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Perverse incentives: an analysis of the border-management industry in the United States

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Acronyms

ACLU	American Civil Liberties Union
ALEC	American Legislative Exchange Council
CBP	US Customs and Border Protection
CCA	Corrections Corporation of America
CEO	Chief Executive Officer
DHS	Department of Homeland Security
DOJ	Department of Justice
EDC	Eloy Detention Center
EU	European Union
FBI	Federal Bureau of Investigation
ICE	US Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INS	Immigration and Naturalization Service
IRCA	Immigration Reform and Control Act
JIOC	Joint Intelligence Operations Center
PAC	Political Action Committee
PPC	Private Prison Company
STFRC	South Texas Family Residential Center
USMS	US Marshall Service

Abstract

Since the end of the Cold War, migration has become a key security issue in the US. This securitization has resulted in the militarization of US border management. However, these policies have failed to halt undocumented immigration and instead increased the US's unauthorized population. Since 2000, apprehensions along the US-Mexico border have been declining relatively steadily. At the same time, detainee populations have expanded enormously. This is the central puzzle of this paper. If these policies are failing to achieve their goals, or are simply unnecessary given the lack of a threat, why do securitization and counterproductive border management policies continue to perpetuate? Are they truly counterproductive when we interrogate unofficial aims as opposed to publicly stated goals? To answer these questions, I advance and develop the concept of the "border-management industry" which I define as the vast network of actors who profit economically and politically from the securitization of migration and deployment of restrictive policies, technology, and infrastructure both on the US-Mexico border and throughout the US. I utilize this framework to argue that militarized border management endures and expands because, in the context of unstated aims, these policies are extremely productive and profitable for a variety of actors. The unstated aims I identify are profit (loosely interpreted to include funding and campaign contributions), political capital, and economic development. In the context of immigration detention, private companies, and even non-profits, publicly argue for efficiency and lower costs, but have increased government expenditures and profited handsomely. State agencies and politicians, allegedly acting to curb immigration, work to ensure their continued funding and the economic development of their constituencies, often in ways that perpetuate the problem. As these actors benefit substantially, perverse incentives are created, and they actively seek to ensure that restrictive policies continue to be implemented. In undertaking this analysis, this paper contributes to the literature an improved understanding of the securitization of migration and the militarization of US border management.

1 Introduction

This thesis examines why counterproductive border management policies continue to perpetuate in the United States, and asks whether they are truly counterproductive when we interrogate unofficial aims as opposed to publicly stated goals. To answer this question, I advance and develop the concept of the "border-management industry" which I define as the vast network of actors who profit economically and politically from the securitization of migration and deployment of restrictive policies, technology, and infrastructure both on the US-Mexico border and throughout the US. I utilize this framework to argue that militarized border management endures and expands because for a variety of actors, these policies are extremely productive and profitable. As these actors benefit substantially, perverse incentives are created, and they actively seek to ensure that restrictive policies continue to be implemented. In undertaking this analysis, this dissertation contributes to the literature an improved understanding of the securitization of migration and the militarization of US border management.

In this introduction, I trace the origins of the securitization of migration and the concurrent militarization of US border enforcement policies. I demonstrate that these policies are counterproductive in terms of their stated aims. Border enforcement is not the answer to a security problem, but rather finds its genesis and endurance in its economic benefits for a range of actors. Finally, I outline the growth of immigration detention in the US and explain why it represents the ideal case study for my empirical analysis.

Chapter 2 presents my theoretical framework, the "border-management industry" and the scholarship it draws upon, highlighting why this is the most insightful approach.

Chapter 3, drawing on my conceptual account, begins the empirical analysis by focusing upon private prison companies (PPCs), corporations, and non-profit shelter operators, who are driven by profit motives. The bulk of the analysis focuses on PPCs, whose stated aims are providing the government with efficient and cost-saving services, though the clear underlying goal is to profit at any cost. Through campaign donations, lobbying, and legislation, PPCs have institutionalized immigration detention and maximized their profits.

Chapter 4 highlights the role of state actors and politicians in the border-management industry and the benefits they receive through funding, political contributions, political capital, and economic development. All are driven to expand immigration detention by a common logic of securing their futures.

The rise of the securitization of migration

The link between migration and the political creation of the “other” has always existed; however, I contend that the industry that has grown up around today’s securitization of migration is unlike anything before it. The securitization and subsequent militarization of the US-Mexico border has been a protracted process that began in the 1980s (Chebel d’Appollonia 2012: 7). Significantly, this process coincided with a substantial reimagining of the term “security”. Traditional security studies emphasized military threats, were status quo oriented, and focused on the nation state as the referent object (Booth 1991). Until the end of the Cold War, security studies were primarily occupied with “weapons, war, and military invasion” (Hammerstad 2014: 264). With the collapse of the Soviet Union, the security agenda began to widen, and migration was one of the first new issues the discipline examined (Hammerstad 2014).

Three main schools of thought concerning securitization were created: the speech act approach, the sociological approach, and the human security approach. The Copenhagen School conceptualized security as a speech act that takes an issue “out of ordinary politics and into the sphere of emergency politics...where exceptional measures...are justified” (Buzan, Waever, and de Wilde 1998; Hammerstad 2014: 267). In Waever’s words, “by definition, something is a security problem when the elites declare it to be so” (Waever 1995: 54). The sociological approach, or Paris School, inspired by Foucault’s biopolitics, argues securitization is about “controlling populations through bureaucratic procedures, surveillance, and risk management” (Hammerstad 2014: 267). In this view, securitization increases state control and consolidates the power of dominant elites (Huysmans 2006; Hammerstad 2014). Both approaches emphasize that if an issue has been successfully securitized, significant resources will be directed toward it and draconian measures may be allowed “in the name of security” (Hammerstad 2014: 268). Human security argues an issue can be securitized in a positive manner, promoting cooperation to address the root causes of common problems (Hammerstad 2014).

This shift towards human security was seen as a relatively uncontroversial and progressive move (Duffield 2007). Booth (1991) argues that since the security of nation-states is simply a means to an end, with the end being the security of the humans within the state, it is only logical that humans be the referent objects of security studies. In this conception, security should be concerned with emancipation as opposed to preserving power and order (Booth 1991). In the early 1990s, Weiner (1993) began to argue that migration was a legitimate arena for security studies. Loescher (1992) highlighted the ways mass migrations could be a threat to stability both domestically and internationally. While we should not dismiss the security threats that mass migrations have posed, particularly in developing countries (Lischer 2006; Milner 2009), the mobilization of a security framework in the migration policy of the Global North presents a disjunction, as there are no mass

migratory flows into the US. Applying this framework where it is unnecessary has had disastrous consequences for migrants and refugees.

The application of securitization frameworks to migration has shifted the issue from low to high politics and altered the practice of security policy accordingly (Andreas 2000). What Huysmans (2006) calls the “Politics of Unease”, where migrants are “lumped together with other more traditionally ‘scary’ trends such as international crime” (Hammerstad 2014: 268-9), has come to characterize US and European immigration discourse. In the context of the European Union (EU), Huysmans argues that as the Schengen agreement was implemented and globalization progressed, it was assumed that law-abiding citizens would not be the only ones taking advantage of their newfound mobility – free movement would “also facilitate illegal and criminal activities by terrorists, international criminal organizations, asylum-seekers and immigrants” (Huysmans 2000: 760). This resulted in what Huysmans calls the “security continuum”, where the institutionalization of police and customs cooperation creates a type of policy-making that conflates border control, terrorism, international crime, and migration (Huysmans 2000). Though Huysmans is theorizing specifically for the EU, the concepts are applicable in the US as well, where although there is no explicit free movement agreement, globalization and improved technologies created a similar “Politics of Unease”.

Didier Bigo argues that migrants are persistently framed “in relation to terrorism, crime, unemployment, and religious zealotry” not for ideological reasons, but rather because of “our conception of the state as a body or a container for the polity” (2002: 65). Politicians fear “losing their symbolic control over the territorial boundaries,” security professionals have new interests as a result of globalization, and citizens have been left with a “structural unease” resulting from neoliberal discourse (Bigo 2002: 65). Thus, securitization of migration is a “mode of governmentality” used by diverse institutions to “affirm their role as providers of protection and security and to mask some of their failures” (Bigo 2002: 65).

By employing the “governmentality of unease” (Bigo 2002) or “politics of unease” (Huysmans 2006), politicians construct migration within the framework of crisis and emergency. The logic of emergency allows politicians to bypass traditional democratic procedures and secure “political consent or material support for emergency migration measures: draconian immigration restrictions, border closures, mass deportation, protracted encampment, discretionary protected statuses, or humanitarian interventions” (Lindley 2014: 17). The securitization of migration provides politicians with scapegoats that can be used to channel “domestic discontent” and solidify the “power of dominant elites” (Lindley 2014: 17).

A potential objection to this line of argument is the “racist public thesis”, which contends “anti-migrant, organized publics expressing xenophobic sentiments is the driving force behind political elites taking restrictive stances on immigration” (Statham 2003: 170). However, there is a significant body of literature that rebuts this hypothesis, arguing that popular discourse is framed and set by elites. Gary Freeman’s (1995) client politics model argues that organized interest groups shape immigration policy. However, the most glaring issue with this model is that the state “appears merely as a conduit or broker between conflicting interests – a passive mechanism” (Hampshire 2013: 43). James Statham brings the state back in and contradicts the “racist public thesis”, finding that governments and “nation-state actors definitively shape the public discourse on immigration and asylum” (Statham 2003: 171). He argues that people learn normative limits on discourse from political elites, and thus official policy positions are key in determining expressed public opinion. According to Lahav (2013), political elites set the agenda and structure the confines within which

public debate on an issue takes place. Andreas argues that political actors are not held hostage by public opinion; rather they “compete and collaborate in crafting it” (Andreas 2000: 8). In sum, securitization arises from politicians and interest groups, not the will of the public.

Although these high political processes may have been key in creating the border-management industry, they may also have simply been a means of justification. In either case, the industry has “subsequently taken on a life of its own” (Andreas 2000: 13). While the processes outlined above may explain the impetus for the securitization of migration, they do not explain its endurance.

Gusfield (1981) argues that to understand the creation of a public problem we must understand who benefits from its conceptualization. Andreas (2000), Nevins (2002), Koslowski (2000), Bigo (2001), and Ackleson (1999), among others, “have demonstrated the constructed nature of migration and security, in part a process propelled by political actors, such as bureaucrats, security professionals, and political elites looking for new roles after the Cold War” (Ackleson 2005: 170). According to Bigo, “migration control is not an answer to a security problem” (Bigo 2001: 121). The securitization of migration is born of the significant benefits that accrue to a variety of actors, including politicians and security professionals. At the end of the Cold War, in order to ensure their continued relevance, defense contractors and security agencies began to “compete amongst themselves to have their objectives included in politicians’ platforms” (Bigo 2001: 121). These actors actively help “create ‘demand’ for their solutions” (Andersson 2014a: 1062). As the “problem” fails to abate, these actors receive funds and contracts for new technology, surveillance, and detention measures. Security becomes “less an objective condition and more the way in which professional groups compete for visibility, influence and scarce resources” (Duffield 2007: 3). Once we pay particular attention to who is benefiting, we can see how irregular migrants are socially constructed as a “powerful potential source of revenue” (Ackerman and Furman 2013: 251).

The literature has tended to take a high level view of why migration has been securitized, focusing only on high political rationales. Though it may be argued this phenomenon began in high politics as a performance of sovereignty, the above scholarship’s focus on benefits and incentives provides a more convincing explanation of the securitization of migration in the US. I show that its perpetuation stems largely from its profitability and productivity for a range of actors throughout the body of the state. The political capital and economic rewards politicians, corporations, bureaucrats, and other actors gain from their participation in the border-management industry will be explored in further detail in the coming sections.

The militarization of the US-Mexico border

The militarization of the US-Mexico border began in 1986, when the US government cracked down on unauthorized immigration, doubling the Border Patrol budget between 1986 and 1992, increasing linewatch hours (the total time spent by agents patrolling the border in a given year) by almost 400 percent between 1986 and 2003, and heightening criminal penalties for those caught entering illegally (Gathmann 2008). In 1992, Border Patrol had 4,139 agents nationwide (CBP 2019). By 2018, there were almost 20,000, and the administration plans to add an additional 7,500 (Worthris 2019).

The passage of the Immigration Reform and Control Act (IRCA) was the impetus for many of these measures. The act authorized a 50 percent increase in the Immigration and Naturalization Service (INS) enforcement budget while increasing the size and budget of Border Patrol (Gathmann 2008; Massey et al. 2016).

Between 1993 and 1997 the US government engaged in four border security operations intended to close down the main border-crossing routes: Operation Blockade in El Paso, Operation Gatekeeper in San Diego, Operation Safeguard in southern Arizona, and Operation Rio Grande in southern Texas (Gathmann 2008). Along various sections of the border, fences and walls were constructed, namely between Tijuana and San Diego, one of the most popular border crossings at the time (Zermeño 2011).

