have been put in place to restrict movement in this region and militarize the Mexico-US border against those attempting to cross without official documents.<sup>6</sup> Operation Streamline in the Tucson Sector represents a notably heightened push to further criminalize undocumented migrants, with specific ties to the growing migrant detention industrial complex across the United States.<sup>7</sup> I argue that policies such as Operation Streamline work to further criminalize migrants, not only for their act of crossing the border outside of an official port of entry, but also for their *presence* within certain spaces.<sup>8</sup> Further I argue that Operation Streamline works to criminalize and contain certain populations even if they are able to avoid

apprehension, therefore serving a dual purpose. As Susan Bibler Coutin states in her work regarding the “spatialization of legality”:

Unauthorized immigrants who are not apprehended by US immigration authorities are none the less excluded, to some degree, by policies that bar the undocumented from exercising certain rights and receiving certain services.<sup>9</sup>

In this work I seek to take this assertion a step further, recognizing the wide-ranging impacts that such practices have in creating and criminalizing migrant bodies. Through my research on, and work alongside, the humanitarian aid group No More Deaths, who provide assistance to migrants in the deserts of southern Arizona,<sup>10</sup> I aim to demonstrate the methods in which such policies work to further constrain the ability for freedom of movement, and in many cases, the very right to live well before someone is apprehended by the USBP.

I speak here then from the position of an academic as well as an activist working for the freedom of movement at a grassroots level, drawing on a No Borders politics from a theoretical and practical perspective. Most important to my research and praxis, I consider the work of Joseph Nevins, who has committed himself tirelessly to exploring the implications of border militarization practices upon undocumented populations.<sup>11</sup> Within his work, Nevins has put forward a particularly important challenge to academics and researchers working on issues pertaining to border militarization and freedom of movement. He argues that:

... it is imperative to engage in a critical dialogue about the factors that give rise to the fatalities [of migrants]. I assert that by not calling for an end to boundary enforcement as it relates to immigration or by legitimating such enforcement, the authors [academics and policy analysts] are resigning themselves to migrant deaths.<sup>12</sup>

This work, then, seeks to move beyond demands for more “humane” border securitization and immigration policy, particularly in light of the ongoing adoption of humanitarian discourse by the USBP and CBP as a strategy to further legitimize its practices of denial of freedom of movement,<sup>13</sup> even as the death toll continues to grow, often exceeding five hundred or more deaths per year.<sup>14</sup> Within the US, current discourse in the popular media and by state and federal government has focused predominantly upon the construction of the simplistic binary of the “good” or productive migrant, versus that of the “bad” migrant, with many arguing that a guest-worker program or amnesty provides the answer to the problem of undocumented immigration into the United States.<sup>15</sup> Yet as Cynthia Wright has noted, practices such

as amnesty, while beneficial to many living without documents and in positions of precarity<sup>16</sup> within the boundaries of certain nation-states, are typically followed by a series of more repressive measures against future migrant populations.<sup>17</sup> It is necessary, then, as other No Borders advocates have noted, to step beyond state-sanctioned methods of determining who is “legal” and who is “illegal” within nation-state boundaries and recognize that as long as boundary enforcement and immigration controls are seen as legitimate, abuses and deaths of non-citizens will continue.<sup>18</sup>

It is important to recognize the *spatial* nature of a specifically No Borders politics, and so I draw here upon a spatial perspective, including the need to understand the way in which policies such as Operation Streamline operate within and across space. Those working around critical understandings of space and place, in particular academic geographers in North America, have yet to effectively confront a specifically No Borders politics.<sup>19</sup> Many working outside of this explicit discipline, however, refer commonly to the spatial implications of No Borders politics,<sup>20</sup> a focus I aim to expand upon in this study of Operation Streamline and migration in the southern Arizona region.

Although it is imperative that academics across various fields engage with No Borders politics, to truly develop such an understanding we must not remain abstracted from those most affected by border militarization and immigration policies that seek to deny freedom of movement. This also includes social movements and grassroots groups that aim to dismantle rather than “humanize” such policies while working in solidarity with precarious communities. Through my work with grassroots groups such as No More Deaths that operate in the space of the Mexico-US borders, I draw out the importance of bringing together these diverse viewpoints, recognizing the life and death implications of challenging nation-state practices that militarize borders and criminalize migrant populations.

It is necessary for academics to engage with such groups in an effort to better understand how such processes of militarization can be challenged in meaningful and tangible ways that go beyond efforts to humanize immigration policy. Those who decide or are forced to cross the international boundary into the US (along with the subsequent journey many face before reaching the Mexico-US border) encounter continually worsening conditions in this region. Crossing in the deserts of the southwest US, migrants face five or more days of walking in some of the most inhospitable terrain and climates possible, typically encountering abuse at the hands of “coyotes,”<sup>21</sup> vigilante groups, ranchers, and USBP agents. Through the implementation of the Secure Border Initiative (SBI),<sup>22</sup> migrants must also

contend with continually developing technology aimed at halting their movement, including the fifty-seven proposed surveillance towers to be distributed throughout the desert landscape.<sup>23</sup>

Meanwhile certain counties in Arizona seek to further criminalize migrants through the adoption of new laws that not only prosecute smugglers but consider migrants as “co-conspirators” in their own smuggling.<sup>24</sup> Though the stringently anti-immigration bill HR4437 was defeated in 2006 when many millions of people took to the streets throughout the United States to protest its adoption,<sup>25</sup> we are now witnessing many of its demands being implemented in a piecemeal manner. This trend can be seen at the state and local levels, such as through the continued growth of Operation Streamline, as well as at the federal level through the 2006 Secure Fence Act.<sup>26</sup> At the end of 2008, one of the most violent years to date in US border militarization—where 370 miles of new fencing was added (often with disregard for environmental laws),<sup>27</sup> and the USBP reached its goal of deploying 18,000 agents—we are at a critical juncture. The year 2010 has seen the continuation of the criminalization of undocumented migrants across the entirety of the state, with the controversial implementation of Arizona Senate Bill 1070, legislation that requires state employees to ask for identification from people suspected to be in the country without authorization.<sup>28</sup>

### **Operation Streamline**

For approximately two hours starting each weekday at 1:30 p.m. in the Evo A. DeConcini courthouse in downtown Tucson, undocumented migrants mostly from Mexico and Central America are criminally charged for having illegally entered the United States. Of the approximately one thousand migrants detained by US Border Patrol in this sector each day, up to seventy persons are randomly selected and processed through the criminal court system. Instead of being voluntarily returned, they face up to 180 days of incarceration, or longer if they have a previous record of deportation or aggravated felony charge. The intention is to create a deterrent to future crossers, reducing recidivism rates particularly within the area Operation Streamline is applied to, what the USBP refers to as “zones of zero tolerance.” In total, approximately five hundred of the two thousand miles that constitute the Mexico-US border are now subject to these spaces of zero tolerance created through Operation Streamline.<sup>29</sup> Three months after Operation Streamline’s inception in the Tucson Sector in January 2008, it was reported in the *Arizona Daily Star* that recidivism had dropped from 79 per cent to 46 per cent, while “recidivism usually ranges from 80 percent to 92 percent elsewhere in the Tucson Sector.”<sup>30</sup>

From discussions with several lawyers and judges involved in the Operation Streamline hearings, as well as humanitarian aid workers, however, it became apparent that very few believe this policy is creating any deterrent at all. Yet, those who are prosecuted are left with a criminal conviction on their record, and will face greater difficulties in the future should they be detained again (up to ten years imprisonment) or attempt to apply for citizenship within the United States. Whether or not Operation Streamline can be directly attributed to a decrease in current and future border crossings, it is important to recognize the wider impacts that it creates.

