

Women for Profit – Seeking Asylum in the United States: A Neocolonial Story

Written by Sara Riva

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SARA RIVA, JUN 14 2021

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Each year, thousands of hetero-nuclear families cross the United States-Mexico border fleeing from the violence in their countries of origin and seeking asylum in the US. Even though locking up people who seek asylum goes against guidelines from the United Nations High Commissioner for Refugees (UNHCR), many of these women and their underage children often end up confined in one of the family immigration detention centers that exist in the US. They are held at the immigration centers until they pass their credible fear interview with an asylum officer. This interview will determine whether they can enter the US or be deported. Two things are important to note here. First, migration regimes today are based on deterrence rather than human rights (Gammeltoft-Hansen and Tan 2017, 28), and the confinement of refugees has become a common practice across the world. The second issue, also a global practice, is the inclusion of private actors in the migration management arena, from Australia paying private companies to confine asylum-seekers in nation-states like Nauru and Papua New Guinea, to the United States, which locks refugees in privatized detention centers at the border. In this way, corporations profit from the confinement of populations fleeing violence.

Paloma[1] had been in the immigration detention center for four days when I met her. While in confinement, she and her children had been given clothes and a room to share with other families. When I went to talk to her about her asylum interview, I asked her about her job in her native country. Taking her hand to the back of her neck and pulling the tag of her t-shirt to show me the brand's name, she said, 'I used to work in a maquiladora for this company. I made these t-shirts!'[2]

This chapter explores the relationship between the state and the refugee by investigating one element of contemporary border control: privatized confinement. In particular, I look at the detention experience that women like Paloma have to face when seeking asylum. Third World women are subject to an endless cycle of exploitation, first in their countries of origin and then once they reach the global north[3] looking for asylum. The inclusion of private actors in the migration management regime has been key for its expansion around the globe. Neoliberalism has enabled the outsourcing of border practices to private companies, and now the border has become an assemblage of different practices that countries exercise beyond the limits of their territories.

These assemblage of parts and discourses that impede those who seek asylum in countries in the global north are called bordering mechanisms and can range from border externalization measures to dehumanizing discourses about refugees. Migrant detention, visa processing, border surveillance, transportation of detained migrants, offshore processing and so on have all been privatized and are managed by corporations. Like in Paloma's case, these companies receive money from the government for each person they keep confined. In this way, states cooperate with private actors to carry out their work. These public-private agreements increase restrictive migration control policies, resulting in the creation of a transnational assemblage that extends beyond individual countries and impedes refugees from reaching safe shores.

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While I focus on the United States, I refer to other examples in the Anglosphere, as practices travel through big corporations. This chapter has four parts. First, I detail how I combine a transnational feminist framework with ethnographic work conducted in a detention center at the US-Mexico border. A transnational feminist lens allows us to connect global economic structures and their on-the-ground effects. Second, I detail how private detention became a relevant course of action in the migration management regime and the neoliberal entanglements that connect private interests to public matters. Third, I argue that, today, women's bodies are both exploited in their countries of origin and through confinement practices. Additionally, I claim that discourses are essential for maintaining practices, such as the confinement of women and children looking for asylum. There is a history of dehumanizing discourses from people in the global north that legitimize practices such as migration confinement. In closing, I argue that the inclusion of private actors is paramount to the creation of a transnational assemblage that contains people in the global south, while it transforms states into profit-making apparatuses that follow a neoliberal logic.

Transnational Feminism and Ethnographic Work at the Border

Through an engagement with transnational feminism, I seek to add ethnographic evidence to the ways in which borders are constructed as violent spaces that reinforce racialized neocolonial ideologies. A transnational feminist lens draws attention to the long lineage of violence that people from the global south have historically experienced. My particular focus on how these practices affect displaced women both challenges the idea of borders as spaces of protection and evidences the 'present-day neocolonial global hierarchy' (Herr 2014, 8).