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) further increased resources for Border Patrol, permitting the purchase of military equipment, while increasing penalties and encouraging criminal prosecution of migrants and smugglers caught entering illegally (Gathmann 2008; Massey et al. 2016).

In November of 2002, the Homeland Security Act dissolved the INS and created the Department of Homeland Security (DHS) and its subsidiary organizations, US Immigration and Customs Enforcement (ICE) and US Customs and Border Protection (CBP). In 2005, ICE had a budget of \$3.56 billion; by 2018, it had almost doubled to \$6.99 billion (Reyes 2018).

The 2004 National Intelligence Reform and Terrorism Protection Act provided more funds to Border Patrol for “equipment, aircraft, agents, immigration investigators, and detention centers” (Massey et al. 2016: 1569). In 2006, the Secure Fence Act authorized Border Patrol to “erect new fences, vehicle barriers, checkpoints, and lighting and to purchase new cameras, satellites, and un-manned drones for use in border enforcement” (Massey et al. 2016: 1569). The Trump administration has shown no signs of slowing down the growth of DHS, CBP, and ICE, requesting gargantuan budgets for FY 2019 and prompting a government shutdown.

Counterproductivity

Several scholars have argued these policies are counterproductive, and in some cases actively reproduce the problem they aim to solve (Andreas 2000; Golash-Boza 2009; Chebel d’Appollonia 2012; Andersson 2014a; Andersson 2014b). There is significant scholarship that highlights the ways the border-management industry is counterproductive in terms of its stated aims of reducing the undocumented population of the US, halting undocumented arrivals, and disbanding drug and human smuggling organizations (Massey et al. 2002, 2016; Cornelius and Rosenblum 2005; Chebel d’Appollonia 2012; Andersson and Keen 2018). Militarization has continued to increase despite the fact that “the observable impact of tougher border enforcement has not been a decrease in the flow of unauthorized migrants but rather a rechanneling of the flow, an increase in migration-related deaths and in the fees paid to migrant smugglers, and a higher rate of permanent settlement in the United States” (Cornelius and Rosenblum 2005: 112). Citing the work of Hanson and Spilimbergo (1999); Davila, Pagan, and Soydemir (2002); Hanson, Robertson, and Spilimbergo (2002); Hanson and McIntosh (2009); Massey and Riosmena (2010); Angelucci (2012); and Massey, Durand, and Pren (2014), Douglas Massey, Jorge Durand, and Karen Pren argue that “whether measured in terms of personnel, patrol hours, or budget, studies indicate that the surge in border enforcement had little effect in reducing unauthorized migration to the United States” (2016: 1558).

For example, Massey, Durand, and Pren (2016) note that between 1986 and 2008, the undocumented population of the US grew from 3 million to 12 million. At the same time, there was a fivefold increase in the number of Border Patrol agents, a fourfold increase in linewatch hours, and a twenty fold increase in funding. They argue these policies “backfired” by turning “a circular flow of male workers going to three states into a settled population of families living in 50 states” (Massey et al. 2016: 1558). This is partly because these policies fail to account for the economic drivers of

migration, as well as “networks able to support and sustain undocumented border crossing” (Massey et al. 2016: 1564). Given these factors, the militarization of the border cannot be expected to deter undocumented migrants from coming; rather it will simply cause them to change their crossing strategies (Massey et al. 2016).

As countless scholars and journalists have shown, increased border militarization pushes migrants onto more dangerous routes, making passage more expensive and increasing the incentives for organized crime to partake in the smuggling business (Ochoa O’Leary 2009; Andersson 2014a; Martinez 2014; De Leon 2015; Massey et al. 2016; Andersson and Keen 2018). The demand underlying the smuggling market is not addressed, so business is simply driven “further underground” (Andersson 2014a: 1061). As border-crossing routes became more remote, “the services provided by coyotes became increasingly complicated, involved, and costly” (Massey et al. 2016: 1576). Between 1970 and 2010, the price of a coyote rose from approximately \$700 to \$2700 as networks expanded and smuggling rings institutionalized (Massey et al. 2016). Organized crime groups in Mexico obtain revenues of between \$1.45 billion and \$5 billion per year from exploiting undocumented migrants (Montoya 2017). The upper bound of the range rivals the \$6–7 billion in revenues that these organizations earn from drug trafficking, while the lower bound is equivalent to their estimated revenue from marijuana sales. As efforts to curb migration have increased, undocumented migrants have become an illegal, and profitable, commodity in a market administered by drug cartels – in direct contravention of the stated aims of the border-management industry.

Immigration detention – the growth of an industry

Immigration detention exemplifies how the border-management industry has moved beyond the militarized US-Mexico border and spread throughout the entirety of the US and its political institutions. According to Congress, the stated aims of immigration detention are to protect public safety and deter illegal entries and false claims of asylum (Siskin 2012: 13). However, we face the puzzle of why the government chooses to expand the costly detention system, despite the fact that there is no corresponding growth in the number of immigrants arriving or threatening public safety. Irregular border crossings are at historic lows, and the undocumented population within the US is declining (Gilman and Romero 2018). Flynn and Flynn (2017) show that there is little evidence that detention deters undocumented migrants from crossing. Furthermore, the majority of immigrants held in custody have no criminal record and are not a threat to the general public (Torrey 2015; Gilman and Romero 2018). The physical infrastructure of the detention estate and its legal purview has expanded exponentially during a period when, theoretically, the population eligible for detention should be shrinking. I demonstrate, unpack, and explain this contradiction, arguing that it is best understood by reference to the unstated aims of the actors who constitute the border-management industry.

The growth of immigration detention began in the early 1980s. In 1980, fewer than 2,000 immigrants were held in detention throughout the US (Takei et al. 2016). Between 1980 and 1990, the number of beds reached 7,000, an increase of more than triple (Takei et al. 2016). By 1994, a daily average of approximately 6,800 people were held in detention (Small and Altman 2018). That number has steadily increased, reaching a high of over 40,000 in 2018 (Worthrises 2019). At the same time, the budget for immigration detention has grown in tandem with the overall enforcement budget. In 2005, ICE had a total enacted budget for custody operations of \$864.13 million, which has since ballooned to \$3.08 billion in 2018 (Reyes 2018).

Immigration detention involves a complex web of actors. Detention is largely administered by DHS and its subsidiary organization ICE. ICE detains hundreds of thousands of people a year in a network

of over 250 detention centers, operated by PPCs, the US Marshall Service (USMS), local governments, and ICE itself (Regan 2015; Small 2016). CBP also operates processing centers along the border. Of the immigrants in ICE custody, 73 percent are detained in privately run facilities, 15 percent are detained in county jails, and the remaining 12 percent are held in federally-owned facilities (Takei et al. 2016). These federally-owned detention facilities, or Service Processing Centers, hold only 4,000 detainees. Furthermore, even those facilities operated by ICE or local governments contract with private companies for services such as food, guards, telephone calls, and medical care (Small 2016; Takei et al. 2016). Thus, private companies have an outsized role in the immigration detention industry.

The early 1980s saw private companies contracting with the government to operate correctional facilities for the first time (Ackerman and Furman 2013). INS signed its first contract with the Corrections Corporation of America (CCA - recently rebranded as CoreCivic), the largest private prison operator in the country, in 1983 to operate a facility based in Houston, Texas (Ackerman and Furman 2013; Takei et al. 2016). One year later, the GEO Group, the second largest, began operations (Ackerman and Furman 2013). Since their entrance into the immigration detention business, PPCs have grown to wield significant influence over the industry. As of September 22, 2012, 67 percent of all immigrant detainees were in facilities either owned and/or operated by PPCs (Reyes 2018). As noted above, by August 2016, this number had climbed to 73 percent (Small 2016). In 2017, DHS spent approximately \$126 a day per immigrant detainee (Luan 2018). As immigration detention costs increased to around \$2 billion annually, industry profits soared (Luan 2018). In 2000, CoreCivic reported \$288 million in total revenue. By 2018, the company was reporting total revenue to have increased to \$1.8 billion.

The legal framework for detention grew alongside, and in some cases it seems, in response to the expansion of immigration detention facilities. The practice of mandatory detention without individualized assessment first began in 1988, when Congress passed the Anti-Drug Abuse Act, which required the detention of any alien convicted of an aggravated felony (Torrey 2015; Luan 2018). This initially applied only to the crimes of murder and drug trafficking, but the definition was repeatedly expanded throughout the 1990s (Torrey 2015).

The passage of the IIRIRA in 1996 cemented the practice of mandatory detention, broadening the definition of an aggravated felony to include nonviolent misdemeanors and reducing the minimum potential prison sentence to be deportable from five years to one year (Doty 2017; Luan 2018). The act also mandated the detention of asylum seekers who arrive without proper documentation until their hearings (Doty 2017). A key shift in this legislative framework is the “decentralization and dispersion of immigration enforcement functions to local communities” through the 287(g) programs enacted by the IIRIRA, which authorized the training of local and state police to enforce federal immigration laws (Conlon and Hiemstra, 2014: 336). With the proliferation of a web of detention centers and enforcement throughout the state, we can clearly see a “shift in the geography of border enforcement from the border to interior spaces,” a necessary facet of the border-management industry (Conlon and Hiemstra 2014: 336).

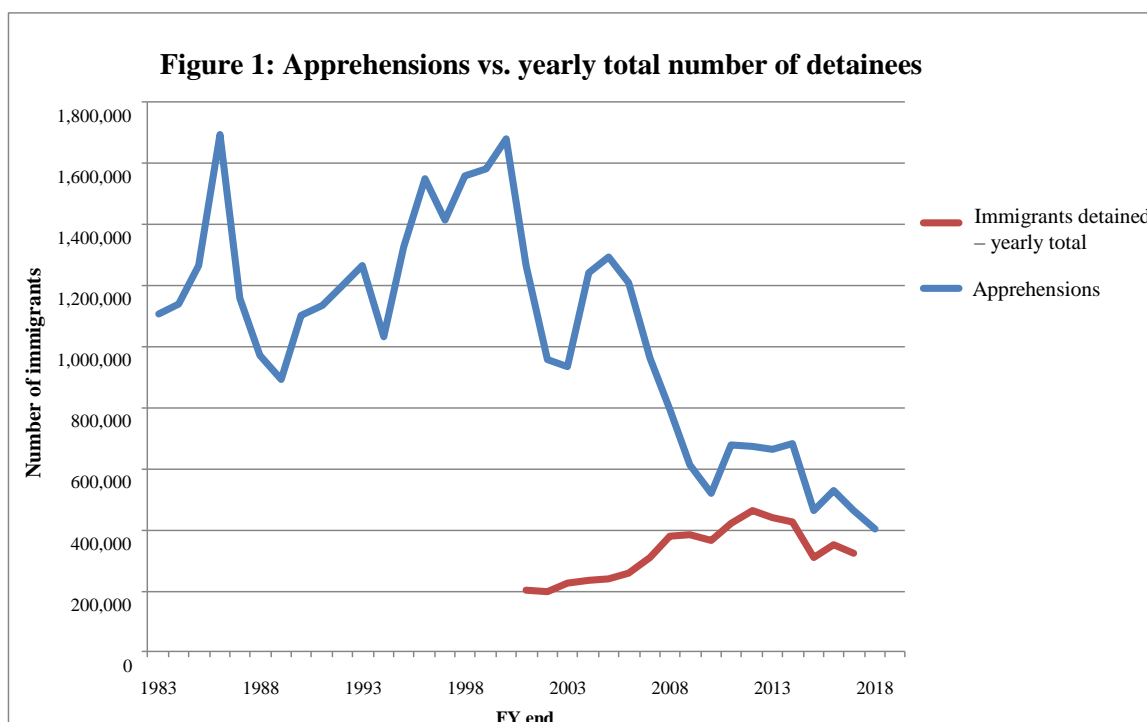
The creation of DHS, ICE, and CBP in 2002 was a monumental moment in the proliferation of immigration detention. The border-management industry was further institutionalized and the bureaucracy that depended upon a growing detainee population expanded. DHS’s Operation Streamline in 2005 essentially criminalized the act of border crossing, mandating “that all migrants crossing the border without documents be detained while awaiting trial, prosecuted with a misdemeanor or felony charge, and eventually deported” (Doty 2017: 163).

Today, the mandatory detention statute states that DHS “shall take into custody any noncitizen who:

- committed a crime involving moral turpitude;
- has two or more criminal convictions;
- DHS believes is a drug trafficker;
- committed any prostitution-related offense;
- committed any money laundering-related offense;
- committed an aggravated felony;
- committed any drug-related offense;
- committed any firearms-related offense; or
- DHS believes has engaged in any terrorist-related activities” (Torrey 2015).