Geography is central to the application of Operation Streamline as it is a spatially applied practice of denying freedom of movement. Migrants found to be crossing within a specific corridor in the Tucson Sector are susceptible to being placed within the Streamline process, and in turn are criminalized more stringently than others committing the same act elsewhere along the border. Although it has been unable to effectively do so, CBP and USBP have set out to create these zones of zero tolerance, resulting in particularly unforgiving spaces along the border that are continually expanding, leading to a specific geography of Operation Streamline being created.

It is difficult to determine the exact scope of Operation Streamline's spatial reach in the Tucson Sector. Early in its inception, USBP spokespersons stated that the Operation Streamline corridor was fifteen miles wide.<sup>31</sup> Yet in a later interview with another USBP spokesperson it was noted that "any apprehension made anywhere in the Tucson Sector is subject to prosecution under the program."<sup>32</sup> At the close of 2008, it was then stated that Operation Streamline applies to 132 miles of the 262-mile sector that spans from Yuma County to the border of New Mexico.<sup>33</sup> This fluctuating range also represents the ability for policies such as Operation Streamline to expand as necessary, particularly in response to the dynamic nature of migration paths as certain routes effectively become shut down due to USBP presence as well as other factors that also affect migration levels.

During the summer of 2008, whilst conducting fieldwork in southern Arizona, I attended Operation Streamline hearings in Tucson along with several other local humanitarian aid workers, as part of their practice of witnessing.<sup>34</sup> Although I had heard a great deal from fellow immigrant rights activists about the way in which the proceedings occurred, I was still unprepared for what I would encounter. Courtrooms—not unlike other highly regulated spaces—have a tendency to feel the same as any other courtroom: sterile, mundane, and overly formal. The courtroom in which Operation Streamline hearings take place is no different, until you look to your left upon entering and notice

the seventy or so people seated in rows, shackled at the feet and hands. The majority is male, though typically ten or so of the detainees are female. Most appear to be in their twenties or thirties, though some are barely a day over eighteen. Of those within the courtroom, most are from the southern states of Mexico, though migrants from Guatemala, El Salvador, and Honduras are also often represented.

The sound of the shackles continually rattling as detainees shift position or try to wipe tears from their eyes echoes within the courtroom throughout the hearing. As each detainee is called to plead either guilty or not guilty of entering undocumented/not through a legal port of entry, they shuffle their feet to the front of the courtroom. Many limp from sprained or strained ankles and tired muscles caused by walking through the desert, some for up to a week, and failing to receive proper treatment from the US government authorities or the private contractors who had detained them. All are wearing the clothes they had been captured in, many with tears in their shirts from walking through the unforgiving environment of the Sonoran Desert or from being roughly handled by USBP agents.

Most are called to the front of the courtroom, and through the use of an interpreter plead guilty (*culpable*)—the sound of defeat in their voices clearly evident. For those that have been previously caught crossing undocumented, each is given a sentence of between 10 and 180 days of prison time. The majority being convicted for their first time are typically given a sentence of "time served"—their day or two of incarceration being sufficient in the court's eyes—but with the stern warning that should they be caught again, the judge would not be so lenient. For those with previous deportation records, and those previously sentenced through Operation Streamline procedures, punishment ranges from two to ten years. It is doubtful that most truly understand what they are agreeing to, often encountering the US court system for their first time, dealing with an interpreter, and being rushed through the system (each defendant is given one hour at most with a lawyer, shared with several other defendants, and the hearings typically last less than two hours for the entire seventy defendants). It is not uncommon for defendants to speak a language other than Spanish (such as an indigenous dialect), and so they are forced to rely on their limited Spanish skills without an interpreter. Further, most are told to accept pre-written deals whether they truly believe they are guilty or not. Significantly, to date almost no one has pleaded innocent to the charges.

In March of 2008, just two months after its inception, a proposal was made to move the public hearings of Operation Streamline, which take place in the federal courthouse in downtown Tucson, to the detention centre located on the Davis Monthan Air Force Base on the outskirts of the city,

also home to the newly built USBP headquarters.<sup>35</sup> The move was proposed due to the growing strain upon the downtown courthouse, which faces up to one hundred migrants a day who must be detained. This would have resulted in moving the only public aspect of the Operation Streamline process behind detention centre walls. Through considerable pressure from grassroots groups active in Tucson and elsewhere, the decision to move the hearings to Davis Monthan was dropped. Instead, they continue to take place at the federal courthouse from Monday to Friday every week, therefore remaining open to the public. In January of 2009 however, it was revealed by a USBP spokesperson that there is a renewed effort to have the hearings at the headquarters, where they could increase the numbers of those being prosecuted from seventy to one hundred or more.<sup>36</sup>

At the close of 2009, Operation Streamline received a significant ruling against its practice in the Tucson Sector. Judge John Noonan, from the US Court of Appeals for the Ninth Circuit, ruled that the mass hearings, in which multiple defendants are asked to respond to questions together, does not comply with federal court rules.<sup>37</sup> The outcome however, has not seen the end of Operation Streamline, or its daily hearings of undocumented migrants *en masse*, but merely a slightly altered approach in questioning and process.

### ***Creating Demand for Immigrant Detention and the Growth of the Prison-Industrial Complex***

Practices of hyper-criminalization and mass incarceration of migrants come at a cost not only to those who are apprehended. Though a relatively recent development in Arizona, the application of Operation Streamline has taken a significant toll on the legal system. With a goal of up to one hundred migrants being prosecuted a day (though presently at sixty to seventy), courtrooms must be set aside, attorneys hired, judges paid for, and the costs of transporting migrants and detaining them throughout the process paid. Derechos Humanos, a grassroots immigrant rights project in Tucson, Arizona, has estimated that it costs around US\$9 to US\$11 million a month to detain those incarcerated under Operation Streamline.<sup>38</sup> Another US\$10,000 a day is spent on defense attorneys, given that migrants cannot afford to pay for one. Meanwhile, it is estimated that it costs around US\$88 a day to house a prisoner in privately run facilities, and US\$120 a day at ICE processing centres.<sup>39</sup> The Department of Homeland Security (DHS), under the US government, is also setting aside further funds for this growing prison population:

Nationwide, the average number of daily prisoners detained by Immigration and Customs Enforcement [ ... ] has now increased

44 percent since 2001 [ ... ] Meanwhile, ICE's budget for Detention and Removal Operations has more than doubled in the last four years [ ... ] to \$2.4 billion in 2008.<sup>40</sup>

Though migrants are often detained in for-profit federal prisons run by Corrections Corporation of America (CCA) and existing detention centres in Arizona (and often outside of this state), many of these facilities are at, or beyond, capacity. There is a growing demand then for additional detention facilities to be built in order to house the significant number of new detainees, alongside the many women and men currently being detained from workplace and domicile raids taking place across the United States at unprecedented levels by Immigration and Customs Enforcement (ICE) officers.<sup>41</sup>

Operation Streamline has played a significant role in the growth of incarceration facilities in Del Rio, Texas, where the program was first implemented in 2005 at a much smaller scale. Initially applied to a golf course that encompassed a quarter-mile stretch of the border, Operation Streamline was soon expanded to the entire sector.<sup>42</sup> Apprehension levels by the USBP within the Del Rio Sector are supposedly at their lowest since the early 1970s, a sign that earlier enforcement efforts have likely channelled people elsewhere along the border.