Transnational feminism is a tool for anti-colonial struggle and takes into account how dimensions of identity – such as race, class, sexuality or ability – travel across borders (Briggs, McCormick, and Way 2008; Sudbury 2005). Drawing on the insights of Third World women and women-of-color feminism and activism, transnational feminism is based on intersectionality and the pluralization of feminist politics that contests the essentializing idea of a global sisterhood. It is a framework that has been very productive in exploring political solidarity movements across the globe (Parikh 2017), as well as cross-border organizing (Desai 2005). In this chapter, I want to extend its use from the study of different scales of activism to the exploration of the neocolonial structure of the migration management system that rules the global north. I analyze how the bodies of women who seek asylum end up exploited by the neoliberal structures of privatized immigration detention centers.

Since a transnational feminist framework illustrates a matrix of relationships between people, discourses, nations, economies and practices (Herr 2014), it is particularly well suited to make connections between colonial and neocolonial relations (see, for instance, Lemberg-Pedersen 2019). This methodology pays attention to particular historical and political contexts and how the inter-relations of each of these regions enable updated forms of racialized stereotyping of certain groups – for instance, in the United States, Central Americans are viewed as criminals, smugglers, drug dealers and gang members (Riva 2017). These stereotypes are built upon years of militarism, imperialism and geopolitical intervention shaped by neocolonial racialized ideologies and become visible at the border. These dehumanizing discourses legitimize practices, such as the confinement of refugees. A transnational feminist lens illuminates how the particular racial formations that we encounter today are a result of years of colonialism and neoliberalism that have historically exploited people of color. However, neoliberalism does not only exploit women in their countries of origin – through labor processes – but also, the system profits from those who seek asylum once they reach the United States. This is done through confining them in privatized detention centers. Neoliberalism has given place and space to the privatization of many structures and processes across the planet, including migration management practices that take place around the world. A transnational feminist analysis takes into account global economic structures, legal-judicial oppression (Grewal and Kaplan 1994) and their on-the-ground effects.

This chapter is the result of critical engagement with secondary literature, academic writing, analysis of news accounts, laws and reports and ethnographic work. The empirical research for this study was conducted in 2016 at an immigration detention center located in south Texas where I interviewed legal advocates working for a non-profit organization while I worked as a volunteer myself. The detention facility is owned and managed by a private prison corporation – CoreCivic (formerly Corrections Corporations of America) – that has contracted with the federal government. Legal advocates in this facility offer their services on a volunteer basis and are not contractually

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engaged or obliged by the government or other authorities to aid detainees. In addition to conducting interviews with the legal advocates and volunteering in the center to aid detainees, my research involved participant observation research methods and a critical engagement with secondary literature. Such methodologies aid in understanding the everyday realities of those who seek asylum while in detention.

Neoliberal Entanglements

'For each woman detained here, the company that runs the prison receives money from the government', says Dana, one of the legal advocates that works in the detention center as a volunteer. As in many detention centers in the US, the one where I did my fieldwork had been privatized. Before the 1980s, detention as a governing immigration practice was 'largely an ad hoc tool employed mainly by wealthy states in exigent circumstances that typically made use of prisons, warehouses, hotel rooms or other "off-the-shelf" facilities' (Flynn 2014, 167). Thus, the commodification of migrant detention took place mostly after the 1980s. Within border securitization, confinement today has become one of the key elements in detention and thus in the management of migrant and refugee populations. The origins of confinement as a common practice in immigration governance are connected to the securitization of migration (Bigo 2002; Huysmans 2006; Mountz 2011). After 9/11, border security merged and became the center of national security (Golash-Boza 2016; Longo 2018, 3). The securitization rhetoric is based on the idea that migrants are potential threats – to security, culture, the economy – and justifies the confinement of any foreign population. Immigration detention centers, such as Campsfield in Oxford, United Kingdom; the South Texas Family Residential Center, in Texas, US; and the Curtin Immigration Reception and Processing Centre in Australia, are run by private corporations. Extreme cases of offshore, privately run processing centers are the ones Australia has contracted with Papua New Guinea and Nauru; or the one the United States has in Guantánamo Bay, Cuba (Frenzen 2010, 392).