As a result of these changes, the government may detain almost anyone it likes.

Finally, in 2010 Congress enacted the immigration detention bed quota. The provision ties DHS’s funding to maintaining a minimum number of immigration detention beds per day (Sinha 2017). The daily minimum was initially set at 33,400 beds, but was then raised to 34,000 in 2012 (Sinha 2017; Luan 2018). Although the national bed quota was removed in 2017, it was replaced with guaranteed minimums that are written into detention facility contracts to ensure their continued profitability (Small and Altman 2018). “Guaranteed minimums”, “occupancy guarantee clauses” or “lockup quotas” are “contractual provisions which obligate ICE to pay for a specified number of beds, regardless of whether or not those beds are being used at any given time” (Small 2016; Sinha 2017). As of 2016, there were at least 20 private immigration detention contracts containing a guaranteed minimum, affecting at least 11,936 people (Small 2016).

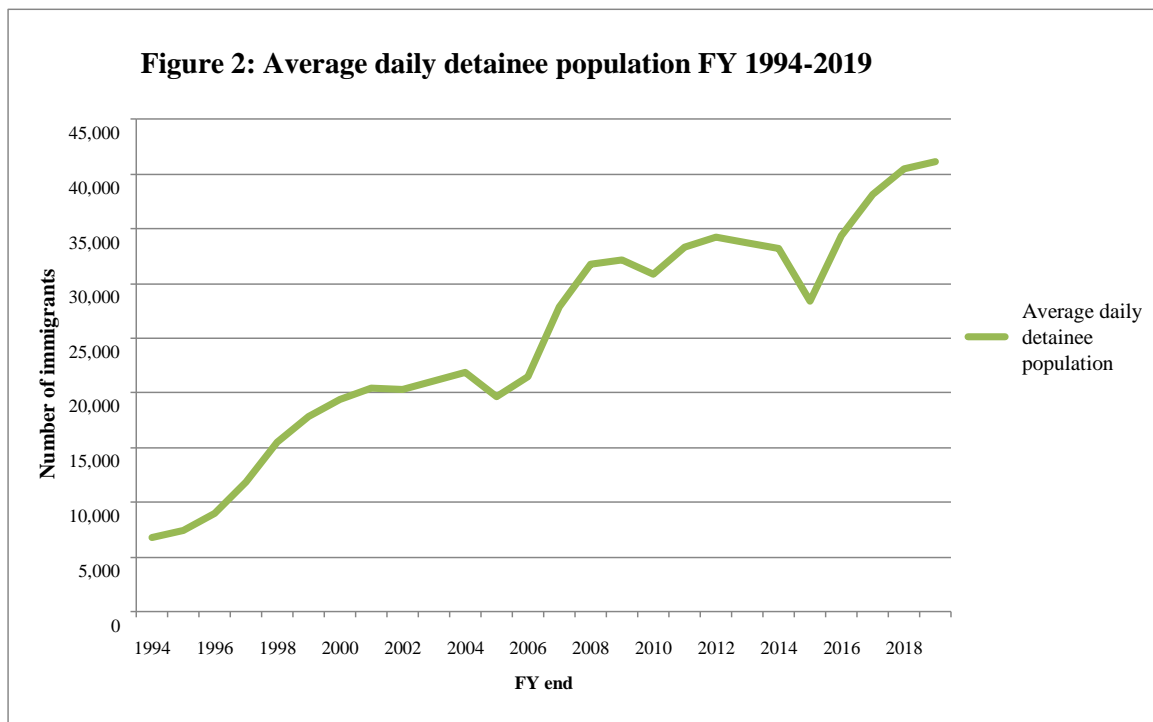


Source: DHS and CBP

The expansion of this industry has not, however, been in response to a growing undocumented population or increased arrivals. As shown above in Figure 1, the overall trend in apprehensions along the US-Mexico border has been downward. Furthermore, the enactment of major immigration enforcement legislation has corresponded with downturns in apprehensions in 1988 and 1994. There was a spike in apprehensions between 1994 and 1996, which may partially explain the harshness of the IIRIRA. Despite this point of correspondence, rising apprehensions fail to explain the trend as a whole. Apprehensions have plunged in the last decade, yet in Figure 1 we observe a continuous increase and then stabilization of the yearly detainee population.

Figure 2 highlights that the average daily detainee population has been steadily increasing since 1994. With the Trump administration calling for increasing the number of beds maintained to 52,000, the trend is likely to continue (Worthrises 2019).

How do we explain the continued growth of the immigration detention estate in the face of declining arrivals? The following section lays out the answer to this puzzle: the border-management industry.



Source: <https://cmsny.org/publications/virtualbrief-detention/>

2 Theoretical approach – the border-management industry

My key contribution to the literature lies in the original framework I advance – the border-management industry, which goes beyond previous scholarship to illuminate the web of perverse incentives behind border enforcement. As an interdisciplinary project, this thesis connects work on securitization, the comparative politics of immigration, and the sociology of organizations in order to facilitate a more nuanced understanding of what has previously been deemed the “migration industry”.

Border control vs. border management

Over the past 25 years, border policies have increasingly focused “on (pro-active, extraterritorial, privatized, and securitized) border management instead of on classical (reactive, territorial, and public) border control” (Spijkerboer 2013: 216). After the end of the Cold War and the redefinition of migration as a security threat, migration policy began seeking to actively deter migrants, not just administer those who successfully arrived (Spijkerboer 2013). Migration policy is no longer confined to geographical border areas, but rather is spread throughout the state, entering into new industries and locales. Border management has effects beyond the border; it aims to “influence the behavior of migrant populations” (Spijkerboer 2013: 218). Though Spijkerboer is referring to the European context, I argue the term is applicable to the US as well. As migration became securitized, detention, EVerify, roadblocks, interdiction, profiling, and containment partnerships with Mexico have all become practices employed by the US government to prevent arrivals and remove the undocumented. For these reasons, I will use the term “border management” when referring to migration control policies, as opposed to “border control”.

Theoretical frameworks

The idea of the “migration industry” has a long history. The concept of “commerce migration” was first pioneered by Robert Harney (1977) to explain how labor, transportation, and money brokers were able to facilitate Italian emigration (Hernandez-Leon 2013: 24). Aristide Zolberg’s “strange bedfellows of American immigration politics” explains “the positions and alliances of different actors in relation to immigration’s putative economic, political, and cultural effects” (Hernandez-Leon 2013: 24). However, both concepts fail to engage substantively with the way profit drove certain stakeholders. Hernandez-Leon defines the “migration industry” as an “ensemble of entrepreneurs, firms and services which, chiefly motivated by financial gain, facilitate international mobility, settlement and adaptation, as well as communication and resource transfers of migrants and their families across borders” (2013: 25). Migration, it would seem, has always been intertwined with profit-driven entities.

These theories address the industry that facilitates migration and international mobility. My focus, however, is not on profit-driven facilitation, but rather on border-management, an industry that at least putatively seeks to discourage irregular migration. I argue that today’s border management is a unique phenomenon, more complex and insidious than the immigration control regimes of the past, resulting from the securitization of migration. I use the term “border-management industry”, which I define as the vast network of actors who profit from the securitization of migration and deployment of restrictive policies, technology, and infrastructure both along the US-Mexico border and throughout the US. I argue the border-management industry is only counterproductive when we examine stated aims. In reality, it is extremely productive for a host of actors when we focus on its

unstated aims, which I identify as profit (loosely interpreted to include funding and campaign contributions), political capital, and economic development. In the context of immigration detention, private companies, and even non-profits, publicly argue for efficiency and lower costs, but have increased government expenditures and profited handsomely. State agencies and politicians, allegedly acting to curb immigration, work to ensure their continued funding and the economic development of their constituencies, often in ways that perpetuate the problem. The border-management industry is not simply a reassertion or performance of state sovereignty. Rather, it is a function of political economy, bureaucratic capitalism, neoliberal privatization, and the perverse incentives these frameworks can create.

I draw inspiration for my conceptualization of the border-management industry from a growing body of literature that argues the securitization of migration has created significant profit opportunities for various actors – what has been called the “illegality industry” (Andersson 2014a, 2014b) or “immigration-industrial complex” (Avant 2004; Fernandes 2007; Koulisch 2007; Abrahamsen and Williams 2009; Golash-Boza 2009; Doty and Wheatley 2013; Douglas and Saenz 2013). The term “illegality industry” highlights that border management is a lucrative field filled with “absurd incentives, negative path dependencies, and devastating consequences” (Andersson 2014a: 1055). It is productive, consistently reproducing “its object of intervention in ever more distressing forms, which in turn leads to its reinforcement” (Andersson 2014a: 1067). Border enforcement may continue failing to halt irregular migration, but that only increases the stake many actors have in the industry. Beyond just exposing “how migration has been turned into a field of profits for many actors,” the framework of the illegality industry allows us to see how “a (counter)productive system has developed and congealed at the borders” (Andersson 2014a: 1056).

According to Golash-Boza, the “immigration-industrial complex” refers to “public and private sector interests in the criminalization of undocumented migration, immigration law enforcement, and the promotion of ‘anti-illegal’ rhetoric” (2009: 296). However, Golash-Boza’s conception examines profit motives only in the case of the private sector.

The concept of the “immigration-industrial complex” draws on the extensive work that has addressed both military and prison industrial complexes. For Cobb (1976) and Moskos (1972), the military-industrial complex highlights the relationships between corporations, bureaucrats, and politicians and how these actors “work together to ensure that state military investments serve the interests of capital” (Golash-Boza 2009: 301). The prison industrial complex spotlights the confluence of interests that has led to the expansion of the prison system. Brewer and Heitzeg (2008: 637) define the prison industrial complex as a “self-perpetuating machine”, due to the political capital to be gained from being “tough on crime” and enormous investment in law enforcement mechanisms. Perverse incentives ensure that more people are incarcerated and more beds are built to house them. A similar complex has built up around irregular migration, particularly with regard to immigration detention.

Andersson and Keen (2018) have advocated for analysing the securitization of migration as a “game”. They perform a “spatial political economy analysis of systems of intervention” in order to show how “vested interests have helped perpetuate counterproductive approaches” (Andersson and Keen 2018: 100). Their approach draws on “war systems” theory to highlight that though these policy approaches have largely failed at achieving their stated aims, they have nonetheless been a success for the actors shaping them. War systems theory explains the persistence of violence by examining aims in war other than winning, and the political and economic benefits that often accrue from continued hostilities (Keen 2012). The key is to look at “divergences between ‘official’ policy

goals, such as ‘winning the war,’ and unstated aims, such as perpetuating security investments, relocating risk, or stoking fear for political gain” (Andersson and Keen 2018: 100). By deploying the game metaphor, and analyzing border management as a system, they are able to emphasize that policy is shaped by a “variety of actors with a variety of motives,” and highlight the relationships between those actors that drive the industry (Andersson and Keen 2018: 100).

The “game” approach draws on the work of Peter Andreas (2000), who has illuminated the performative aspects of border management. Andreas argues that the rise of border management has been “less about achieving the stated instrumental goal of deterring illegal border crossers and more about politically recrafting the image of the border and symbolically reaffirming the state’s territorial authority” (Andreas 2000: 85). In terms of stated aims, the policies are counterproductive, as feedback effects create and expand the problem they are intended to solve through increased law enforcement. In spite of this, border management has been a success due to the “substantial bureaucratic and political rewards” it generates (Andreas 2000: 12). Border management policies can “fail in their instrumental purpose” but nevertheless be “highly successful in their expressive functions” (Andreas 2000: 11). For Andreas, successful border management is more about narrative and image management than achieving deterrence. In this way, border management is a political game that reaffirms state sovereignty.

Though compelling, Andreas’ conceptualization focuses too intensely on border management as a political performance for sovereignty’s sake. Conlon and Hiemstra argue that though seeing border management as a way of solidifying and expanding the power of the state can be useful, it may be even more important to focus on the equally or perhaps “more powerful hidden logics behind the growing detention estate: economic gain” (2014: 335). Though political narratives and national discourse are important explanatory factors, the game metaphor allows us to see that often what underlies these narratives is profit, be it political or economic.

Matthew B. Flynn and Michael Flynn (2018) have provided further criticism of post-structuralist and Foucauldian analyses of the border-management industry and immigration detention. Doty and Wheatley (2013) point to Foucault’s (1979) analysis in *Discipline and Punish*, where he notes that prisons never really live up to their promises and asks what ends may be served by these successive failures. For Foucault, the success of prison systems is in their function as a form of social control (Doty and Wheatley 2013). However, it is more incisive to locate the success of prisons in their political and economic benefits for individual actors and organizations. Flynn and Flynn argue that post-structuralist accounts that see border management as a “symbolic act of national sovereignty” fail to address questions of agency and the interests of individual actors, as well as why states frequently attempt to conceal certain policies (Flynn and Flynn 2017: 117). They instead advocate for the use of political economy and the sociology of organizations in any analysis of the border-management industry and specifically detention.

