



Policing Immigrants as Politicizing Immigration: The Paradox of Border Enforcement

Walter J Nicholls¹

Department of Sociology and Anthropology,
University of Amsterdam
w.j.nicholls@uva.nl

In the global North, borders have experienced a renaissance in the last 25 years. Efforts to “get tough” on undesirable immigrants have resulted in the growing concentration of power by national enforcement agencies *and* the devolution of responsibilities to thousands of civil servants, local officials, and others working directly with immigrants. Concentrating the powers of national immigration agencies has been seen as a necessary means to reduce access to legal residency, reinforce external borders, and remove unauthorized immigrants settled in national territories. Making bigger and more powerful immigration agencies was however not sufficient to plugging the many holes that allowed migrants to enter and settle in these countries. Plugging these holes precipitated the devolution of responsibilities to frontline public agencies, officials, and non-profit organizations; agents whose proximity to immigrants allowed them to function as effective relays of central state power (Miller and Rose 1990; Zolberg 1999; Balibar 2004; Coleman 2007). For many of these newly deputized border enforcers, detecting, forbidding, and exposing “illegal aliens” has become a “banal” (see, Arendt 1977) part of their everyday work practices.



However, in a paradoxical way, the enhanced policing capacities of governments have politicized immigration and opened up governmental practices to disagreements, disputes, and contentious struggles. On the one hand, incorporating these different agencies and people into exclusionary practices opened up questions over who should be excluded and included from the nation and what the roles of “street level bureaucrats” should be in executing border enforcement policies (Lipsky 1980; van der Leun 2006). On the other hand, it has resulted in the proliferation of exclusionary lines and repressive measures across national territories, transforming each act of exclusion into a potential moment of resistance by migrants and their supporters. I argue that early doubts, disagreements, and resistances may not express calls to eliminate national borders, but they generate thousands of small debates over whether government categories and measures are legitimate and just. Certain seeds of doubt and resistance can fester, sharpen, and spread like a virus, becoming potent regional and national political mobilizations. Governmental strategies to reinforce national borders have therefore politicized their bordering efforts in unanticipated ways.

The paper illustrates the paradox of policing as politicizing by drawing on existing scholarship and the author’s research on the United States, France, and the Netherlands (Nicholls 2013a, 2013b, 2013c; Nicholls and Uitermark 2013). The scope of the topic presented here exceeds the format of an ACME intervention paper. The aim is therefore limited to identifying the basic mechanisms of a complex causal process; mechanisms that can later be empirically assessed in further rounds of research. This paper contributes to the growing literature on comparative immigrant activism by specifying how the enactment of local immigration controls in multiple countries spurs acts of political resistance (Siméant 1998; Koopmans et. al. 2005; Nicholls 2013b; Conlon and Gill, this volume). Rather than such local measures reinforcing the line between “legal” and “illegal” residency, this paper argues that such measures have contributed to politicizing and disturbing it.

Policing Immigration: Centralizing and devolving bordering powers

While immigration regimes vary by countries, there has been some convergence in the global North since the late 1980s (Geddes 2000; Joppke 2007; Berezin 2009). The convergence of immigration regimes has been expressed in new policies to limit legal migration, reinforce external borders, and internalize the enforcement of national borders (Siméant 1999; van der Leun 2006; Varsanyi 2008). For example, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (1996) passed in the United States allocated more resources to enforcement, expedited deportation procedures, lowered the threshold of deportable offenses, severely restricted judicial discretion during removal proceedings, and reduced possibilities for appeals, among other things (Varsanyi 2008). The federal immigration enforcement agencies moved from being one of the least funded federal policing agencies to the most funded (Durand and Massey 2003).

While national enforcement agencies have grown bigger and more powerful, governments have introduced measures to require public agencies, civil servants, and other frontline service providers to restrict services to undocumented immigrants (Siméant 1997; Zolberg 1999; van der Leun 2006; Varsanyi 2008). For example, in the Netherlands, the Linking Act (1998) required public service providers working in health, housing, and educations to deny service to undocumented immigrants. Depriving undocumented immigrants the resources needed to ensure their survival became a cornerstone of border enforcement strategies.

“Street-level bureaucrats” were not only expected to monitor immigrants and deny essential services but they were also expected to play a direct policing role (van der Leun 2006; Péchu 2006; Varsanyi 2008). For example, France’s Debray Law (1997) required mayors to report on immigrant mobility by making foreign nationals register their arrivals and departures in their jurisdictions (Péchu 2006). IIRIRA in the United States introduced contracts for local law enforcement agencies to work in partnership with the federal government to detect and deport undocumented from their jurisdictions (287 [g] agreements) (Varsanyi 2008; Walker and Leitner 2011).

The perceived need to enforce national borders precipitated efforts to extend the reach of the state downwards into the everyday worlds of undocumented immigrants. It is important to stress that both the “left and right hands” of the local state (welfare and policing functions respectively, see Bourdieu 1998) were directly incorporated into this effort. Whereas one hand of the local state was used to deny undocumented immigrants the resources needed to survive, the other hand was used to detect and deport those who continued to struggle in these hostile environments.