One of the elements that facilitates the homogenizing of detention regimes in the world is the fact that many of the same big, for-profit corporations run most of the private prisons in most countries of the global north. This is one means through which techniques of confinement are diffused in different countries. The global security firms that lobby and bid for contracts to develop the new technologies and infrastructures of border enforcement (Gammeltoft-Hansen 2013; Hernández-León 2013; Lemberg-Pedersen 2013; Menz 2013), intentionally or not, homogenize the regimes of border control. During the 2018 fiscal year, a daily average of 42,188 migrants were held by US Immigration and Customs Enforcement (ICE) (US Immigration and Customs Enforcement 2019). 'I feel like each month, the number of people [detained] keeps growing', says Flora, another legal advocate that works as a pro bono lawyer in the center. Several examples offer a broad overview of how neoliberalism has reached different places through the privatization of detention centers: in the UK, seven out of the nine immigrant detention centers – and all of the short-term holding facilities – are run by multinational, for-profit companies; in the US, for-profit companies control more than half of all detention bed spaces (Sinha 2016, 83); and in Australia, all immigration detention centers are run by private companies (Bacon 2005, 3; Simonds and Wright 2017).

Neoliberalism has been a key feature in the expansion of the immigration and refugee detention system (Doty and Wheatley 2013, 434). Private and non-state actors have gradually entered the border control arena, including through detention and removal (Abbott and Snidal 2009; Menz 2011). Within immigration and refugee management, many logistical services, such as transportation of migrants and asylum-seekers, clothing and food provision and telephone service in detention centers, airborne deportation operations, processing of visa applications, security, prison management, drone vigilance and so on, have been privatized. 'When they arrive here, they take away their belongings and they give them those horrible clothes', says Flora, pointing at the t-shirts the women wear, 'This [the company who makes the clothes] is yet another company profiting from the confinement of this people'. Similarly, other companies profit from the private management of the prison, such as the company in charge of food services, maintenance, education, health services, the bail industry and so on (Austin and Coventry 2001; Henderson 2015; Requarth 2019). There has been work done on how the privatization of prisons has led to understaffed centers, with less training, fewer benefits, high rates of employee turnover, more accidents and discouragement from organizing in trade unions (Binder 2017; Clark 2016; Eisen 2017; Sudbury 2005; Wrenn 2016).

In the United States, confining migrants and asylum-seekers in detention centers costs taxpayers approximately \$2

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billion each year (Sinha 2016, 85; Williams 2015, 12). 'If people were aware of how much it costs them to have these women and their children detained, they would probably be against it', says Rosa, another legal advocate that has been working in the center for over two years. Today in the US, nine out of the 10 biggest ICE immigration detention centers are privately managed, making 62 percent of all ICE immigration beds operated by private corporations. Of this amount, the GEO Group and CoreCivic operate a combined 72 percent of the privately contracted ICE immigration beds (Flynn 2016a, 184). Occasionally, counties charge ICE above daily cost, effectively using immigration detainees to fund jails and other county services (Martin 2019, 246). In addition, a *Washington Post* investigation found that CoreCivic receives \$20 million per month to detain women and children at the South Texas Family Detention Center, regardless of how many women and children are actually held (Detention Watch Network 2015a). Dana points out: 'It shouldn't be an economic issue, but one directly related to human rights. It is not right to confine women and children that are fleeing from violence'. Yet the reasons for confining them are purely economic. CoreCivic and GEO are two very profitable companies that have expanded their share of the private immigrant detention industry from 37 to 45 percent in just 2014. CoreCivic's profits increased from \$133,373,000 in 2007 to \$195,022,000 in 2014, and the company has obtained a \$1 billion contract with the US Department of Homeland Security (Garbus 2019). Similarly, GEO's profits increased by 244 percent during this same period (2007-2014) (Sinha 2016, 92).

In addition, CoreCivic owns a subsidiary called TransCor America, LLC, which is the largest prisoner transportation company in the United States. TransCor generated \$4.4 million in 2014 and \$2.6 million in 2016. This shows that the trend to privatize detention centers and its services, combined with the increase in immigrant and asylum-seeking detention serves the interests of private corporations (Conlon and Hiemstra 2014). Despite the fact that these companies have generated profit over the years, some of them have other activities that are not exclusively related to immigrant and refugee detention such as cleaning, information technology and parking management services. Thus, it is hard to know how much profit they earned from each area of business. In any case, if prison management were not a profitable business, these companies would most certainly not be investing in that sector. In addition, data shows that, in the United States, alternatives to detention would save the federal government a lot of money, as some alternatives cost between 70 cents and \$17 per person per day in comparison to the \$159 that ICE currently spends (National Immigrant Justice Center 2017).