The involvement of private sector actors helps to sustain the border-management industry. Privatization as a neoliberal strategy of governance can create “self-reinforcing dynamics and lock-in effects with the growth of a migration prison industry complex that is difficult to control and curtail” (Menz 2013: 110). As we shall see, these dynamics are particularly evident in private detention facilities in the US. Legislated bed-quotas and contracts with guaranteed minimums ensure profits for the PPCs managing the facilities and provide further incentives for ICE and Border Patrol to detain immigrants (and the occasional citizen) to secure their funding and avoid paying for unused beds.

However, I go beyond arguing this is a problem of privatization alone and posit instead that it is also one of institutionalization. To this end, my analysis draws on Sjoberg's (1999) concept of "bureaucratic capitalism", a reanalysis of large-scale organizations and their relationship to the state. Sjoberg (1999) argues that as complex organizations have expanded, they have simultaneously grown closer to the state and freer to work outside its bounds. State power and corporate power have become increasingly intertwined, and corporate organizations now shape not only the economic sectors of society but the social ones as well (Sjoberg 1999). Furthermore, bureaucratic capitalism incorporates agency, but acknowledges that complex organizations create operational logics of their own that influence behaviour: "although human agents and organizational structures have meaning only in relation to one another, neither can be reduced to the other" (Sjoberg 1999: 47). In analyzing the prison-industrial complex, Sjoberg goes beyond Foucault's ideas about social control of the unwanted to highlight the way it "provides a stable market for producers of a rather wide range of goods and services" (Flynn and Flynn 2017: 123). In this way, the border-management industry reimagines irregular migrants as profitable, exploitable commodities (Flynn and Flynn 2017). This dynamic is seen not just in the private sector, but also in the state agencies created to combat irregular migration.

In sum, my conceptualization of the border-management industry eschews Foucauldian analysis that finds its explanations in performative state sovereignty and focuses instead on political economy, bureaucratic capitalism, and the sociology of organizations. It draws on the illegality industry's notion of productivity, and the game metaphor's multiple levels of analysis. It expands upon the notion of the immigration-industrial complex, incorporating the idea of a self-perpetuating machine, but goes beyond previous accounts to expound the mechanics of the industry. Furthermore, it includes a wealth of actors that have not been considered together before, for example non-profits, discussed in Chapter 3, and local governments, discussed in Chapter 4. Utilizing this framework, the empirical analysis in the following chapters demonstrates that these policies continue to perpetuate because PPCs, corporations, non-profits, politicians, and bureaucrats have significant incentives to maintain them.

3 Non-state actors – private prison companies, corporations, and non-profits

This chapter expounds upon the role of PPCs, corporations, and non-profits in the border-management industry. Though operating with different stated aims, they all have one underlying motive: profit. By exerting influence, they have achieved their aims – institutionalizing the border-management industry and profiting handsomely.

Private prison companies

The entrance of private for-profit prison operators all but ensured the expansion and institutionalization of the immigration detention estate. The logic of profit and privatization produces perverse incentives to grow immigration detention, as opposed to attempting to solve the problem underlying it. Private prison influence builds on itself, as an expanding detention estate increases profitability, allowing these companies to accumulate more economic power, resources, and influence (Gilman and Romero 2018). My analysis focuses on the two largest PPCs in the US – CoreCivic and the GEO Group (Ackerman and Furman 2013; Douglas and Saenz 2013). I choose

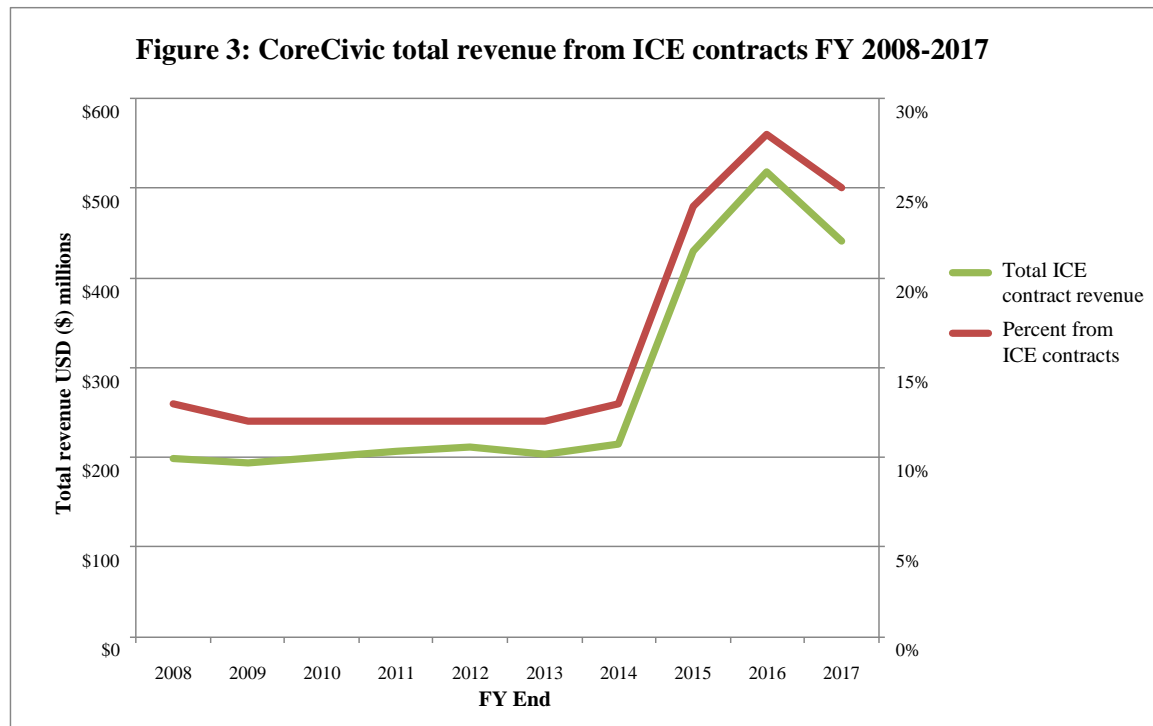
to focus on these two corporations due to the wealth of readily available data on their activities, as well as their outsized level of influence on the industry.

Revenues

Between 2008–2014, revenue from ICE contracts comprised 12-13 percent of CoreCivic’s total revenue (CoreCivic 2008, 2011, 2014). However, in all likelihood the revenue CoreCivic receives from immigration detention is even higher, as in 2016 ICE contracted directly with PPCs for only 10 facilities (Small 2016). Many of ICE’s contracts with private companies are structured with USMS acting as a middleman (Small 2016). Though CoreCivic does report that business from USMS also comprised 13 percent of their revenue during the same time period, it is impossible to know how much of that amount results from immigration detention. The remainder of ICE’s contracts are with local governments, and in many cases, these entities then subcontract with a private prison company to operate the facility (Barry 2009).

In 2015, revenue from ICE contracts spiked to 24 percent, increasing to a high of 28 percent in 2016. This is a result of CoreCivic’s influence on immigration detention policy and its entrance into the business of family detention in 2014.

Prior to 2001, families who were apprehended together were typically released. The 1997 *Flores v. Meese* settlement established that undocumented children should “be granted a general policy favoring release” and when detention was deemed necessary, it should be in the “least restrictive setting” possible (Doty 2017). Despite this, ICE turned to family detention as its preferred policy in 2005. However, family detention became largely defunct after the American Civil Liberties Union (ACLU) brought a suit against ICE in 2007 in regard to the Don Hutto Family Residential Center in Taylor, Texas (Doty 2017). Until the summer of 2014, ICE operated only one family detention center, the Berks County Residential Center, opened in 2001, which could hold no more than 96 persons (Doty 2017).



Source: CoreCivic Annual Reports 2008-2017

However, in 2014, in response to a wave of women and children from Central America arriving on the southern border, the Obama administration reverted anew to a policy of family detention (Doty 2017). Between October 2013 and September 2014, CBP apprehended 68,334 family members at the southern border, representing a 361 percent increase from the previous year (Doty 2017). Although the general trend in apprehensions has been downward, this represented a demographic shift in arrivals. The new policy also increased the detention of asylum seekers from approximately 10,000 in FY 2009 to over 44,000 in FY 2014 (Takei et al. 2016).

During his speech at the opening of the South Texas Family Residential Center (STFRC), then Secretary of Homeland Security Jeh Johnson made clear that the stated aim of this new policy was deterrence. He asserted that family detention was an “effective deterrent” and that the administration wanted to “send a message that our border is not open to illegal migration, and if you come here, you should not expect to simply be released” (Preston 2014). However, the policy appears to have failed to meet its desired goal. Though unaccompanied child arrivals fell for a short period towards the end of FY 2014, this is attributable to new enforcement efforts along Mexico’s southern border (Doty 2017). Arrivals of unaccompanied minors began to increase again and reached some of the highest levels ever observed in October and November of 2015 (Doty 2017). Clearly, the expansion of the border-management industry through immigration detention failed to achieve its stated aim. It is important to bear in mind that overall arrivals were still trending down during this time period; though arrivals of this particular demographic may have been high, increasing detention was not the only possible policy response. However, this demographic shift brought victories for CoreCivic.

CoreCivic was granted the contract to erect and run the STFRC. The new facility was designed to hold 2,400 detainees and is a boon to the company. According to the Southern Poverty Law Center, the federal daily rate to detain a family unit is \$600, as opposed to the daily rate of \$150 to detain a single male (Doty 2017). In 2015, this facility alone accounted for 14 percent of CoreCivic’s revenue, explaining the jump in revenue from ICE contracts (Takei et al. 2016).

CoreCivic has repeatedly warned investors in their SEC filings that changes to federal immigration policy that adversely affect the number of persons detained would reduce the demand for their services and hurt their profits (Associated Press 2012; CoreCivic 2013; Torrey 2015). As we shall see, lobbying efforts prompted a shift in 2006 to a “catch and return” policy that has endured ever since. As in the above scenario, the company repeatedly uses its outsized influence to drive federal policy and increase its revenues. With a quarter of their business riding on the maintenance and expansion of immigration detention, CoreCivic and other PPCs have significant incentive to make sure restrictive policies continue to be implemented and enforced.

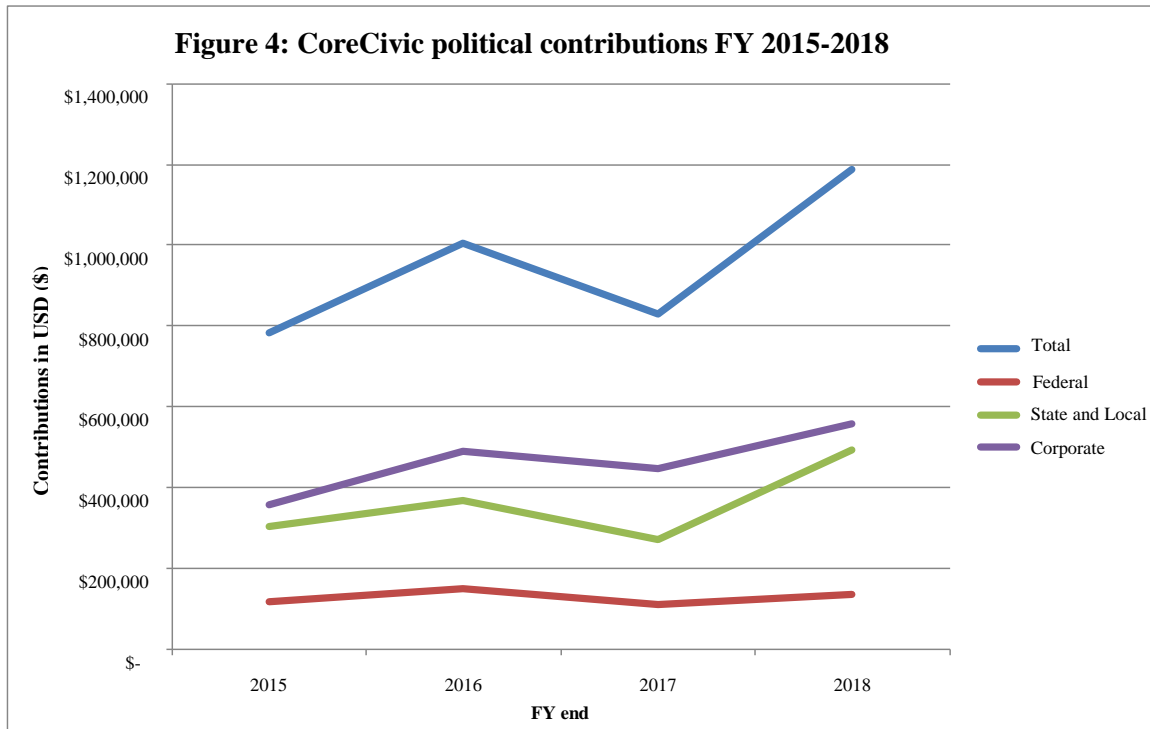
Influence

PPCs utilize a three-pronged strategy to influence immigrant detention policy in the US (Justice Policy Institute 2011; Ackerman and Furman 2013; Flynn and Flynn 2017). They achieve their aims by 1) providing campaign contributions to federal, state, and local politicians; 2) lobbying state legislatures and the US Congress; and 3) participating in policy-making networks (Ackerman and Furman 2013).