The expansion of the state’s enforcement capacities (centralizing and devolving bordering powers) significantly improved the government’s abilities to detect, detain, and remove unauthorized immigrants from these countries. For example, deportation rates in the United States increased from 188,000 per year in the late 2000 to 392,000 in 2011, largely as a function of innovations in government enforcement capacities (Lopez and Gonzalez-Barrera 2013).

Politicizing Immigration: Planting seeds of disruption across localities

These policies raised the costs of migration and increased rates of deportations, but they have also contributed to politicizing the immigration issue in localities across these countries.

First, locals are expected to enact national enforcement measures and many do so unquestioning. Other street-level bureaucrats, however, may have ethical concerns over who deserves their services and some also have discretion over how to enact government measures. For example, after the passage of the Linking Act, Dutch medical professionals were expected to deny non-emergency medical

services to immigrants lacking legal documentation (van der Leun 2006). Their new enforcement responsibilities conflicted with their professional ethics to serve all patients irrespective of their legal status. Many medical professionals continued to provide immigrants coverage under the “emergency” clause of the provision, sparking a conflagration and eventually pushing the government to modify its position. Conflicting obligations (to the state and to personal-professional ethics) can therefore spark disagreements over whether central government categories of exclusion are socially just and whether street-level service providers should take a role in executing them. Such disagreements may also enhance the leveraging capacities of migrant activists and advocacy groups by providing them with potentially influential allies.

Second, as the devolution of enforcement powers enhanced the roles of local officials in immigration, activists on both sides of the issue have targeted subnational levels of government with their claims (Walker and Leitner 2011; Chauvin and Garcés-Mascareñas 2012). This has led to increased pressure on local elected officials to stake out positions on the issue of immigration that may exceed or conflict with the position of central governments. This trend has been particularly acute in the United States (Walker and Leitner 2011). Beginning in the late 1990s and early 2000s, anti-immigrant activists pressed municipalities to pass ordinances that specifically targeted the legal status of residents. Some of these ordinances fined landlords and businesses that entered contracts with undocumented immigrants and others devised restrictive housing regulations and banned day laborer hiring sites (Walker and Leitner 2011: 157). Many other localities and states in the United States passed their own measures to support undocumented immigrants. These measures included making undocumented immigrants eligible for in-state tuition, creating sanctuary cities, providing immigrants with drivers’ licenses and identification, etc. Thus, devolving enforcement powers made local governments into targets of political action, contributing to the pursuit of local immigration policies that reinforced, resisted, or exceeded the central government’s own bordering policy and strategy.

Third, the proliferation of restrictive exclusionary measures has contributed to points of conflict and resistance in the everyday lives of immigrants and natives. In France for example, the government practice of targeting elementary schools for deportation raids in the 2000s resulted in sharp conflicts with immigrants, teachers, school administrators, and French parents (Mathieu 2010). Many of the French parents joined these small struggles for apolitical reasons. They simply did not want to see the parents of their children’s friends threatened in schools. However, through their involvement they were confronted with government immigration policies and many came to believe that they were wrong and unjust. While most people involved in these small campaigns were not anti-border militants, the violent extraction of real people (who happened to be immigrants) from their neighborhoods was seen as morally shocking and wrong (Jasper 1997).

Enhanced policing powers have therefore planted the seeds of doubt, disagreement, and resistance across national landscapes. Many if not most of these seeds have not taken root and flourished. However, some do take root and growing into relatively powerful social movement networks.

Going viral: from small disruptions to thriving, tangled mobilization networks²

Whether seeds of disruption and resistance grow into larger mobilizations (i.e. going viral) depends on networking processes, which are often complicated and unpredictable. Due to the lack of space, I focus on how connections are built between allies rather than the conflicts that emerge between them. I have addressed issue of conflicts between allies in other work (see, Nicholls 2013a, 2013b, 2013c).

Scaling up from an initial point of resistance to sustained collective mobilization is a complicated networking process (Nicholls 2009). Resistance often emerges as a defensive move whereby an initial group of immigrants and allies seek to defend the *particular* group in a *particular* place from what are viewed to be heavy handed and unfair government practices. In the case of French parents and teachers defending undocumented parents from deportation raids in schools, their resistance reflected a “moral shock” of the ways in which immigration policy was executed (e.g. targeting *their* elementary schools) and towards this particular group of people (e.g. the parents of *their* children’s friends) (Mathieu 2010).

Small and defensive resistances serve as important networking opportunities. They encourage diverse people to come out of their private worlds, engage directly with the effects of restrictive government policies, and learn how to pool their different resources (i.e. money, bodies, knowledge, information, connections, etc.) for a collective enterprise. These pockets of resistance are also moments in which the initial “moral shocks” of activists are validated and substantiated. Native allies share feelings of shock with people like themselves and come into close contact with immigrants targeted for deportation. In these intimate confines, native allies witness the difficulties of undocumented and precariously legal immigrants. They are told stories of abuse and struggles for survival and dignity. These exchanges provide emotional content to their initial moral shock.