Significantly, as apprehension levels drop to all-time lows across the border, incarceration rates are at their highest. This is demonstrated by the growth of prisons and detention centres in the Del Rio, Texas region, such as Val Verde Correctional Facility. In 2000, Val Verde had a capacity of 180 beds, but now has the ability to hold 1,425 prisoners.<sup>43</sup> Most of these additional spaces are used to imprison immigrant detainees.

In addition to the growth of Val Verde, new prisons have been erected close to the Mexico-US border in Texas, including a 654-bed jail in Eagle Pass and a 1,500-bed prison in Laredo, a sector in which Operation Streamline is now also in effect. All of these prisons—Val Verde included—are privately run by Geo Group Inc. (previously Wackenhut), a security company known for running detention centres across the globe, as well as the buses that shuttle migrants apprehended by USBP to processing centres throughout the southwest.<sup>44</sup> Meredith Kolodner, reporting for the *New York Times* in 2006, noted these growing connections between the prison industrial complex (PIC) and immigrant detention very clearly. By fall of 2007, Kolodner reported, it was expected that “27,500 immigrants will be in detention each night.”<sup>45</sup> At that time, CCA and Geo Group were housing less than 20 per cent of all detained migrants, but were running eight of sixteen federal detention centres and looking to expand further. By 2008, the number

of immigrant detainees increased to 32,000 being detained nightly throughout the United States, and 300,000 detained annually. Indeed, immigrant detention is “the fastest-growing sector of the US prison population.”<sup>46</sup>

Several other shifts within US immigration and detention policies, led largely by the DHS and CBP (though often at the Sector level), have further supported the growth of incarceration. Of particular significance has been the termination of what was referred to as a “catch and release” policy, in which non-Mexican persons (referred to by USBP as “OTMs,” or “other than Mexicans”) detained in the US for entering illegally were typically released and given a court appearance date, due to a lack of space within detention facilities.<sup>47</sup> This new policy to end the practice of catch and release has taken place under the wider program of “Operation Endgame” (in collaboration with Operation Streamline and other policies), in which ICE plans to remove *all* removable undocumented migrants residing in the United States by 2012.<sup>48</sup> Though a seemingly impossible goal, its impact upon migrant communities throughout the US is significant, and has further generated a demand for new detention facilities. It can be argued, then, that the creation of new and ever more draconian policies that seek to detain and deport undocumented migrants in mass numbers goes hand in hand with the dramatic growth of the prison industrial complex throughout the United States.

### ***No More Deaths—“Humanitarian Aid Is Never a Crime”***

In 2004, the humanitarian aid group No More Deaths, based in Tucson, Arizona, began their “Arc of the Covenant” camps. During the summer months, from June through the end of September, a base camp is set up on private property near to Arivaca, an unincorporated township in Arizona approximately twelve miles north of the Mexico-US border. Each week new volunteers arrive at the camp to work with more experienced, year-round members. Patrols leave twice daily from the base camp—in the early mornings and late afternoons to avoid the hottest part of the day—and drive out to some of the myriad of trails that criss-cross the desert landscape. Trails are meticulously mapped by GPS, and then rated—a score of “1” if the trail appears no longer in use and up to “5” for trails where migrants are actually encountered frequently. With maps, GPS units, medical equipment, food, and water, volunteers hike the trails for three hours or more, placing gallon water jugs along their way, and calling out to alert migrants that they are there to provide assistance and are not working with the Border Patrol.

Groups such as No More Deaths (NMD), which developed out of the Sanctuary Movement in the 1980s,<sup>49</sup> commonly do not espouse an explicit No Borders agenda; however the

work that they carry out in solidarity with undocumented people most affected by the militarization of the Mexico-US borderlands is of particular importance. There are a significant range of viewpoints and beliefs witnessed in both short- and long-term volunteers involved with NMD. These certainly encompass a critical perspective regarding freedom of movement. Importantly, NMD works tirelessly to provide solidarity and support to those attempting to cross the Sonoran Desert into the US and is not concerned with furthering the common dichotomy of legal/illegal. Instead, NMD recognizes that it is the largely unchallenged practice of border militarization and denial of freedom of movement that is leading to exceptional levels of abuse and death in the borderlands every day.<sup>50</sup>

Those patrolling the trails generally see migrants on an infrequent basis, though on occasion some patrols will meet several groups within the space of a few hours. Due to issues of safety, NMD patrols do not operate at night when migrants are most likely to be on the move. It is therefore accepted that most groups will remain out of sight during the day, choosing not to be found. Encounters with USBP are rare when patrolling the trails, as most agents wait along the roadsides where trails must eventually cross, though it is not uncommon to have low-flying Border Patrol helicopters passing overhead.

Over the past five summers of operation, NMD has encountered repression from USBP, from government agencies such as the Bureau of Land Management, and from ranchers and hunters. At the most basic level, gallon water jugs that volunteers leave along trails are found with large gash marks in the bottom to drain the water out. Though causing little impact on NMD, this can result in those who are most in need of water being denied such a necessary basis of life. Interactions with USBP and BORSTAR<sup>51</sup> agents range from courteous (sometimes even giving directions to lost agents), to strained, particularly when a tense medical situation requiring evacuation takes place. A strict policy of transparency is maintained by NMD at all times to ensure the safety of volunteers and migrants, aware that its operations are possibly under the watchful eye of USBP agents and the DHS. This practice of transparency, including frequent meetings with the USBP Chief of the Tucson Sector, has not ended the close surveillance of NMD. For example, agents have at times been deployed around the clock to watch the base camp from a nearby hillside.

One example of an encounter that volunteers have with other law enforcement agencies occurred on February 22, 2008, when long-time volunteer Dan Millis and several others were placing water on the Buenos Aires National Wildlife Refuge (BANWR) and collecting refuse left behind by migrant groups. After several years of walking

the heavily crossed 118,000-acre Refuge and leaving water behind with few problems, Millis was ticketed by two US Fish and Wildlife agents for the act of littering.<sup>52</sup> In response to the citation that Millis received, NMD decided to challenge the littering citation in court—the same court in which Operation Streamline hearings take place—thereby entailing a potential risk of up to US\$5,000 in fines and possible jail time. The judge finally reached a verdict sixty days after the hearing, finding Millis guilty of littering, though he did not fine the long-term volunteer.<sup>53</sup> This set a precedent so that other volunteers have also been cited for littering. It appears this will create added difficulties for humanitarian aid groups in this critical corridor where several thousand migrants cross each week. As one reporter stated in an opinion piece, the magistrate and officers appear to prefer the recovering of bodies rather than a small amount of additional litter on the Refuge.<sup>54</sup>

### ***The Impacts of Operation Streamline outside the Courthouse***

Along with the significant importance and impact of Operation Streamline proceedings upon migrants within the courtroom and detention centres, it is also necessary to understand the impacts of such a policy on the ground. Operation Streamline, along with other policies of spatial confinement, places additional strain on migrant bodies and minds even if they are not caught up in the Operation Streamline process. This is because these practices are policies of deterrence, which are intended to create extra hardships for those entering the US without legal documents. Through the creation of the fear of possible incarceration, such policies should be seen as effective in restricting freedom of movement whether persons are apprehended or not.<sup>55</sup> The work of No More Deaths, alongside several other humanitarian aid groups within the desert corridor in which Operation Streamline is applied, supports these assertions.