Campaign contributions

One of the ways PPCs seek to shore up their profits is through making political contributions to federal, state, and local politicians. These donations are either made directly or through political

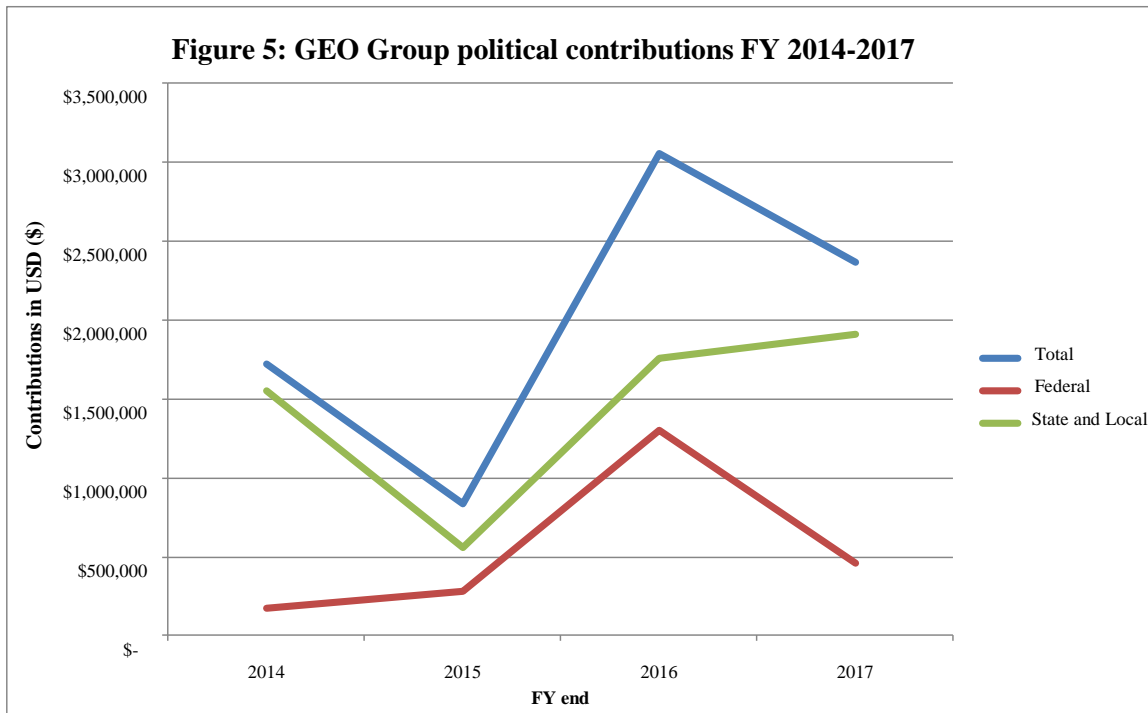
PACs. Between 1998 and 2012, PPCs donated \$900,000 to politicians at the federal level and \$6 million to state and local level politicians (Flynn and Flynn 2017).



Source: <http://ir.corecivic.com/corporate-governance/political-lobbying-activity>

Based on data from their respective websites, the GEO Group gave an average of approximately \$2 million in political contributions between 2014-2017, while CoreCivic gave an average of \$950,000 between 2015-2018. During each of the 2006, 2008, 2010, 2012, and 2014 cycles, CCA and GEO contributed at least \$500,000 to federal elections combined (Small 2016). A 2016 In the Public Interest report found that during the 2014 cycle, CCA contributed to 23 senators and 25 representatives, and GEO Group contributed to 10 senators and 28 representatives. Of the 17 senators and representatives that received more than \$5,000, 14 won their races. In 2013 and 2014, PPCs contributed more than \$2.5 million to 360 candidates running for state office. In the 2014 elections, out of the 30 governors, lieutenant governors, controllers, attorney generals, and legislators that received contributions of \$5,000 or more, 27 won their races (In the Public Interest 2016).

The companies donate to politicians whose political stances will serve to increase profits. After the Obama administration announced it would end all contracts with PPCs, both CoreCivic and GEO Group donated \$250,000 to a Trump-affiliated PAC during the 2016 US presidential election (Flynn and Flynn 2017; Protesse et al. 2018). PPCs donate heavily to members of the House Appropriations Committee and the House Homeland Security Appropriations Subcommittee, which control DHS and ICE’s budget and were responsible for the bed quota. Over half of the senators backed by CoreCivic’s PAC are on appropriations committees (Feltz and Baksh 2012). They also target members of the Senate Subcommittee on Border Security and Immigration. This is of particular note because, as CoreCivic wrote in its FY 2004 Annual Report, they are entirely “dependent on government appropriations” (CCA 2004).



Source: https://www.geogroup.com/Political_Engagement

It is noteworthy that the majority of political contributions go to state and local politicians. These contributions are more difficult to trace than contributions at the federal level, but their effects may be just as potent (In the Public Interest 2016).

PPC donations are concentrated in the states that house their detention centers, including Arizona, California, Florida, Tennessee, and Texas (Ackerman and Furman 2013). The Nashville-based CoreCivic in particular has an extremely convoluted web of connections within Tennessee, which seems to determine much of its political contributions. These ties date back to the company’s inception, as co-founder Tom Beasley was previously the chairman of the Tennessee Republican Party and an old friend of then Governor Lamar Alexander (this relationship will be explored in more detail below). Five of the company’s top ten political contribution recipients are Tennessee politicians. In 1985, CoreCivic used these connections and \$100,000 in lobbying services to “push a prison privatization bill through the Tennessee legislature, which helped to propel the company into the multi-billion dollar enterprise it is today” (Torrey 2015: 903).

A further example of the effectiveness of campaign contributions is the passage of the SAFE Act by the House Judiciary Committee in 2013, which was introduced by Representatives Bob Goodlatte and Trey Gowdy, and sought to expand the definition of an aggravated felony and preclude alternatives to detention (Torrey 2015). Campaign finance records from 2013 and 2014 show that Goodlatte received significant contributions from PPC PACs (Torrey 2015). This is just one of many instances in which PPCs have influenced policy to further their underlying aim of profitability. The details of which particular politicians are benefiting from this private prison influence strategy, and how much, will be discussed in more detail in coming sections.

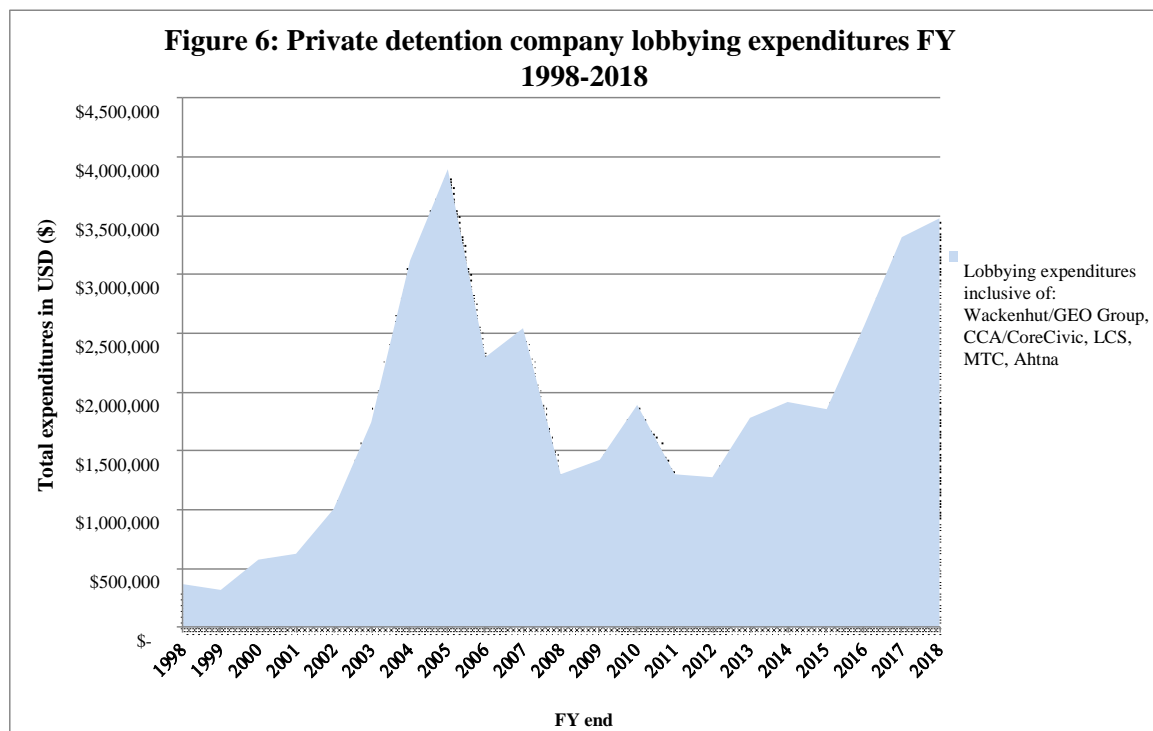
Lobbying

The majority of PPC expenditures, however, go not to campaign contributions but rather to lobbying efforts in Washington and state legislatures. Between 1998 and 2018, PPCs paid a total of \$38.6

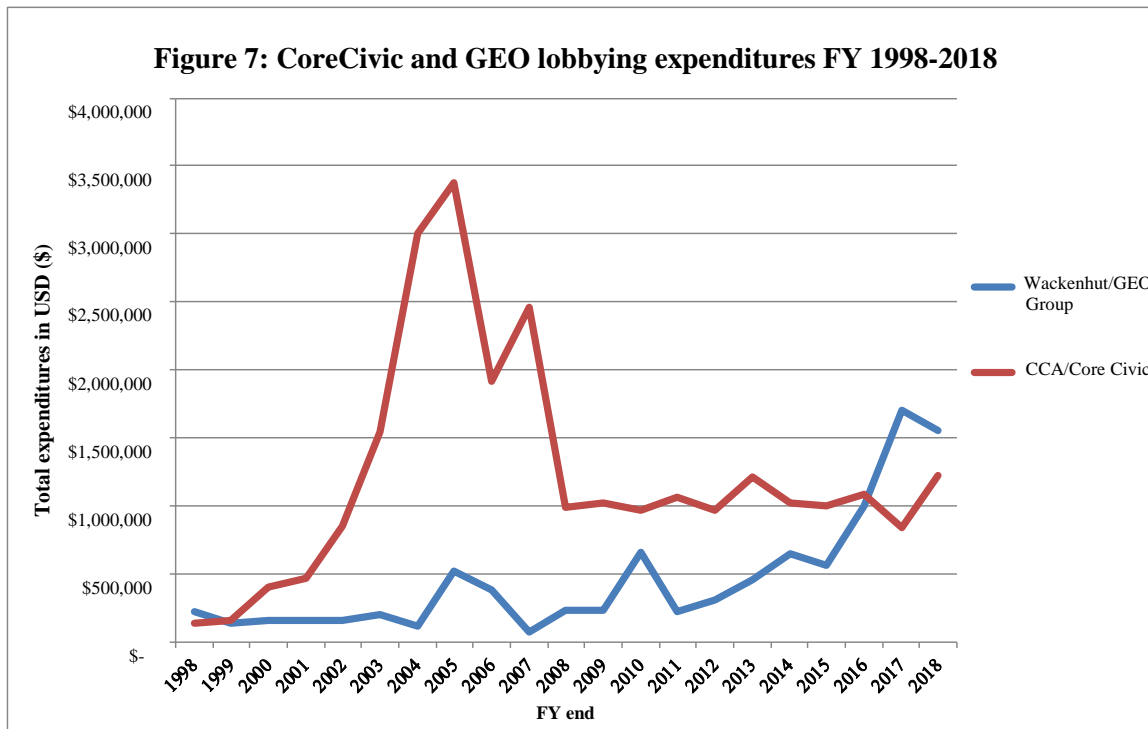
million in lobbying expenditures in order to ensure that bills at the federal and state level expanded the use of privatized immigration detention centers, according to data aggregated from OpenSecrets.org. CoreCivic alone has spent almost \$1 million a year since 2003 on federal lobbying efforts (Ackerman and Furman 2013). One of CoreCivic’s key lobbyists was Philip J. Perry, the son-in-law of then Vice President Dick Cheney. He was appointed general counsel for DHS in 2005, but not before CoreCivic saw significant increases in their revenues (In the Public Interest 2016). In 2015, CCA hired 102 lobbyists in 25 states, while GEO Group hired 79 lobbyists in 15 states (In the Public Interest 2016). In Washington D.C. alone, the two companies hired 20 lobbyists and paid them a total of \$1.6 million (In the Public Interest 2016).