Early acts of resistance can and often do remain local and defensive. They are momentary disruptions in the circuits of governmental power. Extending beyond the initial point of conflict depends largely on the availability and diversity of “brokers” who can connect localized activists to their broader worlds (Granovetter 1983; Routledge 2003; Nicholls 2009). Some activists (natives and immigrants) involved in localized struggles may be members of organizations or

²See, Goodwin and Jasper 1998

have direct connections to people with power and influence. These brokers connect the localized resistance to previously unconnected outsiders by representing them in ways that resonate with the norms, values, and goals of these outsiders. They do not simply introduce two unconnected actors but they reveal how the struggles of the immigrants are similar and related to the interests and norms of these outside groups. They provide outsiders a *reason* to connect and contribute their scarce resources to the campaign.

The greater the variety of skilled brokers in a given “resistance cluster” (Diani and Bison 2004; Nicholls 2009), the greater the likelihood that the resistance extends beyond the initial point of conflict. The diversity of skilled brokers allows the cluster to establish connections to a range of different local and non-local actors. These outside supporters may contribute their own resources to a campaign and transmit the message to their own particular publics. Newly connected supporters often assume brokering roles in their own right and help extend the message of a campaign deeper into their worlds. For example, in a protest campaign of rejected asylum-seekers in the Netherlands, Dutch supporters of the protesting immigrants had contacts with the media, squatters, a lobbying organization, and a Protestant church. The supporter with contact to a Protestant church was able to gain the support of his local church for the struggle. The pastor of this church contributed material and symbolic resources and also brokered new connections with the Protestant hierarchy, bringing in a very powerful actor into play. Thus, the diversity of possible brokers allowed this campaign to extend far beyond the original point of conflict. Each contact further down the relational chain helped draw in new resources but also extend the original struggle beyond its particular point of origin.

Another important networking process is what I call “amplification”, which occurs when the resources derived from two or more different networks overlap and amplify one another. Activists combine resources derived from different networks to create potentially powerful synergies. The degree of amplification intensifies when a campaign has more overlapping networks. Activists also develop creativity and know-how in stitching together networks and resources to maximize their amplification effects. Drawing again from the case of the asylum seekers in the Netherlands, one Dutch supporter was also an employee of a popular music venue. She convinced the owners to allow refugee musicians to organize a fundraiser event. Other Dutch volunteers called their contacts to the media to maximize press coverage of the event. The wide and positive coverage of the event resulted in the extension of invitations by other concert venues and increased support for the cause. Thus, by combining resources derived from two different networks (concert venues plus media) the activists were able to create powerful synergies and amplification effects.

When networking processes are unleashed, the original resistance event is extended outward on the relational chain and the degrees of separation grow. The resources derived from each network overlap and amplify one another in

complicated and unpredictable ways. Once the original resistance achieves a *buzz* in the public sphere, the networking process constituted by the mechanism of brokering, extension, and amplification accelerate. The subsequent inflow of resources and attention allows the campaign to stabilize its position, magnify its message, and draw in multiple sources of support. At this stage, the original point of resistance has gone viral; transforming what had been a momentary disruption in the circuits of governmental power into a disturbance that brings to light the wrongs of exclusionary policies. Whereas the rationales underlying government policies and measures had mostly been normalized, these disturbances destabilize the “common sense” and open up exclusionary categories and methods to critical *political* debate (Rancière 2001). Government officials may not necessarily concede to these pressures but they must now justify their strategies to deny certain people recognition of basic human rights. In this sense, the denial of rights ceases to certain groups ceases to be *normal* and becomes the subject of *politics*.

Conclusion: Policing as Politicizing

If “borders are everywhere”³ so too are acts to transgress them. New circuits in border enforcement nets have closed down many cracks in national walls and rendered the lives of irregular migrants close to impossible. But this has not led to seamless border enforcing machines. The extension of enforcement measures has planted thousands of doubts, disagreements, and resistances that disrupt the smooth transmission of power through governing circuits. Many of these small disruptions do not grow into larger struggles. Government officials have great skills and capacities to clear out and repair governing circuits. Nevertheless, certain points of conflict escape their reach. The paper highlights the principal networking process and its distinctive mechanisms (brokering, extensions, amplifications) that transform small disruptive seeds into large, complex, and powerful struggles for immigrant rights. These struggles may not force governments to completely reconfigure their bordering rationales and strategies but they unsettle the *common sense* that render exclusionary strategies into a *normal* part of civic and administrative life. These struggles assert that government strategies are wrong because the people targeted for exclusion are equals who merit basic rights. The growing resonance and legitimacy of such arguments compel government officials to justify their rationale and strategies in public debate. Thus, more policing has contributed to politicizing state bordering strategies, thereby unsettling national bordering efforts by opening up small and larger debates over who belongs and doesn’t belong in the country.

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³See, Balibar 2004

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