As practices of militarization, policing, and heightened criminalization of migrants continue to develop, the space of the borderlands becomes increasingly threatening. Meanwhile, as knowledge amongst coyotes and migrants alike (particularly repeat crossers) spreads regarding Operation Streamline, and the likelihood of spending up to 180 days in a federal prison grows, migration paths and practices will begin to shift once more. One outcome is to push migrants and their guides into less-charted territories that are often significantly more perilous.<sup>56</sup> This is demonstrated by the coyotes' use of increasingly mountainous trails that offer more protection from being seen by USBP. During the summer of 2008, several months after the implementation of Operation Streamline, humanitarian aid groups began

to note that more traditional trails used by migrants were being abandoned. Instead, trails through the nearby and treacherous Baboquivari and Tumacacori mountains were beginning to be traversed more heavily. Further, encounters with migrant groups in this region demonstrated that migrants were walking for greater times due to efforts to stay in higher elevation and more densely vegetated areas. Many migrants were discovered only several miles from the border, but relayed to volunteers that their guides had made them walk for over four days in the mountains. Many had given up, convinced their guides were lost. These efforts to remain out of sight are undoubtedly due to the general concern of avoiding apprehension by USBP, but may also be seen as an effort to avoid the added risk and penalty of being put through the criminal justice system.

Efforts to remain out of sight are also combined with the pressure to continue walking against better judgment in order to avoid the possibility of incarceration and further criminalization through Operation Streamline and similar policies.<sup>57</sup> The most common occurrence for humanitarian aid groups when patrolling trails and nearby roads is to encounter individual migrants separated from their group, often in poor health due to factors such as dehydration or hyperthermia, having drunk water from a contaminated cattle tank, or with sprained or broken ankles from hiking through rough terrain. Typically, volunteers inform migrants of their options: keep walking, rest at the base camp of the humanitarian aid group if possible, or hand themselves over to USBP, be returned back across the border (if they are a Mexican national), and try again with a new guide. After migrants were told how far they still had to walk, they often chose the latter option of giving themselves up to USBP. This was usually their best and safest option, particularly if alone, injured, or sick. From there they could be voluntarily returned and reunite with their coyote to try once again, or return home if the experience had been too traumatic or if they had run out of money.

With the advent of Operation Streamline at the beginning of 2008, however, aid workers found themselves confronted with a difficult situation. Interactions with migrants are typically short, under pressure not to draw attention from Border Patrol agents, and with the desire of migrants (and coyotes) to keep moving. Volunteers typically must explain to migrants their options in as detailed manner as possible, often on a roadside or deep within the desert on a trail, with temperatures often exceeding 110°F (43°C) in the summer months. Since the implementation of Operation Streamline, aid workers found that they must also explain that if they turn themselves in to USBP, the migrant may find themselves within the system established through Operation Streamline and thus face possible jail time along

with a criminal conviction. Given that on average the USBP puts sixty to seventy migrants a day through Operation Streamline, and that they apprehend approximately one thousand people per day within the Tucson Sector, the odds of going through Operation Streamline are high. Many migrants, upon learning of these risks, decide that handing themselves over to USBP is too risky. The possibility of incarceration, then, often resulted in migrants continuing to walk, sometimes against the advice of humanitarian workers (who are commonly trained as Wilderness First Responders or Emergency Medical Technicians).

Thus, the work that Operation Streamline does, long before migrants find themselves in the courtroom, becomes apparent: the migrant may never end up in court pleading guilty to the relatively minor infraction of crossing undocumented, but risks further long-term injury or death due to their efforts at avoiding apprehension. Simply handing oneself over to USBP, being processed and returned, and trying again within a day or two, or sometimes even that same day, is becoming less of a realistic option.<sup>58</sup>

To further confound efforts to return into the US, the USBP also applies the practice of repatriation flights as well as “lateral repatriations.” Supposedly voluntary repatriation flights are offered to migrants<sup>59</sup> free of charge, allowing them to return much closer to their hometowns in southern Mexico and beyond, though it has been noted that this option is more commonly forced upon migrants.<sup>60</sup> For those who refuse this service, and many others who are not given the option, the use of lateral repatriation and other methods are used to create greater headaches in attempting to cross once more.<sup>61</sup> Migrants have relayed to volunteers working with NMD and other organizations that instead of being returned close to where they crossed or were apprehended, they were instead bused many hours to other ports of entry before being returned to Mexico. This practice is often described as being in the best interest of migrants, as the following statement from a CBP press release demonstrates:

The Alien Transfer Exit Program [ATEP] safely returned 5,380 illegal aliens through ports of entry in California [from Arizona]. This program safely removed aliens from the waiting hands of the smugglers who would certainly force them to endure several days in the harsh environment in another attempt to illegally cross the border only to face certainty of arrest by Border Patrol agents.<sup>62</sup>

Volunteers staffing border aid stations at various ports of entry in southern Arizona/northern Sonora, where upwards of one thousand migrants a day can be voluntarily returned, also frequently witness the return and deportation of separated family members, where one member is returned later

than another, or is sent to a different port of entry. Women and children are also often returned alone at night, a direct breach of USBP policy.

### ***Responding to Operation Streamline as a Practice of Everyday State Violence***

It is important to understand the direct and indirect impacts of Operation Streamline—in collaboration with other policies and practices of border militarization—upon the work of No More Deaths and other humanitarian aid groups committed to promoting freedom of movement and providing aid to migrants in the Sonoran Desert. Groups such as these must respond to such policies creatively if they are to effectively provide aid in the dynamic space of the borderlands in which restrictive policies affect not only migrants but also those working in solidarity with them. How might groups like NMD overcome such prohibitive measures implemented by the state, measures that guarantee hardship and death for those passing through these spaces?

Given that NMD and similar groups operate strictly within the deadliest corridor of the border,<sup>63</sup> and particularly within the scope of Operation Streamline’s spatial reach, combatting such impacts is central. With the lessening ability to offer the option of contacting the USBP for migrants no longer able to continue to safely walk north (though by no means an ideal situation), and increasing criminalization of anyone found to be aiding in the transportation of migrants north, humanitarian aid groups have been forced to consider other means of keeping those in vulnerable positions outside of the Operation Streamline dragnet. One such option debated by NMD over the summer of 2008 was to drive migrants south with their informed consent and to aid the migrants in self-deporting themselves across the border to reconnect with a guide or family members and friends who had also been returned or deported. Though such practices of “driving south” may work to operate in solidarity with migrants, allowing them to avoid the risk of a criminal record, time in detention, and possible abuse at the hands of USBP or private security agents, critical reflection on what this strategy means on a larger scale was required for the group. What does it mean for a grassroots network of humanitarian workers to be driving migrants south, on the one hand providing assistance in avoiding further criminalization, whilst also tacitly acting to support other processes of spatial denial implemented by the US government? If such groups were to be driving migrants south, would this mean they were operating in a role similar to that of USBP and private security contractors, whose very means of existence is to take migrants south, further from their goal of entry into the United States?