These efforts focus on appropriations, and bills related to corrections, immigration, and law enforcement (Ackerman and Furman 2013). In 2011, CoreCivic paid lobbying firm Akin Gump Strauss Hauer & Field \$280,000 to “monitor immigration reform” (Associated Press 2012). In 2015, CoreCivic lobbied against the Justice Is Not For Sale Act, which would have banned the use of private prisons at the federal, state, and local levels (Small 2016). The company also lobbied against the Private Prison Information Act, which would have removed the exemption allowing them to avoid disclosing the details of their contracts (Small 2016).

An analysis of the quantity and timing of expenditures demonstrates that PPCs’ lobbying has yielded key successes. In their 2004 Annual Report, CoreCivic wrote that the “management team is pursuing a number of initiatives intended to increase occupancy through obtaining new and additional contracts. We are also focused on renewing and enhancing the terms of our existing contracts” (CCA 2004). Lobbying efforts peaked in 2005, when the private prison industry spent between \$4-5 million (Torrey 2015; OpenSecrets.org).



Source: OpenSecrets.org



Source: *OpenSecrets.org*

Between 2005 and 2007, ICE’s budget jumped from \$3.5 billion to \$4.7 billion, including an additional \$5 million for custody operations (Associated Press 2012; Torrey 2015; Sinha 2017). At the same time, 2006 saw government policy shift to “catch and return” with DHS’s Secure Border Initiative, which “focused on substantially expanding the nation’s detention capacity so that immigrants with pending status hearings would be detained until they went before a judge, instead of being released into the community” (Feltz and Baksh 2012). This drove demand for more bed space, helping to secure CoreCivic’s position in the industry, and increasing the number of beds from 19,500 in 2006 to 27,500 in 2007 (Feltz and Baksh 2012). In 2004, CoreCivic reported \$1.15 billion in total revenue. By 2018, total revenue had almost doubled, with the company reporting approximately \$1.84 billion. Between 2004 and 2016, net income increased from \$62.6 million to \$220 million. Though some of this increase is likely attributable to the 9 percent increase in the criminal private prison population, private immigrant detention increased by 442 percent during the same time period (Gotsch and Basti 2018). From the numbers, it is clear that lobbying efforts have allowed these companies to achieve their aims.

Policy-making organizations

The third strategy PPCs utilize to ensure their continued profitability is the use of policy-making networks and organizations. One of the most prominent examples is the American Legislative Exchange Council (ALEC), which PPCs pay millions of dollars a year to be members of (Justice Policy Institute 2011; Ackerman and Furman 2013; Flynn and Flynn 2017). ALEC “proposes legislation, sets up dedicated task forces, and provides a space for lobbyists, politicians, and the private sector to gather” and work together (Flynn and Flynn 2017: 127-128). Using these relationships, PPCs have been able to directly influence and propose legislation that supports their interests – namely the continued expansion and maintenance of immigration detention.

Investigations by journalists and scholars unearthed that Arizona Senate Bill 1070, anti-immigration legislation that was introduced by Senator Russell Pearce, was drafted through ALEC with the help of CoreCivic (Sullivan 2010; Ackerman and Furman 2013; Doty and Wheatley 2013). Instead of bringing his idea immediately to the Senate floor, Senator Pearce first brought it to an ALEC meeting in Washington D.C. (Sullivan 2010). Thus, S.B. 1070 started as a model bill written by members of ALEC, including two representatives from CoreCivic (Sullivan 2010). The model legislation would go on to become, almost verbatim, Arizona's immigration law (Sullivan 2010). When the bill was introduced in Arizona, thirty-six state legislators co-sponsored the bill (Sullivan 2010; Ackerman and Furman 2013). That same week, CoreCivic hired a new lobbyist to work the capital, and campaign donations began to appear (Sullivan 2010). Of those thirty-six co-sponsors, "thirty received some form of donation or contribution from a [PPC] and twenty-four were members of ALEC" (Ackerman and Furman 2013: 257). By directly writing legislation, PPCs further institutionalize their role in the border-management industry.

The achievements of influence: institutionalization and profit

The campaign contributions, lobbying, and legislation crafting efforts of PPCs have resulted in significant victories. Between 2001 and 2011, the top three PPCs spent at least \$45 million on campaign contributions and lobbyist fees (Torrey 2015). In 2000, CoreCivic was on the verge of bankruptcy (Associated Press 2012). In 2002, a year after those expenditures began, CoreCivic signed two 10-year contracts with the Federal Bureau of Prisons, worth \$760 million, that entrusted them with 3,300 immigrant detainees (Associated Press 2012). By 2012, the private prison industry was receiving \$5.1 billion in federal contracts (Associated Press 2012; Torrey 2015; Sinha 2017).

In its 2005 SEC filing, CoreCivic noted that "its inability to control occupancy rates at its facilities was a risk for its revenue and profitability" (Small 2016). Five years later, the company had a solution to controlling occupancy rates and ensuring profitability: the bed quota. Once Congress passed the bed quota, profits for PPCs grew, and the immigration detainee population increased by 25 percent (Sinha 2017). It seems unlikely that the quota had its genesis in relationships between politicians and PPCs, as it was introduced by Democratic Senator Robert Byrd, then Chairman of the Homeland Security Appropriations Subcommittee, who does not appear to have received any campaign contributions from either CoreCivic or the GEO Group, and was not a member of ALEC (Sinha 2017: 87). In fact, Sinha (2017) has suggested that the bed quota was intended as a project of economic development during the recession – as the detention of non-citizens could provide for jobs.

Though it may not be possible to attribute its creation to the private prison lobby, since its inception, the detention bed quota has driven campaign contributions and lobbying efforts, as evidenced by GEO and CoreCivic donations to members of the Homeland Security Appropriations Subcommittee (Sinha 2017). The introduction of a method to ensure the stability of the private detention system was an asset to PPCs, and they have done everything in their power to sustain it.

Though the federal bed quota was removed from the appropriations language in 2017, guaranteed minimums perform the same function and had already been in place for some time. ICE receives a "discount" when more people than the guaranteed minimum requires are detained. This practice "incentivizes even higher levels of detention", while ensuring stable profitability for PPCs (Small 2016). The success of donations at the state and local level can be seen in the fact that these contracts are often negotiated between PPCs and state or local governments. Through their campaigns of influence over the last 35 years, PPCs have successfully become powerful, and immensely profitable, institutions in US society.

Other corporations

In addition to PPCs, defense contractors, tech companies, consultants, and construction companies have all received federal contracts related to immigration detention. MVM, a defense contractor based out of Virginia, has a longstanding relationship with ICE, having earned over \$190 million since 2014 for transporting detained immigrant children (Gott, Siedman, and Armstrong 2018). It was recently awarded another contract worth \$8 million (Gott, Siedman, and Armstrong 2018). G4S Secure Solutions has a \$234 million contract with CBP to “provide intra-agency transportation of detainees, medical escort services, and supplemental security staff” (Worthrises 2019). RQ Construction LLC was recently awarded a \$23 million contract for the construction of a “Contingency Mass Migration Complex at Naval Station Guantanamo Bay” (Department of Defense 2019).

Other companies identified by Worthrises as entangled in the immigration detention estate include: Security Contractors (Akal Security, Global Protection Systems), Transportation (CSI Aviation), Technology (Dell, Microsoft, General Dynamics, Thomson Reuters, Palantir), Telephone Providers (GTL, CenturyLink, UNISYS, SECURUS Technologies), Food Services (Aramark, Compass Group, Keefe Group), Medical Services (Armor Correctional Health Services, Correct Care Solutions, Corizon Health, ConMed, PrimeCare Medical), and Financial Services (Western Union). This list highlights just how wide the range of the border-management industry is, and how much money is involved.

Non-profits

Non-profit entities are significant actors in the business of child detention. Their official aim is to serve children and keep them out of prisons. Unofficially, they are driven by profit.

The most prominent of these contractors, Southwest Key Programs, has been the subject of several recent *New York Times* exposés. The company has locations in seven states and detained 24,877 unaccompanied minors in 2017 (Southwest Key 2017). Southwest Key has received \$1.7 billion in federal grants in the past decade, \$955 million of which it has received since 2015, to run shelters and provide other services to child detainees (Barker et al. 2018; Fernandez and Brenner 2018). In 2018 alone, the company won \$626 million in federal contracts (Barker et al. 2018). Though the company is a non-profit, it is also “a very large business,” earning \$242 million and \$318 million in revenue in 2016 and 2017 respectively (Southwest Key Programs 2017; Gott et al. 2018). The *New York Times* has alleged possible financial improprieties. The CEO, Juan Sanchez, took home \$1.5 million in 2017, which is “more than twice what the head of the American Red Cross, a far larger organization, made” (Barker et al. 2018). It appears the company “stockpiled tens of millions of taxpayer dollars” and may have engaged in “self-dealing with top executives” (Barker et al. 2018). The non-profit created a “web of for-profit companies” which were used to funnel money back to the charity and help “circumvent government limits on executive pay” (Barker et al. 2018). Instead of buying shelters, the charity chose to rent them. This has been particularly lucrative for the shelter owners whose property they use, including the CEO Mr. Sanchez, as well as the charity’s CFO (Barker et al. 2018).

Although Southwest Key is just one example, other non-profit shelter operators like BCFS have been shown to operate a significant lobbying apparatus. Clearly, monetary gain motivates even the most unexpected actors in the border-management industry.

The above evidence showcases how non-state actors weave a web of influence through massive campaign contributions and lobbying expenditures, designed to increase profits, perpetuate

restrictive policies, and institutionalize the border-management industry. A wide range of companies and non-profits have a stake in this industry, ensuring that it is ever expanding.

4 State and political actors

In this chapter, I examine the motivations and unstated aims of bureaucrats and politicians. Government agencies seek to institutionalize immigration detention as they are plagued by the need to secure funding and remain in operation. Although politicians are influenced by money and political capital, often the perverse incentives and internal logic of the border-management industry seems to be an even stronger draw. Immigration detention presents significant opportunities for economic development that politicians and bureaucrats are not willing to pass up.

Agencies: DHS, ICE, CBP

Bureaucratic agencies of the border-management industry do not necessarily profit in the conventional sense; however, they are concerned with the continued growth of their organizations and ensuring ever greater funding for their operations. Bureaucratic capitalism creates operational logics of its own, often with perverse incentives. These agencies must continually demonstrate their relevance and necessity. They do not truly aim to halt undocumented migration, for if they did, they would cease to exist.

Mary Small of Detention Watch Network (2018) has illustrated how ICE manipulates the budget process to inflate its funding. In September 2017, leaks revealed that ICE had been planning a nationwide enforcement operation, “Operation Mega”, targeting 8,400 undocumented immigrants (Small and Altman 2018). As soon as the news leaked, ICE postponed the operation due to Hurricanes Harvey and Irma. Had the operation been successfully completed, the daily detainee population would have risen significantly from 38,000, bringing the total daily number much closer to the 51,000 the White House had requested for FY 2018, just as Congress was negotiating the 2018 spending bill (Small and Altman 2018). The timing and numbers “strongly suggest that ICE was using this operation to artificially inflate the number of those in its custody for the purpose of presenting a larger operational need estimate in end-of-year appropriations negotiations” (Small and Altman 2018).

Although not directly in service of the immigration detention estate, Andersson (2018) has shown the same logics at work within CBP. For Border Patrol, “as in other law enforcement agencies, the principal aim was to secure funding in competition with other authorities” (Andersson 2018: 421). This often led to the manipulation of statistics to justify the expansion of the agency, which has “paid off handsomely” (Andersson 2018: 421). Since the 2000s, the number of agents has ballooned from 9,212 to 19,555 and the agency has been gifted technology in the form of radar systems, sensors, barriers, and drones (Andersson 2018; CBP 2019). Originally, CBP based their calls for more agents and more funding on apprehensions. Andersson recalls the following conversation from his fieldwork:

‘If you cut [apprehend/deport] people, you get funded; if you cut more people, you get funded more,’ the operative recalled — and what was better than letting people slip out and then back in? It bumped up statistics. More apprehensions were a ‘measure of success,’ but so were fewer apprehensions as it suggested ‘I’m reducing the flow,’ the operative said, even though there was no ‘scientific basis’ behind any of this (Andersson 2018: 421).