Does privatizing migrant detention centers actually increase the number of detainees? In 2009, the Obama administration established a mandatory detention bed quota that required the Department of Homeland Security to have up to 34,000 beds available daily for immigration detention. Anita Sinha (2016, 82) argues that 'quotas generally have demonstratively compelled action', and in this case, it has proven to be true, as the mandatory bed quota resulted in an increase in the number of detainees (Flynn 2016b; García Hernández 2015). The way this quota contributes to the increase of migrant detention is through the guaranteed minimums that ICE is required to pay contractors, regardless of how many people are detained. Contractors receive a set payment from ICE independent of the number of beds that are filled. Because ICE's interests are not the same as the private detention centers' – which would probably save money with fewer people confined as long as they received their guaranteed minimums – ICE is motivated to detain as many people as possible in facilities with guaranteed minimums to avoid the appearance of inefficiency. These guaranteed minimums influence ICE's decisions as to how many people to confine, where to confine them and for how long (Detention Watch Network 2015b, a).

Our current neoliberal system encourages public-private partnerships that financially incentivize increases in refugee detention. In the United States, for instance, corporations try to make profits through collaborating with political actors who favor transferring immigration functions from the federal to the state level. In that vein, Tania Golash-Boza (2009) has linked corporations that profit from the incarceration of migrants to conservative commentators and politicians as part of a large complex of increasingly privatized control. An example of this direct connection can be seen on the attempt to pass Arizona's Senate Bill 1070, also known as the 'show me your papers law', which allows police officers to check the immigration status of people they suspect are undocumented immigrants. With this law passed in 2010, the number of detained people, and thus the number of detained people in private immigration detention centers, increased (Hernández-León 2013, 39). CoreCivic/CCA, GEO, prison lobbyists and companies gave financial backing to many of the politicians campaigning for its legislative approval – the 1070 bill was co-sponsored by 36 people, and 30 of those received campaign contributions from private prison corporations (Doty and

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Wheatley 2013, 429; Feltz and Baksh 2012). Lobbying for incarceration laws becomes part of the profit-maximizing strategy for these private firms (Hall and Coyne 2013; Wrenn 2016). Prior to the last election, GEO gave \$225,000 to a Trump political action committee. Additionally, CoreCivic and GEO both contributed \$250,000 to President Trump's inauguration (Garbus 2019).

A transnational feminist framework illuminates how private actors produce new power structures that echo colonialism. The inclusion of these actors also influences, shapes and even hardens detention techniques, to the extent that profit is extracted from every marginal migrant who goes to detention. In this way, the market logic transforms sovereign regimes through, for instance, the incentive to confine people. Economic and legal incentives – such as the mandatory bed quotas – to lock up people have resulted into higher confinement rates. Authors such as Alison Mountz argue that detention and deportation are interlocking industries in the migration assemblage that generate profit through the privatization of services (Mountz et al. 2013). Thus, when both detention and deportation increase, the 'output', as well as the profits of migration control, increase. In this way, private actors influence the state through the incentive to confine people, and thus corporations profit from detained populations. In addition, the confinement of non-citizens reinforces the image of asylum-seekers as criminals that deserve to be punished and whose eligibility for citizenship should be questioned (Conlon and Gill 2013; Skodo 2017).

Neoliberalism and Neocolonialism

'Many of these women worked in *maquiladoras* [clothing factories] before they came here. They worked more than 12 hours a day for us to wear the clothes we wear', says Rosa. Very much like in franchise colonialism, women in the global south are exploited for their labor and positioned in an interdependent economic relationship of uneven development (Baker 2017, 146). These ongoing structures of domination take place today. The failure to acknowledge the constitutive role of colonial exploitation in contemporary neoliberalism leads to weak representations of what is happening today in regard to the confinement of asylum-seekers. The Western world has a long history of confining and exploiting the bodies of women and people of color. It is not only through the exploitative form of labor and resource extraction that characterized colonialism – echoed by Paloma's example of making t-shirts in a *maquiladora* in her country – that Western states profit from postcolonial subjects; here profit emerges from the technologies of exclusion themselves, where passive, confined bodies produce profit from being 'out of place' rather than through their labor. The demonized asylum-seeker is confined, and profit is generated from the physical care of her body (housing, feeding, clothing and transporting it). This is how corporations extract wealth from asylum-seekers' bodies (Mavhunga 2011, 152). Even though there are alternatives to immigrant detention (Sampson 2019), confining refugees in private facilities is a more lucrative business than having people in the communities.