Alongside this concern, it was not easy to establish whether or not driving migrants south, to be self-deported, was actually a legal practice. Given that the DHS had made it very clear they would no longer allow medical evacuations by humanitarian aid workers or other civilians in which migrants had to be driven north to a hospital—following the court case involving two NMD volunteers in 2005–6 for doing just that<sup>64</sup>—there was considerable concern as to what the response by DHS would be to driving migrants south, allowing them to avoid the government’s new program of hyper-criminalization through Operation Streamline. This remains an unresolved and problematic position for humanitarian aid groups working in the Tucson Sector. It must be noted however, that No More Deaths have never adopted within their protocols to drive persons south, but rather this practice has remained only at the level of discussion during meetings.

Similar questions regarding the legality of actions are not new to NMD or similar organizations providing aid in the Mexico-US borderlands. Given the myriad law enforcement agencies active in this region, changing state and federal policies, as well as differing sentiment towards volunteers from USBP agents and the public, it is often difficult to determine what is within the scope of the law. Further, and in light of the groups’ position that “humanitarian aid is never a crime,” members of NMD often debate whether it is breaking the law to provide humanitarian assistance, and if it is in turn beneficial to their cause to be fined or arrested, due to the media attention that such events draw.<sup>65</sup>

The devolution of immigration law to the state and local level has resulted in very specific conditions within varying spaces along the border as well as internally throughout the United States. This is clearly demonstrated by the adoption of Operation Streamline and similar zero-tolerance policies, in which certain USBP sectors decide whether or not to apply the “uneven spatiality of immigration enforcement.”<sup>66</sup> In her recent article regarding this practice of devolution, Monica Varsanyi<sup>67</sup> discusses the legal (re)production of scale used to discern who belongs within the US and who does not. Importantly, she notes that by allowing this devolution, the federal government may continue to appear tough on border enforcement, while leaving the work of policing undocumented migration to the state and local levels. This devolution of immigration powers is not complete though, as Varsanyi reminds us, but rather “a partial, incomplete, and contingent devolution,” where the federal government still maintains overall say.<sup>68</sup> As I have discussed earlier, such an approach also results in the differential criminalization of migrants for the same act of crossing undocumented, as it is dependent upon the place in which they decide to cross. This in turn creates

a unique set of constraints for humanitarian aid workers depending also on their location. For example, those providing water in the Calexico region of the San Diego Sector, as well as those crossing there, are not affected by Operation Streamline, yet slightly further east in the Yuma Sector the policy of Operation Streamline applies.<sup>69</sup> Such programs, therefore, are part of the state’s spatial redirection of people’s movements.

Of particular concern for those promoting freedom of movement within the Mexico-US borderlands, and in particular the Tucson Sector, is the seemingly legitimated and everyday nature of Operation Streamline, one that continues to expand with little awareness or contestation from citizens residing in this region. Meanwhile, attacks upon the legitimacy of the provision of humanitarian aid continue, forcing such groups to repeatedly justify their means for doing the work they believe to be necessary. Perhaps unsurprisingly, providing a gallon of water to a group of people desperately in need of it becomes infinitely more problematic than the criminalization, incarceration, and possible death of that same group. Without the ongoing contestation of border militarization strategies, including Operation Streamline, and protesting of the continually growing death toll, such geographies of violence will continue to remain justified in the eyes of the state and much of its citizenry. This structural form of violence<sup>70</sup> created by CBP and USBP agents, the federal government, and vigilante groups, continues to demonstrate that the ongoing policing of undocumented migration, and practices of border militarization, are not concerned with the humanitarian impacts of immigration policy. Instead they are committed to failed policies of deterrence, which do not address the root causes of migration, but rather shore up the conditions which inevitably lead to abuses and death. As Fernandez, *et al.* so deftly note: “... human[s] who move [ ... ] without state authorization challenge [ ... ] human rights discourses by revealing the dependence of such discourses on the sovereignty of the nation-state.”<sup>71</sup>

Humanitarian groups such as NMD, as well as immigrant rights groups in a similar context, recognize that the work they do in the deserts of the Mexico-US borderlands will not solve the issue of undocumented migration and its attendant abuses and deaths. It is frequently cited by long-term volunteers, many of whom were involved in the Sanctuary Movement in the 1980s, that providing humanitarian aid is a band-aid solution, yet it is a necessary one at this present moment. No amount of water placed out in the desert will put an end to the deaths or prevent migrants from being incarcerated for increasingly lengthy periods of time. Yet the continued presence of volunteers, year

after year, has ensured that many thousands of migrants have been provided with some level of assistance and solidarity that they would otherwise not have received at the hands of USBP agents, or if left alone to die in the desert. Volunteers are often reminded to reflect upon their privilege of freedom of movement within the highly militarized borderland region, and how to use that privilege in a manner which best allows them to work alongside those who are denied such rights. As Jennifer Hyndman reminds us, the mobility of humanitarian aid is “juxtaposed with the relative immobility of migrants ... generating two distinct but related geographies.”<sup>72</sup>