Once apprehension statistics began to decline, largely due to a demographic shift in Mexico, Border Patrol had to invent a new formula to guarantee funding. The new formula, based on neoclassical economics, attempts to measure the expected benefits weighed against the cost of the migratory journey, the probability of apprehension, and the consequences if apprehended. This model showed “very selectively” that the “consequences” were acting effectively as a deterrent (yet ignored the statistical correlation between the number of Border Patrol agents and the growth of the undocumented population, as well as demographic and economic shifts) (Andersson 2018: 433). The new formula “allowed Border Patrol and [CBP] to keep pitching their funding needs quite regardless of migrant numbers” (Andersson 2018: 433).

Clearly, these agencies securitize migration and perpetuate the border-management industry to ensure their continued existence – and the jobs and income of the bureaucrats and agents that comprise them.

Politicians

Politicians also benefit from, and help sustain, the border-management industry and immigration detention estate. Some of the benefits, such as campaign donations, are straightforward monetary incentives. There are, however, other, less obvious reasons politicians may become part of the border-management industry. Utilizing detainees during the Census to obtain more funding for their constituents and alter the bounds of their legislative districts, and the political capital associated with advancing anti-immigration positions are two of these alternative benefits.

Campaign donations

Politicians, and their campaign coffers, profit significantly from their involvement with the immigration detention estate. As noted above, PPCs regularly give millions of dollars to federal, state, and local politicians. The majority of money is funneled to state and local level politicians, but records of these transactions are harder to trace, as many states do not require these contributions to be reported (In the Public Interest 2016). For these reasons, this analysis will focus on the federal level. The following tables present the politicians receiving the largest amounts of money from GEO Group and CoreCivic.

Table 1: Top Congressional recipients in the 2018 election cycle – GEO Group

Rick Scott – Senator for Florida	\$70,400
John Culberson – Former Rep. for TX	\$32,900
Henry Cuellar – Rep. for TX	\$32,400
John Carter – Rep. for TX	\$31,600
Mike Lee – Senator for UT	\$25,000
Tom Graves – Rep. for GA	\$15,000
Carlos Curbelo – Former Rep. for FL	\$10,200
Mike Coffman – Former Rep. for CO	\$10,000
John Cornyn – Senator for TX	\$10,000
Josh Hawley – Senator for MO	\$10,000

Source: *OpenSecrets.com* (Accessed June 8, 2019).

Table 2: Top Congressional recipients in the 2018 election cycle – CoreCivic

Marsha Blackburn – Rep. for TN	\$60,850
John Rose – Rep. for TN	\$12,400
Martha McSally – Senator for AZ	\$9,750
John Culberson – Former Rep. for TX	\$9,500
Mark Green – Rep. for TN	\$8,200
John Carter – Rep. for TX	\$6,500
Ted Cruz – Senator for TX	\$6,300
John Hoeven – Senator for ND	\$6,000
Chuck Fleischmann – Rep. for TN	\$6,000
Bob Corker – Former Senator for TN	\$5,500

Source: *OpenSecrets.com* (Accessed June 8, 2019).

Table 3: Top Congressional recipients (all-time) – CoreCivic

Marsha Blackburn – Rep. and Senator for TN	\$94,700
Bob Corker – Former Senator for TN	\$93,258
Lamar Alexander – Senator for TN	\$76,550
Hal Rogers – Rep. for KY	\$58,400
John McCain – Former Senator for AZ and Presidential Candidate	\$36,846
Mitt Romney – Presidential Candidate	\$36,400
John Culberson – Rep. for TX	\$31,500
Chuck Fleischmann – Rep. for TX	\$27,824
Steve Fincher – Former Rep. for TN	\$26,974
Zach Wamp – Former Rep for. TN	\$26,000

Source: *OpenSecrets.com* (Accessed June 8, 2019).

Marsha Blackburn, a newly minted senator from Tennessee, counts CoreCivic among her top five contributors. Her connections to the private prison industry have grossed her nearly \$100,000 in contributions and propelled her to her Senate seat. She also receives significant contributions from GEO Group, although she is not among their top 10 recipients. She is well known for her positions on immigration, regularly advocating for Trump’s border wall and the expansion of Border Patrol during her senatorial campaign and on her twitter account (Huey-Burns 2017). As a senator, she has introduced legislation that prioritizes border security (Hopkins 2019). On her website, she explicitly ties the opioid crisis to undocumented migration as part of a call for more resources – including detention facilities – for Border Patrol (Blackburn 2019). As noted above, Nashville-based CoreCivic maintains extensive ties with and donates heavily to Tennessee politicians. The freshman senator appears to be benefiting from that relationship as she advances legislation and rhetoric that support CoreCivic’s cause.

John Culberson, a former House Representative from Texas who also happened to be a member of the House Homeland Security Appropriations Subcommittee, is a top recipient of funds from both the GEO Group and CoreCivic. In the 2018 election cycle, the GEO Group was his largest donor. Culberson is a familiar figure in the immigration detention industry, having been an ardent supporter of the bed quota. During an April 2015 ICE budget hearing, Culberson suggested that the “language in the DHS appropriations bill should be amended to substitute the word ‘maintain’ with ‘fill’ (Sinha

2017: 90). He has also made clear he strongly believes DHS funding should be tied to the bed quota when he said he “expects the Obama Administration to find enough illegal immigrants to fill the detention beds Congress funds—or face budgetary consequences” (Sinha 2017: 83). Another particularly interesting point about Culberson is that some of his top contributors, Northrop Grumman, Lockheed Martin, and Deloitte Consulting, are also three of CBP’s top 10 largest contract holders according to Govtribe.com. Although it is impossible to say what exactly these donations were intended to secure, it seems likely that Culberson is also profiting from other aspects of the border-management industry.

Texas House Representative Henry Cuellar is the lone Democrat among GEO’s top ten recipients in 2018. In the 2014, 2016, and 2018 election cycles, the GEO Group was Cuellar’s biggest contributor, donating \$15,550, \$18,090, and \$32,400 respectively (Small 2016; In the Public Interest 2016; OpenSecrets.org). Cuellar is a regular member of the Homeland Security Appropriations Subcommittee, which was responsible for the detention bed quota. Additionally, Texas’s 28th District, which Cuellar represents, is home to the GEO Group’s 1,900-bed Rio Grande Detention Center and 450-bed Laredo Contract Detention Facility (In the Public Interest 2016). Cuellar is a particularly interesting case as he has been a longstanding advocate of immigration reform (Sieff 2010). Despite his rhetoric, he has continued to profit from the border-management industry and his positions on relevant committees. In this way, Cuellar is representative of the game metaphor introduced in Chapter I. His reasons for involving himself with PPCs, or rather his unstated aims, will be further explored in the following section.

Another top recipient of both GEO and CoreCivic donations, Texas Representative John Carter, was previously the Chairman of the Homeland Security Appropriations Subcommittee from 2013 to 2016. During his tenure, he sought to increase funding for 237(g) programs and was a major advocate of “catch and return” (Feltz and Baksh 2012).

Tennessee Representative Chuck Fleischmann, one of CoreCivic’s top recipients, is currently the ranking member of the Homeland Security Appropriations Subcommittee. He has repeatedly received money from CoreCivic, and stands to benefit from the company’s extensive ties in Tennessee.

Kentucky Representative Hal Rogers, a 38-year veteran who has received approximately \$59,000 in total from CoreCivic, chaired the first subcommittee on Homeland Security and was chairman of the powerful House Appropriations Committee from 2011-2016. Among his accomplishments, Rogers lists “prohibiting government from requiring business to disclose political contributions when bidding for federal contracts”, “provided the highest level of funding ever for [CBP] in FY 2016”, “prioritized funding for detention and removal programs”, and “supported 34,040 detention beds – the highest capacity in history” (Rogers 2017). He often criticized ICE for not filling more detention beds (Associated Press 2012). Although he is no longer chairman, he remains a member of the committee.

Politicians on the Senate Subcommittee on Border Security and Immigration receive substantial funds from PPCs. The Chairman, John Cornyn, a senator from Texas, is a top recipient of donations from CoreCivic. Ted Cruz, the well-known senator from Texas, is also a member and receives donations from both CoreCivic and the GEO Group. Mike Lee, a senator from Utah, has received significant contributions from the GEO Group. Lindsey Graham, another well-known committee member, regularly receives contributions from CoreCivic.

Finally, former Tennessee Governor and current Senator Lamar Alexander exemplifies the complex web of influence and profit connecting PPCs and politicians. Alexander was governor of Tennessee from 1979 until 1987, when CoreCivic was in its infancy in Nashville. One of CoreCivic's three co-founders, Tom Beasley, the former chair of the Tennessee Republican Party, is an old friend of Alexander's from their time at university (Douglas and Saenz 2013; Hale 2018). Beasley also worked for Alexander during his time as governor. Alexander's wife owned significant stock in CoreCivic, which she "eventually, and controversially, traded for a significant profit" (Hale 2018). In 1985, CoreCivic pitched the idea of privatizing Tennessee's entire prison system, and Alexander backed the idea (Hale 2018). In 2009, Alexander pushed legislation that provided for "increased alien detention facilities", to CoreCivic's benefit (Hale 2018). In total, Alexander has received \$76,550 in political contributions from the company during his time in the Senate.

The above evidence showcases that as these politicians continue to earn from their involvement in the border-management industry, they put forward and advocate for policies that expand and institutionalize immigration detention.

Political capital

As has been clearly demonstrated in the 2016 presidential election and various other points throughout American and even world history, there is significant political capital to be gained from anti-immigrant rhetoric and policies. Fear, and particularly the fear of immigrants, is a "well-established tool for political mobilization and resource acquisition" (Massey et al. 2016: 1560). The possibility of exploiting the human tendency to create "fearful out-groups" always exists (Massey et al. 2016: 1561). Particularly in periods of economic downturn or uncertainty, "immigrants make convenient scapegoats, blamed for a host of societal ills" (Douglas and Saenz 2013: 207).

Massey, Durand, and Pren (2016) argue that border enforcement "emerged as a policy response to a moral panic about the perceived threat of Latino immigrants to the US propounded by self-interested bureaucrats, politicians, and pundits who sought to mobilize political and material resources for their own benefit" (Massey et al. 2016: 1557). They highlight the way INS Commissioner Chapman cited false numbers and overplayed this "illegal alien" threat because his agency needed budget increases (Massey et al. 2016). The famous Sheriff Joe Arpaio of Maricopa County, Arizona became the most popular politician in the state and accumulated substantial resources by taking a hard stance against undocumented immigration (Massey et al. 2016). Clearly, the election of Donald Trump also highlights the political capital to be had from pushing a policy of enhanced immigration enforcement and detention. A final example is Marsha Blackburn, the candidate in receipt of the highest total of funds from CoreCivic, who won her Senate seat with a series of particularly pro-Trump and anti-immigration ads.

Immigration detention as economic development

One of the most salient insights from scholarship on the prison-industrial complex is that it is also a project of economic development. In *The Golden Gulag*, Ruth Gilmore attributes the growth of California's gargantuan prison system to the "disruptive tendencies of capitalism" and the boom and bust nature of the economic cycle (Flynn and Flynn 2017: 121). When the state's economic growth strategy stalled in the 1970s, California was confronted with a surplus unemployed population, surplus unproductive land, surplus capital, and surplus state capacity (Gilmore 2007). The expansion of the prison system "offered a solution to these multiple crises" (Flynn and Flynn 2017: 121). These surpluses were diverted toward the expansion of the carceral state in California, providing jobs, investment opportunities, and a use for unproductive land.

The concept of prisons as a project of economic development is equally relevant in the case of immigration detention centers. In the US, these facilities “tend to be located in marginal areas, low on employment prospects, where locking people up is an economic life saver” (Andersson 2018: 428). Cities and counties fight to have these centers built on their lands, cognizant of the many economic benefits that could be brought to the area. This has been particularly visible in rural areas of Texas, Arizona, and California. Through promises of jobs and economic development, PPCs have been able to “wield influence and garner local support” in these areas, where they are often welcomed with open arms (Doty and Wheatley 2013: 437). Furthermore, for many local officials, immigrants are “the key to healthy budgets and job protection” (Douglas and Saenz 2013). Congress members’ concerns about “maintaining the flow of money and jobs into their states and districts” help explain the continuance of policies like the detention bed quota (Sinha 2017: 92). For example, consider the question posed by Pennsylvania Representative Tom Marino in a 2013 House Judiciary Committee hearing to the Director of ICE: “Why not take advantage—more advantage—of facilities like this [where it costs \$82.50 per day per detainee], and particularly in Pike County [Pennsylvania], who built a whole new facility just to house these individuals?” (Sinha 2017: 92). Federal contracts ensure increased revenues and can offset budget cuts and the need for layoffs. In this way, immigration detention has become a profitable “revenue generating strategy for many counties” and municipalities that work with the federal government or PPCs to expand their detention capabilities (Conlon and Hiemstra 2014: 336).