These material practices of confinement are supported by discourses and technologies that conceptualize the refugee as the 'invasive other' (Ticktin 2017), what Martinican thinker Aimé Césaire (2000) referred to as (colonial) 'thingification'. This dehumanizing vision of asylum-seekers can lead to practices that consider them as things, such as the agreement President Obama – later honored by President Trump – made with Prime Minister Turnbull to exchange refugees who had arrived in Australia with refugees who had arrived in the US, commonly known as the 'refugee swap'. Refugees and migrants fall into neocolonial systems of representation where they are either victims to be saved, usually by humanitarian organizations, or demonized by the media and politicians (Holohan 2019). The current rhetoric presents an image of refugees as invaders that threaten the status quo. There is a long colonial history of concepts and words like invasion, pollution, dirtiness, insects and infestation being used metaphorically in connection with 'undesirable' populations, which are now reappearing with reference to asylum-seekers. Clapperton Mavhunga (2011) writes about the African colonial context and how the use of metaphors that linked the colonized to pests leads to treating people as plagues threatening to destroy everything and thus justifying the confinement and isolation of certain groups.

Those previously dehumanized bodies thus become commodities for exchange – or for keeping – in order to make a profit. Locking up people who seek asylum illuminates how global confinement systems work. As most refugees come from countries from the global south, confinement is highly racialized and can therefore be seen as a part of the larger racist system of mass incarceration (Cisneros 2016; Davis 1988; Davis 2011; Gilmore 2007). Punishment regimes are shaped by neoliberalism and are substantively enforced by transnational corporations controlling the

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detention, transportation and visa processing (among other things) of migrants and refugees, tasks that were formerly performed by the state. The locking up of people who seek asylum and belong to the global south perpetuates a system that has colonial overtones while illuminating and enforcing racialized ideologies (Sudbury 2005, xiii).

Conclusion

Over the last several years, neoliberalism has enabled private actors to enter the refugee management regime. This has resulted in public-private partnerships, such as the privatization of migration detention centers. By privatizing these facilities, the state creates an economic incentive to confine people who seek asylum. In this way, the privatization of migration management highlights how the private and public spheres cooperate with each other. Not only does it allow the state's arm to reach further, it also allows the state to be subject to less accountability (Gammeltoft-Hansen 2015).

Using a transnational feminist lens, I have analyzed how, through neoliberal processes, women who seek asylum are subject to exploitation both in their countries of origin and once they reach their destinations. Through the confinement of the refugee population, private detention centers are profiting out of the bodies of people of color in continuity with their operations overseas where they are exploited through labor processes. This process is seamlessly integrated with the public's perception that refugees are a threat that requires efficient management rather than subjects whose treatment deserves accountability.

The inclusion of private actors on the one hand is paramount for the creation of a transnational assemblage that contains people in the global south, and on the other hand, shapes sovereign regimes by transforming them into profit-making apparatuses that follow a neoliberal logic.

Notes

[1] All names have been changed to protect interviewees' identities.

[2] This epigraph is based on a story that was told to me during an interview I conducted with a member of the NGO staff working at the immigration detention center at the US-Mexico border. I refer to all interviewees using pseudonyms, not their real names throughout this chapter.

[3] I use 'Global South' mainly to describe former colonies. Similarly, I use 'Global North' or Western countries, to refer to former colonial powers, in particular, Australia, the European Union and the US. I understand these terms are broad and contested. For a full discussion on the meaning of Global South, see *The Global South Journal* Vol. 11 No 2. 2017 special issue: 'The Global South as Subversive Practice'.

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