#### NOTES

1. Customs and Border Protection, *Tucson Sector Makes Significant Gains in 2008*, [http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/10152008\\_7.xml](http://www.cbp.gov/xp/cgov/newsroom/news_releases/10152008_7.xml) (accessed September 31, 2008). By the close of 2008, it was reported that a total of 13,000 persons were prosecuted under Operation Streamline, and that the program had reduced recidivism to 21 per cent from a high of 70 per cent; see Brady McCombs, “‘Catch and Release’ Is Reality for Now,” *Arizona Daily Star*, January 31, 2009, <http://www.azstarnet.com/sn/border/278217> (accessed January 31, 2009).
2. Nandita Sharma, “Global Apartheid and Nation-Statehood: Instituting Border Regimes,” in *Nationalism and Global Solidarities: Alternative Projects to Neoliberal Globalisation*, ed. James Goodman and Paul James (London: Routledge, 2007).
3. This total is taken from the Arizona Daily Star’s border death tally, <http://regulus.azstarnet.com/borderdeaths/search.php>. It is important to note that this count is disputed, due to the manner in which the USBP and other agencies count border-crossing-related deaths, and to the likelihood of many other bodies remaining unfound in the desolate terrain of the Sonoran Desert; see also Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, Ruben Hernandez-Leon, and Stanley Bailey, “Death at the Border,” *International Migration Review* 33 (1999): 430–454.
4. Raquel Rubio-Goldsmith, M. Melissa McCormick, Daniel Martinez, and Inez Magdalena Duarte, “The ‘Funnel Effect’ and Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990–2005,” *Binational Migration Institute* (Tucson, AZ: Mexican American Studies Research Center, University of Arizona, 2006).
5. Anon., “Federal Courts Hit Hard by Increased Law Enforcement on Border,” *The Third Branch*, <http://www.uscourts.gov/ttb/2008-07/article02.cfm> (accessed December 12, 2008).
6. This article takes as its focus the more recent period of militarization, beginning with the implementation of Operation Gatekeeper and Operation Hold the Line in the early 1990s. It is recognized however that the militarization of the border has been a long and ongoing process. For detailed explorations of the longer build-up in militarizing the border, see Timothy Dunn, *The Militarization of the U.S.-Mexico Border 1978–1992* (Austin: CMAS Books, 1996); Joseph Nevins, *Operation Gatekeeper: The Rise of the “Illegal Alien” and the Making of the U.S.-Mexico Boundary* (New York: Routledge, 2002); and Josiah Heyman, “Why Interdiction? Immigration Control at the United States-Mexico Border,” *Regional Studies* 33 (1999): 619–630.
7. Notable links between the growth of immigrant detention and the prison-industrial complex (PIC) have been drawn out by academics and within the media; see, for example, Jonathan Simon, “Refugees in a Carceral Age: The Rebirth of Immigration Prisons in the United States,” *Public Culture* 10 (1998): 577–607.
8. Sharma.
9. Susan Bibler Coutin, “Contesting Criminality: Illegal Immigration and the Spatialization of Legality,” *Theoretical Criminology* 9 (2005): 13. For further discussion of this see Roger Rouse, “Mexican Migration and the Social Space of Postmodernism,” *Diaspora* 1, no. 1 (1991): 8–24; and Nicholas De Genova, “Migrant ‘Illegality’ and Deportability in Everyday Life,” *Annual Review of Anthropology* 31, no. 1, (2003): 419–447.
10. See <http://www.nomoredeaths.org>; for those interested in more detail on the operation and structure of NMD refer to this website and to Andrew Burrige, “Humanitarian Aid and the Production of Spatial Knowledge and Practices in the U.S.-Mexico Borderlands” (unpublished dissertation, University of Southern California, 2009).
11. See, for example Joseph Nevins, *Dying to Live: A Story of U.S. Immigration in an Age of Global Apartheid* (San Francisco: City Lights Books, 2008).
12. Joseph Nevins, “Thinking Out of Bounds: A Critical Analysis of Academic and Human Rights Writings on Migrant Deaths in the U.S.-Mexico Border Region,” *Migraciones Internacionales* 2 (2003): 172.
13. In a December 2008 press release by the CBP, it was quoted that the Border Patrol’s “humanitarian operations” led to the provision of necessary medical aid to a woman who had just given birth whilst crossing the border in southern Arizona; Customs and Border Protection, *Border Patrol Agents Rescue Mother and Newborn: Mother Gives Birth in the Desert*, <http://www.cbp.gov> (accessed December 23, 2008). This is just one example of the appropriation of humanitarian discourse by US immigration agencies, avoiding any critical discussion of how and why migrants came to be in a position in which they needed to be “saved.” This trend of applying humanitarian labels to the work of such agencies can also be seen in the press releases sent by the USBP to the *Arizona Daily Star* and several other publications whenever a notable “rescue” had occurred.
14. In 2005 the official tally of deaths across the entirety of the 2,000-mile Mexico-US border reached 472; see

- Jacqueline Hagan and Scott Phillips, "Border Blunders: The Unanticipated Human and Economic Costs of the U.S. Approach to Immigration Control, 1986–2007," *Criminology and Public Policy* 7 (2008): 83–94.
15. George Lakoff and Sam Ferguson, *The Framing of Immigration*, <http://www.rockridgeinstitute.org/research/rockridge/immigration> (accessed September 24, 2007); Harald Bauder, "Dialectics of Humanitarian Immigration and National Identity in Canadian Public Discourse," *Refuge* 25 (2008): 84–93.
  16. I use the term "precarity" or *precariedad*, more typically applied in Spain and countries within the European Union, denoting a position of living and working without documentation or many rights afforded to citizens of nation-states; see, for example, Precarias a la Deriva, *Adrift Through the Circuits of Feminized Precarious Work*, <http://eipcp.net/transversal/0704/precarias1/en> (accessed September 2006).
  17. Cynthia Wright, "Moments of Emergence: Organizing by and with Undocumented and Non-Citizen People in Canada after September 11," *Refuge* 21 (2003): 5–15. One need look no further than the implementation of policies such as the Immigration Reform and Control Act (IRCA) in the US—which created an amnesty for several million undocumented migrants in the United States in 1986, but was also coupled with restrictions against employers hiring undocumented workers, amongst other restrictions—for supportive evidence of such practices.
  18. See, for example, Teresa Hayter, *Open Borders* (London: Pluto Press, 2000); J. A. Shantz, "No One Is Illegal: Organizing Beyond Left Nationalism in Fortress North America," *Socialism and Democracy* 19 (2005): 179–186; Peter Nyers, "The Accidental Citizen: Acts of Sovereignty and (Un)Making Citizenship," *Economy and Society* 35 (2006): 22–41.
  19. To date the only notable engagement with No Borders politics within academic writing in the discipline of geography has been the 2003 special issue of ACME; see, for example Harald Bauder, "Equality, Justice and the Problem of International Borders: The Case of Canadian Immigration Regulation," *ACME* 2 (2003): 167–182, and the proceeding responses.
  20. See, for example, Carlos Fernandez, Meredith Gill, Imre Szeman, and Jessica Whyte, "Erasing the Line, or, the Politics of the Border," *Ephemera* 6 (2006): 466–483.
  21. The term "coyote" or "pollero" refers to a human smuggler. I do not intend here, however, to add to the many voices that seek to criminalize these guides as being the sole contributor to migrant deaths. While abuse does occur at the hands of coyotes, my experience in the Sonoran desert demonstrated that many offer support and aid to migrants in distress.
  22. The Secure Border Initiative (SBI) began in 2005, and "is a comprehensive multi-year plan to secure the United States' borders and reduce undocumented migration." It includes SBI.net, the technology-based arm of the initiative; see Department of Homeland Security, *Fact Sheet: Secure Border Initiative*, [http://www.dhs.gov/xnews/releases/press\\_release\\_0794.shtm](http://www.dhs.gov/xnews/releases/press_release_0794.shtm) (accessed January 6, 2009).
  23. Brady McCombs, "Feds Plan 57 Towers in AZ to Watch for Illegal Immigrants," *Arizona Daily Star*, June 22, 2008, <http://www.azstarnet.com/sn/printDS/244901> (accessed October 1, 2008).
  24. In Maricopa County, a significant portion of the state of Arizona, Sheriff Joe Arpaio has set out to criminalize undocumented migrants in highly visible ways, including deputizing his officers to act as immigration agents and starring in a reality television program. Under a law passed in 2005, more than one thousand migrants have been arrested and charged as co-conspirators in their own smuggling in Maricopa County; see Andrew Stelzer, "The Selma of Immigration Rights," *In These Times*, November (2008): 36.
  25. For a more detailed account, see Jenna Loyd and Andrew Burrige, "La Gran Marcha: Anti-Racism and Immigrants Rights in Southern California," *ACME* 6 (2007): 1–35. HR4437, it was contended, would have also reduced the ability to provide humanitarian aid to migrants; see Ernesto Portillo Jr., "'05 Border Bill Punishes Those Aiding Entrants, Foes Contend," *Arizona Daily Star*, January 26, 2006, <http://www.azstarnet.com/sn/printDS/113043> (accessed December 22, 2008).
  26. In the same year that HR4437 was defeated, the Secure Fence Act was put into place, allowing the construction of the proposed 700 miles of fencing.
  27. For an in-depth discussion regarding the impact of the Real I.D. Act, section 102, passed in 2005, allowing DHS to override environmental laws in order to construct border fencing, see the Sierra Club's documentary *Wild Versus Wall*, 2008, <http://arizona.sierraclub.org/border/borderfilm.asp>.
  28. Arizona Senate Bill 1070 was signed in on April 23, 2010, by Arizona Governor Jan Brewer, and is scheduled to go into effect on July 29, 2010. On July 6, 2010, the Department of Justice filed suit against Arizona, seeking a preliminary injunction to stop the legislation from taking effect.
  29. Spencer S. Hsu, "Immigration Prosecutions Hit New High," *Washington Post*, June 2, 2008, [http://www.washingtonpost.com/wp-dyn/content/article/2008/06/01/AR2008060102192\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/06/01/AR2008060102192_pf.html) (accessed December 22, 2008).
  30. I employ the official term of "recidivism" used by USBP and CBP agents here to remain consistent with their language, recognizing that this is a problematic term. Explanations for the drop in recidivism vary, from the official line by USBP that increased enforcement and deterrence measures have led to reduced crossings, to more nuanced analyses that consider also the role of the recent economic downturn and subsequent loss of jobs in sectors such as construction. Brady McCombs, "Zero Tolerance Working, Says Border Patrol," *Arizona Daily Star*, April 6, 2008, <http://www.azstarnet.com/sn/printDS/233135> (accessed June 8, 2008).