Immigrant detainees can also be used to ensure greater federal funding for a district. When the US Census is conducted, as in 2010 and this coming year in 2020, it includes immigrants being temporarily detained. The government has included prisoners in the Census for years, regardless of their citizenship status. During the 2010 Census, \$400 billion in federal funding was at stake, “making detainees worth thousands of dollars to cities, counties, and states where they are briefly detained” (Sieff 2010). Areas that house immigrant detainees could stand to gain more than \$100 million in additional funds through their inclusion in census numbers (Douglas and Saenz 2013). Furthermore, the Census data determines more than funding; it is also used to determine the composition of legislative districts, county board districts, and city council districts (Sieff 2010). Thus, counting detainees is extremely advantageous to politicians, and the locality itself, as these economically challenged areas make a net profit on each detained individual.

Several Texas Democrats stand to benefit substantially from the inclusion of detainees in the Census data, despite presenting themselves as advocates for immigration reform. For example, Congressman Cuellar, whose donations from the GEO Group were discussed above, has defended counting immigrant detainees: “Vitaly important funding that supports these facilities relies, in part, on census data” (Sieff 2010). However, funding for detention facilities is actually determined by DHS, not formula grants based on Census data (Sieff 2010). Cuellar has long been a positive voice for change in terms of immigration enforcement, but his actions seem to undercut his stated position: in addition to advocating for including detainees in the count, his largest donor is the GEO Group. Representative Solomon Ortiz, another Texas Democrat, introduced a comprehensive immigration reform bill in the House in 2010 (Sieff 2010). However, his district contains about 5,000 immigration detention beds, and reaped “millions of additional tax dollars allocated on the basis of the census” (Sieff 2010). When questioned about his stance, Ortiz argued that every resident must be counted regardless of citizenship status, and that “it is in everybody’s best interest to get as many people as possible counted” (Sieff 2010).

The Census in particular exemplifies the ways in which the border-management industry is both productive, for unstated aims, and counterproductive for stated goals. Both Cuellar and Ortiz have

stated aims of breaking down the immigration detention system, but due to perverse incentives, they seek to maintain and profit from it. Furthermore, their undercover actions clearly rebut the idea of border management as a performance of sovereignty.

Immigration detention was seen as a means for economic development and increased revenues as early as 1993. In his work on the Golden Venture ship, which smuggled approximately 300 undocumented Chinese immigrants to the US, Mark Dow (2004) has shown how local and county governments vied to be tasked with detaining them. Many of these immigrants were detained in a York County Pennsylvania jail, for which the federal government paid \$45.00 per detainee per day, even though each prisoner cost the county only \$24.37 per day (Dow 2004). After two years of detaining the immigrants, the county's general fund had secured a profit of \$1.5 million (Dow 2004). Neighboring counties wanted a piece of the pie, which was reflected in the local newspapers running headlines like "Prison Board Shopping for Immigrants to Prevent Layoffs" (Dow 2004). The county commissioner of neighboring Perry was quoted in the *Patriot* as saying "We tried like the dickens to get some of the Chinese ... but it didn't pan out ... If no immigrants are secured, some layoffs may be inevitable" (Dow 2004: 10). Since the inception of the border-management industry, local governments have been recognizing the revenue and job creation potential of immigration detention, and have been trying to bring detainees to their constituencies.

One of the most prominent examples of this dynamic has been Eloy, Arizona, which is host to a complex of four prisons operated by CoreCivic on a 320-acre expanse of land 6 miles outside the city (Doty and Wheatley 2013). One of these prisons is the infamous Eloy Detention Center (EDC), which has regularly been written up in the press for abusing its undocumented detainees. ICE does not contract directly with CoreCivic for EDC, but rather uses a "pass-through" contract with the city of Eloy. In FY 2009, ICE passed approximately \$95 million in revenue through Eloy to CoreCivic (Doty and Wheatley 2013). Through its contract with CoreCivic, Eloy receives \$0.25 per day for each EDC inmate (Doty and Wheatley 2013: 427).

When Eloy's cotton economy collapsed, its population of 19,000 was left with few options. Today, CoreCivic is the city's largest employer and taxpayer, contributing approximately \$2 million to its \$12 million general fund budget (Carroll 2017). Apart from generating property and sales tax revenues, the detainees and prisoners who are counted in the census population (approximately 6,500 in total) ensure increased state funding (Carroll 2017). According to the city manager, Harvey Krauss, this is a "positive thing for a small rural community, a great help" (Carroll 2017). The stricter American immigration enforcement becomes, the more cities like Eloy stand to benefit (Regan 2015).

In a city with per capita income of just \$9,000, working at the detention center provides one of the best opportunities for escaping poverty, with salaries for corrections officers starting at over \$30,000 (Carroll 2017). As the central institution in the city, CoreCivic is able to engender significant loyalty, despite the bad press it has brought (Carroll 2017). For residents of Eloy, the ability to make a decent living is the first and foremost concern (Carroll 2017).

This project of economic development is visible far beyond Eloy. Hundreds of local governments are taking advantage of "rising demand for immigrant prison beds by opening their jails to immigrants under ICE and DOJ custody and by building new jails to meet the anticipated increased demand" (Barry 2009). Each local government "negotiates independently with ICE and USMS to set the per diem rates", and as federal demand for beds continues to rise, the rates these localities are able to achieve increases (Barry 2009). Particularly during the recession of 2008, financial

considerations were of particular import to local governments, county commissions, and sheriff departments as they dealt with budget cuts and general economic turmoil. However, instead of seeing a contraction of federal expenditures on immigration detention during this period, they continued to grow and provide much-needed revenue to these localities.

Reliance on immigration detention revenues is particularly apparent in southern Texas. Val Verde County Detention Center in Del Rio began with 180 beds back in 2001. Today, the facility, which is run by the GEO Group, has undergone two 600-bed expansions and now has a maximum capacity of 1,407 detainees (Barry 2009). In 2006, the US's largest immigrant detention center was opened by the Government of Willacy County, Texas. In interviews, County Commissioner Ernie Chapa explained how much the county depended financially on detaining immigrants, opining: "We would love to have 2,500 [illegal immigrants] but we know that's not going to be ... If we get 2,200 to 2,300, we'd be very happy" (Barry 2009). Willacy County Judge Simone Salinas told reporters that the county made \$2.25 a day per occupied bed, declaring: "You talk about economic development, this is it" (Barry 2009). The following year the county signed another agreement with ICE for a thousand more beds. County Judge Eliseo Barnhart found the agreement to be cause for celebration, as the expansion would "bring jobs that are needed in Willacy County and it means income, which we desperately need" (Barry 2009). Clearly, in some of the poorest areas of the country, the incentives align to encourage the growth of the immigration detention estate. For these economically depressed areas, detention centers are lifelines.

California, one of the US's wealthiest states, and home to the largest prison infrastructure in the country, also utilizes immigration detention as an economic development plan. Back in 2008, in the middle of financial crisis, Washington paid approximately \$55.2 million to house immigration detainees at 13 local California jails (Gorman 2009). The Los Angeles County Sheriff's Department holds California's largest contract, receiving \$34.7 million in 2008 to run its 1,400 bed Lancaster Detention Center (Gorman 2009). For smaller Californian cities, "the federal money has become a critical source of revenue, covering budget shortfalls and saving positions" (Gorman 2009). Santa Ana's Police Department was in the middle of a hiring freeze and expecting a 15 percent budget cut. Police Chief Paul Walters' plan to offset the cuts involved expanding the jail to accommodate an additional 32 immigrants, which he hoped would increase revenue by \$1 million per year (Gorman 2009). Walters said: "We treat the jail as a business. The cuts could have been much deeper if it weren't for the ability to raise money there" (Gorman 2009). The city's contract with ICE brought in \$4.8 million in 2008. A similar dynamic is at work in Santa Clara County, which entered the immigration detention business in order to improve its financial health, according to Department of Corrections Chief Edward Flores (Gorman 2009). Also suffering from budget cuts, Flores hoped to make up at least half the deficit with federal contracts from ICE and USMS (Gorman 2009). The county received \$7 million to house immigrant detainees in 2008, and has come to rely heavily on that revenue (Gorman 2009).

What is particularly striking in each of these examples is that these officials are not operating with malicious intent. Rather, they seek to ensure the livelihoods of the men and women who work for them. They are trying to improve the lives of their constituents in the towns, cities, and counties in which they serve. This is a key aspect of the border-management industry: it perpetuates not because of the actions of any one individual or a broader malignant conspiracy but rather because of the nature of institutions and the incentives that are built into them. The structure of the border-management industry allows well-intended actions to have disastrous results for others.

Government agencies, which are, following my theoretical account, key actors in the border-management industry, actively securitize migration and manipulate statistics to construct a “crisis” that ensures they receive funding. Politicians have significant monetary and political incentives to continue pushing restrictive policies. By keeping migration securitized, politicians are able to justify its use as a project of economic development to the public. The evidence above illuminates that the border-management industry’s perverse incentives need to be understood not just in terms of privatization and profit (per the previous chapter), but also in terms of institutionalization.

5 Conclusion

Since the end of the Cold War, migration has become a key security issue in the US. This securitization has resulted in the militarization of US border management. However, these policies have failed to halt undocumented immigration and instead increased the US’s unauthorized population. Since 2000, apprehensions along the US-Mexico border have been declining relatively steadily. At the same time, detainee populations have expanded enormously.

This is the central puzzle of this thesis. If these policies are failing to achieve their goals, or are simply unnecessary given the lack of a threat, why do securitization and counterproductive border management policies continue to perpetuate? Are they truly counterproductive when we interrogate unofficial aims as opposed to publicly stated goals?

My key contribution to the literature lies in the framework I have developed to answer these questions: the border-management industry. I utilize this framework to argue that counterproductive border management policies perpetuate because, for a variety of actors, they are extremely productive. PPCs, corporations, non-profits, state agencies, and politicians benefit substantially through profiting, receiving campaign donations, enhancing their political capital, ensuring continued funding, and economically developing their constituencies. Once on the receiving end of these benefits, these actors are loath to let them go. Thus, due to perverse incentives, they actively seek to ensure the continuation of the border-management industry and immigration detention.

PPCs, corporations, and non-profits are all driven by profit and a desire to secure their continued existence. With at least a quarter of PPC business deriving from immigration detention, these companies weave a web of influence through massive campaign contributions and lobbying expenditures, designed to increase profits, perpetuate restrictive policies, and institutionalize the border-management industry. A wide range of companies and non-profits have a stake in this web, ensuring that it is ever expanding.

This thesis goes beyond previous scholarship in its analysis of state and political actors. In a bid to guarantee their funding, government agencies actively construct and manipulate statistics to create the appearance of a crisis that only they can fix. Politicians continue to push restrictive border management policies due to monetary incentives from PPCs and the political capital to be gained from doing so. In using immigration detention as a means for economic development, politicians act in what they believe to be the best interests of their constituents and their re-election. As evidenced by the behavior of state agencies and politicians, the border-management industry suffers not just from the problem of privatization, but also from institutionalization. This is a case of bureaucracy gone awry.

In terms of immigration detention, the empirical evidence highlights that we can almost always attribute the genesis of a restrictive policy to one of the three main unstated aims (profit, political capital, and economic development), as opposed to a real-life crisis or spike in arrivals.

Space precludes me from examining, in this dissertation, the border-management industry as a whole. Preliminary research, however, reveals that similar dynamics to those I discuss in relation to detention are also at work in the defense and tech industry's involvement with border security. An analysis of government contracts reveals that the majority of CBP contracts go to companies like Lockheed Martin, Northrop Grumman, AS&E, and General Dynamics. These companies were major players during the Cold War who have had to readjust their business models significantly. For example, AS&E's x-ray technology was used in 1989 to scan rail cars leaving Russian missile factories (AS&E 2015). Today, it is employed almost exclusively in border security. Further investigation may reveal that these particular companies were key in constructing the securitization of migration, as Bigo (2001) has suggested.

Additionally, Andersson's fieldwork touched on the dynamics of the "booming global border security market" (Andersson 2018: 422). The Joint Intelligence Operations Center (JIOC) regularly hosts a security fair that brings together companies and users. The US government invests in security research, and then helps companies market their wares, often hosting foreign delegations who come to view surveillance systems in action before purchasing them (Andersson 2018). It seems that without the securitization of migration, this sector of the industry would struggle, or cease to exist. Investigating this facet of the border-management industry will be essential to grasping its mechanics.

Migration control is not the answer to a security problem; it is constructed and proliferated for the benefit of the actors within the border-management industry. My analysis provides evidence that border management is not simply a performance of state sovereignty, strengthening the power of the state and infusing control throughout the population. Many of these processes take place out of the public eye, and in direct contravention of stated aims. By paying attention to the agency of individual actors, in combination with the logics of the institutions they make up, we can see that this is not an inevitable process of power that cannot be counteracted. Securitization provides a public justification for the profitable industry that underlies it. Revealing the border-management industry's web of relationships and perverse incentives is the only way we can ever hope to break it down.

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