31. *Ibid.*
32. Jonathon Shacat, "Operation Streamline Results 'Striking,'" *Sierra Vista Herald*, June 19, 2008, <http://svherald.com/articles/2008/06/19/news/doc4859fdb05654f853902644.txt> (accessed October 10, 2008).
33. McCombs, "Catch and Release."
34. While the notion of witnessing has a religious context, and groups such as No More Deaths have their roots within religious movements such as Sanctuary, witnessing here is understood from a social justice perspective. Witnessing is used by such groups to document practices of the state against undocumented migrants, in efforts to make agents such as USBP aware that they are being monitored, and to draw media attention to practices such as Operation Streamline, apprehension, and detention. For further discussion see Geraldine Pratt and the Philippines-Canada Task Force on Human Rights, "International Accompaniment and Witnessing State Violence in the Philippines," *Antipode* 40, no. 5 (2008): 751-779.
35. Coalición de Derechos Humanos, "Operation Streamline Action Alert: Immigrants Should Not Be Tried Behind Military Walls," March 14, 2008, [http://www.derechoshumanosaz.net/index.php?option=com\\_content&task=view&id=96&Itemid=2](http://www.derechoshumanosaz.net/index.php?option=com_content&task=view&id=96&Itemid=2) (accessed October 2008).
36. McCombs, "Catch and Release."
37. Howard Fischer, "Court Bars Practice of Migrants Pleading Guilty in Large Groups," *Arizona Daily Star*, December 3, 2009, [www.azstarnet.com](http://www.azstarnet.com) (accessed December 4, 2009); Joanna Lydgate, "Assembly-line Justice: A Review of Operation Streamline," *The Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity*, University of California, Berkeley Law School, January 2010; United States Court of Appeals for the Ninth Circuit, "*United States v. Roblero-Solis*," December 2, 2009.
38. Coalición de Derechos Humanos.
39. Jay Root, "Jail Growth Explodes as Feds Crackdown on Illegal Migrants," *McClatchy*, May 26, 2008, <http://www.mcclatchydc.com/226/story/38555.html> (accessed October 23, 2008).
40. *Ibid.*; for further information regarding immigration prosecution data, see the Transactional Records Access Clearinghouse, Syracuse University, <http://trac.syr.edu/tracdhs/>.
41. In Anna Gorman, "L.A. Mayor Chides ICE for Workplace Immigration Raids," *Los Angeles Times*, April 10, 2008, <http://articles.latimes.com/2008/apr/10/local/me-raids10> (accessed April 29, 2008), it was stated that "In fiscal year 2007, ICE made more than 4,900 work-site arrests, a 45-fold increase over the number in 2001."
42. Michael Riley, "Criminal Crossing: Part 3," *Denver Post*, March 6, 2007, [http://www.denverpost.com/fortressamerica/ci\\_5363410](http://www.denverpost.com/fortressamerica/ci_5363410) (accessed December 28, 2008); Bill Sontag, "Federal Agencies Commemorate Operation Streamline Accomplishments," *Southwest Texas Live*, December 3, 2008, <http://swtexaslive.com/node/8220> (accessed December 28, 2008).
43. Root.
44. Adam Borowitz, "Wackenhut Worries," *Tucson Weekly*, May 3, 2007, <http://www.tucsonweekly.com/gbase/Currents/Content?oid=oid%3A95659> (accessed January 5, 2008).
45. Meredith Kolodner, "Immigration Enforcement Benefits Prison Firms," *New York Times*, July 19, 2006, <http://www.nytimes.com/2006/07/19/business/19detain.html> (accessed March 7, 2008); see also Anna Gorman, "Immigration Detainees are at Record Levels," *Los Angeles Times*, November 5, 2007, <http://articles.latimes.com/2007/nov/05/local/me-immig5> (accessed December 19, 2007).
46. Tom Barry, "The Deterrence Strategy of Homeland Security," *Americas Policy Program*, June 2, 2008, <http://america.irc-online.org/am/5269> (accessed June 2, 2008).
47. See, for example, the guest editorial by the USBP Tucson Sector Chief, Robert W. Gilbert, "Curbing 'Voluntary Return,'" *Arizona Daily Star*, January 25, 2009, <http://www.azstarnet.com/sn/printDS/277208> (accessed January 30, 2009); see also McCombs, "Catch and Release."
48. *Ibid.*
49. For a history of the Sanctuary movement in southern Arizona, which was largely in operation between 1985 and 1992 and subject to significant repression from the US government and Federal Bureau of Investigations, see Susan Bibler Coutin, *The Culture of Protest: Religious Activism and the U.S. Sanctuary Movement* (San Francisco: Westview Press, 2003).
50. In 2008, No More Deaths released its report on the abuse of migrants in short-term detention and the lack of regulations regarding this form of incarceration; see No More Deaths, *Crossing the Line: Human Rights Abuses of Migrants in Short-Term Custody on the Arizona/Sonora Border* (2008), available at <http://www.nomoredeaths.org>; see also Brady McCombs, "Abuse Claims Hard to Dispel," *Arizona Daily Star*, October 19, 2008, <http://www.azstarnet.com/allheadlines/263147> (accessed December 22, 2008).
51. The Border Patrol Search, Trauma, and Rescue Team (BORSTAR) began in San Diego in 1998 under the Border Safety Initiative due to the increased occurrence of severe medical emergencies when encountering migrant groups; Customs and Border Protection, *BORSTAR History*, June 9, 2003, [http://cbp.gov/xp/cgov/border\\_security/border\\_patrol/special\\_oper/borstar/borstar\\_history.xml](http://cbp.gov/xp/cgov/border_security/border_patrol/special_oper/borstar/borstar_history.xml) (accessed January 29, 2009).
52. Public Affairs Office, "Statement Regarding Issuance of Littering Citation at Buenos Aires National Wildlife Refuge," U.S. Fish and Wildlife Service, [http://www.fws.gov/southwest/refuges/arizona/buenosaires/PDFs/Statement%20Regarding\\_Littering\\_Citation\\_on\\_BANWR.pdf](http://www.fws.gov/southwest/refuges/arizona/buenosaires/PDFs/Statement%20Regarding_Littering_Citation_on_BANWR.pdf) (accessed September, 2008). Alongside the ongoing act of placing gallon water jugs on the Refuge by NMD, another humanitarian aid group, Humane Borders, has two permanent stations that hold approximately fifty-five

- gallons of water and are marked by blue flags, though were initially promised permits for ten water stations. For a detailed analysis of Humane Borders and its work, see John F. Chamblee, Gary L. Christopherson, Mark Townley, Daniel DeBorde, and Rev. Robin Hoover, "Mapping Migrant Deaths in Southern Arizona: The Humane Borders GIS," (2006), <http://gis.esri.com/library/userconf/proc06/papers/abstracts/a1464.html>.
53. Stephanie Innes, "Judge: Border Volunteer 'Littered' by Leaving Water for Illegal Crossers," *Arizona Daily Star*, September 23, 2008, <http://azstarnet.com/sn/printDS/258986> (accessed October 28, 2008).
  54. Billie Stanton, "Magistrate and Refuge Managers Prefer Death to 'Littering,'" *Tucson Citizen*, September 24, 2008, <http://www.tucsoncitizen.com/blog/view/127> (accessed January 22, 2008). During the time of the court case, Fish and Wildlife officials gave permission for DHS to place five surveillance towers on the Refuge to help in the detection of migrants crossing; see Brady McCombs, "5 Virtual Fence Towers on Buenos Aires Get Initial OK," *Arizona Daily Star*, August 22, 2008, <http://www.azstarnet.com/sn/printDS/254004> (accessed September 28, 2008).
  55. For a further discussion on the use of fear to restrict movement of undocumented migrants, see Josiah Heyman, "State Effects on Labor Exploitation: The INS and Undocumented Immigrants at the Mexico-United States Border," *Critique of Anthropology* 18, no. 2 (1998): 157–180.
  56. Hagan and Phillips; Wayne A. Cornelius, "Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy," *Population and Development Review* 27 (2001): 661–685.
  57. Feldman and Durand explore the notion of social Darwinism created through the presence of USBP and related policies that may result in only the strongest of migrants with the greatest resources reaching their destination within the United States. The use of Streamline and its impact upon migrant decision making might usefully be compared with this discussion; see Andreas Feldman and Jorge Durand, "Die-Offs at the Border," *Migración y Desarrollo* 10, no. 6 (2008): 11–36.
  58. It should be noted that handing oneself over to USBP is not a risk-free option when attempting to return to Mexico or Central America, outside of the concerns created by Operation Streamline, as documented by No More Deaths regarding abuse of migrants in short-term detention when being voluntarily returned.
  59. In fiscal year 2008, through the Mexican Interior Repatriation Program, 18,643 Mexican nationals were repatriated; Customs and Border Protection, *Tucson Sector Makes Significant Gains*. See also Brady McCombs, "U.S. Is Out \$51M for Flying 64,000 Illegals to Mexico," *Arizona Daily Star*, August 10, 2008, <http://www.azstarnet.com/sn/printDS/252028> (accessed September 27, 2008). In 2010, the repatriation program was resumed for the seventh year; see Brady McCombs, "Repatriation Flights for Crossers Resume," *Arizona Daily Star*, June 4, 2010, [http://azstarnet.com/news/local/border/article\\_cc4133bf-14fe-5d44-ba3a-031724d26756.html](http://azstarnet.com/news/local/border/article_cc4133bf-14fe-5d44-ba3a-031724d26756.html) (accessed June 30, 2010).
  60. Through the use of Operation Streamline and other prosecution and removal initiatives, the Tucson Sector is aiming at "stopping the revolving door of voluntary return," instead ensuring every single person detained is removed with a criminal conviction; see Gilbert.
  61. See Rob Guerette, "Migrant Death and the Border Safety Initiative: An Application of Situational Crime Prevention to Inform Policy and Practice" (PhD thesis, Rutgers State University of New Jersey, New Brunswick, NJ, 2004). Up to one hundred people a day are laterally repatriated from the Tucson Sector; see McCombs, "Catch and Release." In 2008, of the 300,000 migrants detained in the Tucson Sector, 71,000 were not deported voluntarily, a figure USBP seeks to greatly increase; see Gilbert.
  62. Customs and Border Protection, *Tucson Sector Makes Significant Gains*. By the close of 2008, it was reported that 10,000 persons had been laterally repatriated that year; see Gilbert. The program was also extended to return migrants apprehended in Arizona to Presidio, Texas/Ojinaga, Chihuahua, at the close of 2009; see John Burnett, "U.S. Buses Undocumented Migrants to 'Nowhere,'" *National Public Radio*, December 18, 2009, <http://www.npr.org/templates/story/story.php?storyId=121572719&ps=cprs> (accessed June 30, 2010).
  63. Humanitarian aid groups patrol most of this corridor, in which the most significant levels of deaths occur, but are unable to patrol on the Tohono O'odham reservation to the west, which encompasses a large proportion of these deaths; see, Brady McCombs, "Reservation Ban of Water for Migrants Is Reported," *Arizona Daily Star*, September 3, 2008, <http://azstarnet.com/sn/printDS/255748> (accessed October 28, 2008). For a more detailed discussion regarding Tohono O'odham views on humanitarian aid on the reservation, see Kenneth D. Madsen, "Local Impacts of the Balloon Effect of Border Law Enforcement," *Geopolitics* 12 (2007): 280–298.
  64. Marie A. Failinger, "No More Deaths: On Conscience, Civil Disobedience, and a New Role for Truth Commissions," *UMKC Law Review*, 75 (2006): 401–435; Djamila Grossman, "Entrant Rescuers Believed Acts Ok'd," *Arizona Daily Star*, September 5, 2006, <http://www.azstarnet.com/sn/printDS/145200> (accessed December 22, 2008).
  65. For a detailed exploration of discussions surrounding the law and role of the media within the Sanctuary Movement, see Susan Bibler Coutin, "Smugglers or Samaritans in Tucson, Arizona: Producing and Contesting Legal Truth," *American Ethnologist* 22 (1995): 549–571.
  66. Mathew Coleman, "Immigration Geopolitics beyond the Mexico-U.S. Border," *Antipode* 39 (2007): 54–76.
  67. For a detailed exploration of the devolution of immigration policies and policing in Arizona, see Monica Varsanyi, "Rescaling the 'Alien,' Rescaling Personhood: Neoliberalism,

Immigration, and the State,” *Annals of the Association of American Geographers* 98 (2008): 877–896.

68. *Ibid.*, 882.
69. A humanitarian aid group that also provides water, Border Angels, has been in operation in the San Diego Sector since the 1980s; see <http://www.borderangels.org>.
70. For a detailed discussion of the use of structural violence see the work of Joseph Nevins, particularly “A Beating Worse than Death: Imagining and Contesting Violence in the U.S.-Mexico Borderlands,” *AmeriQuests* 2, no. 1 (2005): 1–25. Drawing on the work of Johan Galtung, Nevins states, “When there is no actor present—or when violence is the outgrowth of the seemingly acceptable, institutionalized practices of organizations deemed as legitimate—it is indirect or structural” (p.15).
71. Fernandez *et al.*, 470–1.
72. Jennifer Hyndman, “Border Crossings: The Politics of Mobility,” in *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minneapolis: University of Minnesota Press, 2000): 30.

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